

REPORT FOR CONSIDERATION AT PLANNING APPLICATIONS SUB COMMITTEE

Reference **No:** **Ward:** Fortis Green
HGY/2006/0829

Date received: 26/04/2006

Last amended date: N/A

Drawing number of plans: 215/011, 012, 020, 021, 022, 023, 024, 025 & 026.

Address: Land Between 72 - 74 Twyford Avenue N2

Proposal: Residential development comprising nine units to include 4 x 3 storey five bed, 4 x part 2 / part 3 storey 5 bed, and 1 x 2 storey four bed dwellings. Provision of one tennis court and 1 pavilion to rear of site.

Existing Use: Former tennis courts

Proposed Use: Residential & tennis court

Applicant: Woodland Terrace Ltd.

Ownership: Private

PLANNING DESIGNATIONS

Conservation Area
Road - Borough

Officer contact: Luke McSorley

RECOMMENDATION

GRANT PERMISSION subject to conditions and subject to Section 106 Legal Agreement.

SITE AND SURROUNDINGS

The site is situated on the south side of Twyford Avenue. It is not within a Conservation Area, it is however, within an Area of Special Character designated in the Haringey Unitary Development Plan.

The application site comprises vacant tennis courts, which have been unused since the club that operated the courts closed in 2001. The site comprises three grass courts, three hard surface courts and a small pavilion building, all of which are now in a state of disrepair. To the rear of the courts is a small woodland area, which extends up to the southern boundary of the site.

The surrounding area is predominantly residential in character. The adjoining properties in Twyford Avenue mainly comprise two-storey, semi-detached houses with a small number of detached houses. There are three-storey blocks of flats adjoining the southern boundary of the site (The Copse and Long Ridges). Directly opposite the site, on the north side of Twyford Avenue, is Fortismere Secondary School.

PLANNING HISTORY

- OLD/1961/1019 - Erection of three and four storey block of 20 flats and 20 garages REFUSED. 15/03/61.
- OLD/1968/0918 - Erection of 24 flats in 3 no. three-storey blocks and 24 garages REFUSED 06/05/68 and APPEAL DISMISSED 29/12/70
- OLD/1972/1522 - Erection of houses REFUSED 17/07/72
- OLD/1972/1523 - Erection of pavilion, mower store and changing room block GRANTED 21/12/72
- OLD/1977/1303 - Minimum lopping of trees within tennis club grounds GRANTED 21/01/77
- HGY/1993/1108 - Installation of floodlighting to existing tennis courts GRANTED 18/01/94
- HGY/1996/1186 - Proposed use of tennis court floodlights up to 10pm REFUSED 10/12/96
- HGY/2002/0438 - Change of use from former tennis club to residential development WITHDRAWN 03/04/03
- HGY/2003/1491 - Change of use of tennis courts to residential development comprising 14 residential units with 10 x 3 storey (5 bedrooms) houses fronting Twyford Avenue, and 4 single storey cottages (2 bedrooms) at the rear of the site with new access road. Laying out of amenity area. WITHDRAWN 07/11/03.
- HGY/2004/0178 - Residential development comprising nine units to include 4, three storey 5 bed, 4 part two and part three storey, 5 bed and

one x two storey 4 bed dwellings. Provision of one tennis court and 1 pavillion to rear of site – GRANTED 23/03/04.

DETAILS OF PROPOSAL

The application proposes a residential development comprising nine individual units. This would include 4 x 3 storey five bed, 4 x part 2 / part 3 storey 5 bed, and 1 x 2 storey four bed dwellings. The provision of one tennis court and 1 pavilion to rear of site is also proposed.

CONSULTATION

12/05/2006

1 – 7 (c) Fortis Green Cottages, Fortis Green N2

1-11 (c) The Copse, 1-11 Fortis Green, N2

1-11 (c) Fortis Green, N2

1-22 (c) Long Ridges, Fortis Green, N2

49 – 61 (o) Twyford Avenue, N2

62 – 86 (e) Twyford Avenue, N2

27, 40, 71 Twyford Avenue, N2

14 – 32 (c) Twyford Court, Fortis Green N2

1 – 51 (c) Ringwood Avenue, N2

1 – 44 (c) Church Vale, N2

1, 2 Coleraine Cottages, Fortis Green, N2

115 North Hill, N2

Middlesex Tennis, Gunnersbury Triangle Club, Princes Avenue, W3 8LN

Linda Temple Harris, Twyford Court Residents Association, 16 Twyford Court, Fortis Green

Sport England

RESPONSES

7 objection letters were received from members of the public. The issues raised in these objection letters include:

- Loss of trees and wildlife
- Loss of open space
- Loss of sports facility – there is a need for a local tennis club
- This is a development to suit the need of greedy developers and nothing else
- How was the large amount of money paid to the Council by the last developers spent?
- How will public access to the tennis courts be gained?
- Will lead to increased traffic and pollution
- Traffic safety issues
- Detract from amenity of the area

1 letter stating that in the absence of tennis club facilities the erection of houses is the only practical use of the site and the houses seem to be of an acceptable standard.

Muswell Hill & Fortis Green Association –

1. Parking – We trust that a condition can be attached to any approval to prevent demolition of front garden walls and separating walls / fences to guard against the possibility of the front gardens eventually all being paved for parking, with adverse effect on the character of the development and the surrounding area.
2. Tennis Court & Woodland Area – Some provision will be required to ensure the retention and maintenance of these areas.
3. Conservation Area – We are concerned about the effect of the scheme on the adjacent house, 74 Twyford Avenue which is in a Conservation Area and has several windows in the flank wall. The effect on this house and its setting will be considerable.
4. Fenestration of Front Elevations – The off-centre bay windows at 1st floor level in the gable ends, and the 2nd floor windows in the gables which seem to have solid side panels are out of character with the generally traditional approach to the front elevation design.

In conclusion, we trust that similar conditions would be attached as with the previous scheme, if this application were to be approved.

Muswell Hill CAAC : Design – The concern is that all the houses make extensive use of the roofspace with extensive fenestration on all elevations at roof level which means they will be ‘read’ as three storey houses. This is different to the dominant style of house in the area.

Parking – This is a major area of concern: it has only been possible to provide 9 houses with so many bedrooms at the expense of proper parking provision.

Principal Building Surveyor - ‘I confirm that the proposals have been checked under Regulation B5 – access for the fire service, and we have no observations to make’.

English Nature - ‘Before determining this application, we recommend that you request the applicant undertakes an initial assessment of the suitability of the development site for protected and priority species. If this initial survey concludes that the protected and / or priority species are

definitely present or there is a high likelihood that such species may be present, further survey work should then be carried out to determine the status the species concerned at this site and, where appropriate to identify any necessary measures for their protection'.

RELEVANT PLANNING POLICY

Haringey Unitary Development Plan 1998

HSG 1.1 'Strategic Housing Target'
HSG 1.3 'Changes of Use to Residential'
HSG 2.1 'Dwelling Mix for New Build Housing'
HSG 2.2 'Residential Densities'
DES 1.1 'Good Design and How Design Will be Assessed'
DES 1.2 'Assessment of Design Quality (1): Fitting New Buildings into Surrounding Area'
DES 1.3 'Assessment of Design Quality (2): Enclosure, Height and Scale'
DES 1.4 'Assessment of Design Quality (3): Building Lines, Layout, Form, Rhythm and Massing'
DES 1.5 'Assessment of Design Quality (4): Detailing and Materials'
DES 1.8 'Landscaping and Trees in Development Schemes'
DES 1.9 'Privacy and Amenity of Neighbours'
DES 1.10 'Overdevelopment'
DES 8.1 'Hampstead and Highgate Ridge Area of Special Character'
OP 1.1 'Hampstead and Highgate Ridge Area of Special Character'
OP 1.6 'Tree Protection, Tree Masses and Spines'
OP 2.3 'Private Recreational Open Space, Playing Fields and Sports Grounds'
OP 4.3 'Promotion of Nature Conservation'
TSP 7.1 'Parking for Development'

Haringey Unitary Development Plan Revised Deposit Draft 2004

UD2 'General Principles'
UD3 'Quality Design'
UD6 'Waste Storage'
UD8 'New Development Location and Accessibility'
UD9 'Parking for Development'
UD10 'Planning Obligations'
HSG1 'New Housing Developments'
HSG2 'Change of Use to Residential'
HSG8 'Density Standards'
HSG9 'Dwelling Mix'
SPG 1A 'Design Guidance and Design Statements'
SPG 1b 'Parking in Front Gardens'
SPG 3a 'Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions'

and Lifetime Homes'
SPG 3b 'Privacy/Overlooking, Aspect/Outlook and Daylight/Sunlight'

ANALYSIS/ASSESSMENT OF THE APPLICATION

Approved Scheme (HGY/2004/0178)

Planning permission for the redevelopment of the tennis club was approved in 2004. This followed a prolonged period of submission of applications, consultation including a development control forum and negotiation. While there was concern about the loss of tennis courts, evidence was submitted about the existence of several other tennis clubs in the vicinity; the retention of one court was considered satisfactory. This 2004 permission is valid until 2009 and could be implemented at any time up to this date. The current application proposes a similar scheme to the development approved under application number HG Y/2004/0178. The main difference between the two applications relates to the positioning and design of the proposed dwellings. Both developments propose 9 new residential units comprising: 4 three storey 5 bedroom houses 4 part two and part three storey 5 bedroom houses and 1 two storey 4 bedroom house. Both the approved development and the proposed development take the form of 4 pairs of semi-detached dwellings and one detached dwellinghouse with the detached dwelling situated near the eastern boundary of the property.

Given that the current scheme is very similar to the approved scheme for the purposes of this report only the differences between the approved scheme and the current revised application will be discussed.

House Type A

Four semi-detached dwellings of house type 'A' design are proposed in the current application with one pair of semi-detached dwellings situated towards the eastern boundary of the application site and the other pair situated towards the middle of Twyford Avenue road frontage of the property. Both pairs of semi-detached dwellings would be slightly lower in height and slightly wider in comparison to the semi-detached dwellings situated in the same location in the approved scheme. Other differences between the approved and proposed developments in terms of design include the relocation of both the front and rear gable end features from the middle of the roof to the ends of the roof, and two additional rear dormer windows. The fenestration of the two dwelling types are also different.

The differences between the design, scale and bulk of House Type 'A' in the approved scheme and the semi-detached dwellings in the same location in the proposed scheme are not considered significant.

House Type B

The fenestration of House Type 'B' in the current application is also different and two additional rear dormer windows are also proposed. The changes detailed in the

current application are not considered significant and would not have a detrimental impact on the amenity of the surrounding area.

House Type C

At first floor level House Type 'C' would be situated nearer to the adjacent property at 72 Twyford Avenue than was detailed in the approved scheme. There would still be a significant distance between the new dwelling and adjoining property. In addition the roof of the house would have a significant slope. House Type 'C' in the current application contains one large window at first floor level in the western side elevation and this is shown on the plans as containing obscure glazing. A side dormer that was present on the side roofslope in the approved application has been removed and two narrow windows in the side garage are also detailed at ground floor level. The garage windows would not result in a loss of privacy or lead to overlooking and neither would the first floor windows as they contain obscure glazing. It is considered that the new house design detailed in the current application would not have a detrimental impact on the living conditions of 72 Twyford Avenue.

The garage of House Type 'C' would be reduced from a two car garage to a single car garage however two off street car spaces would still be available in the front garden.

Education & S106 Agreement

Under the terms of Circular 1/97 Planning Obligations, and in line with Supplementary Planning Guidance Note 10, The Negotiation, Management and Monitoring of Planning Obligations, it is appropriate for Local Planning Authorities to seek benefits for the surrounding area appropriate to the size of and scale of the development. The Council therefore proposes to enter into an agreement under S106 of the Town and Country Planning Act 1990 to provide the following benefits as part of the proposal. These are principally:

The proposed development is made up of three different house types being; House type 'A' comprising four x 5 bedroom dwellings, House type 'B' comprising four x 5 bedroom dwellings and House type 'C' comprising one x 4 bedroom dwelling.

$$9 \times 1.910 (8 \times 5 \text{ bedroom} \& 1 \times 4 \text{ bedroom}) = 17.19$$

$$\text{Expected child yield for development} = 17.19 \text{ children}$$

Primary contribution: $17.19 / 16 \times 7$ (number of years of primary education) = 7.520625

$7.520625 \times £10,378.00$ (three year average amount of DfEE primary funding 05/06) = £78049.05

Secondary contribution: $17.19 / 16 \times 5$ (number of years of secondary education) = 5.371875

$5.371875 \times £16,297.00$ (three year average amount of DfEE secondary funding 05/06) = £87545.45

$£78049.05 + £87545.45 = £165,594.49$

Total Contribution = £165,594.49

The applicant will need to enter into an agreement to contribute £165,594.49 to education facilities in line with the requirements of Policy UD10 and Supplementary Planning Guidance 12 of the Haringey Unitary Development Plan First Deposit Consultation September 2003.

The amount due for the previous approved application (HGY/2004/0178) was £58,741.00. The educational contribution due for the current development is higher as it is based on the revised education formula contained in SPG 12.

SUMMARY AND CONCLUSION

The proposed development is similar in density and scale to the previously approved development and proposes the same number of dwellings with the same amount of bedrooms. The form, massing and layout of the proposed development is similar to the approved scheme and is considered appropriate for the site. It is considered that in design terms the current application would result in a development with a more uniform appearance than the approved scheme and the proposed development would not detract from the amenity or character of the surrounding area. The proposed changes in the layout and footprint of the development detailed in the current application would not result in overlooking or result in any loss of privacy.

The proposed development is considered consistent with Policies UD2 'General Principles', UD3 'Quality Design', UD9 'Parking for Development' HSG1 'New Housing Developments', HSG2 'Change of Use to Residential', HSG8 'Density Standards', HSG9 'Dwelling Mix' of the Haringey Unitary Development Plan Revised Deposit Draft 2004 and HSG 1.3 'Changes of Use to Residential, HSG 2.1 'Dwelling Mix for New Build Housing', HSG 2.2 'Residential Densities', DES 1.1 'Good Design and How Design Will be Assessed', DES 1.5 'Assessment of Design Quality (4): Detailing and Materials', DES 1.8 'Landscaping and Trees in Development Schemes' and DES 1.9 'Privacy and Amenity of Neighbours' of the Haringey Adopted Unitary Development Plan 1998.

RECOMMENDATION 1

The Sub-Committee is recommended to RESOLVE as follows:

- (1) That planning permission be granted in accordance with planning application no. HGY/2006/0829, subject to a pre-condition that the owners of the application site shall first have entered into an Agreement or Agreements with the Council under Section 106 of the Town & Country Planning Act 1990 (as amended), Sections 38 and 278 of the Highways Act 1980 and Section 16 of the Greater London Council (General Powers) Act 1974 in order to secure:
 - 1.1 A contribution of £165,594.49 towards educational facilities within the Borough (£78049.05 for primary and £87545.45 for secondary) according to the formula set out in Policy UD10 and Supplementary Planning Guidance 12 of the Haringey Unitary Development Plan First Deposit Consultation September 2003.
 - 1.2 A management scheme to secure the main block of land to the east of the tennis courts is retained and thereafter maintained and managed for the benefit wildlife and as an amenity area in perpetuity.
 - 1.3 Prior to the first occupation of the development hereby approved, a tennis court is completed with an enclosure size that meets minimum Lawn Tennis Association requirements and is made available for public use and thereafter so maintained.

RECOMMENDATION 2

- (2) That planning permission be GRANTED in accordance with planning application no. HGY2006/0829 and applicant's drawing Nos. 215/011, 12, 20, 21, 22, 23, 24, 25 & 26

Subject to the following conditions:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
2. Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

3. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.
4. Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
5. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority.
6. Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area.
7. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no windows or other openings, other than those hereby approved, shall be inserted in the east and west facing flank elevations of development hereby approved.
8. Reason: In order to safeguard the amenity of the occupants of adjacent properties, the future occupants of the development hereby approved and to comply with Unitary Development Plan policy.
9. All east and west facing flank elevation windows shall be be glazed in obscure glass and thereafter so maintained.
10. Reason: In order to maintain the privacy of the existing and future occupants of adjacent and neighbouring properties and gardens and to comply with Unitary Development Plan policy.
11. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of:
- 12.
13. a. those existing trees to be retained.
- 14.
15. b. those existing trees to be removed.
- c. Those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent. All such work to be agreed with the Council's Arboriculturalist.
- d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in

strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

e.

Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.

16. Details of a scheme depicting those areas to be treated by means of hard landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme to include a detailed drawing of those areas of the development to be so treated, a schedule of proposed materials and samples to be submitted for written approval on request from the Local Planning Authority.

17. Reason: In order to ensure the development has satisfactory landscaped areas in the interests of the visual amenity of the area.

18. The existing trees on the site shall not be lopped, felled or otherwise affected in any way (including raising and lowering soil levels under the crown spread of the trees) and no excavation shall be cut under the crown spread of the trees without the prior written permission of the Local Planning Authority.

19. Reason: In order to safeguard the trees in the interest of visual amenity of the area.

20. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

21. Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

22. The works required in connection with the protection of trees on the site shall be carried out only under the supervision of the Council's Arboriculturalist. Such works to be completed to the satisfaction of the Arboriculturalist acting on behalf of the Local Planning Authority.

23. Reason: In order to ensure appropriate protective measures are implemented to satisfactory standards prior to the commencement of works in order to safeguard the existing trees on the site.
24. That details of all levels on the site in relation to the surrounding area be submitted and approved by the Local Planning Authority.
25. Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site.
26. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to H shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.
27. Reason: To avoid overdevelopment of the site.
28. That the garages and parking spaces shown on the approved drawings shall be constructed to the satisfaction of the Local Planning Authority and shall be permanently retained and used in connection with the dwellings forming part of the development.
29. Reason: In order to ensure that the approved standards of provision of garages and parking spaces are maintained.
30. A dwarf wall or similar feature, not exceeding 1 metre in height shall be erected on the back pavement line to ensure that vehicular access to the site is restricted to the footpath crossing(s).
31. Reason: In order to safeguard pedestrians using the adjoining highway and in order to safeguard the visual amenity of the area.
32. A 2.4 metre visibility splay within which nothing shall be allowed to exceed a height of 1 metre above the footway shall be provided on each side of the access.
33. Reason: In order to provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the safety of pedestrians on the footway.
34. Prior to first occupation of the development hereby approved, a close boarded timber fence shall be erected to height of 1.8 metres on the

boundary between the adjacent properties to the south, east and west of the application site and thereafter so maintained.

35. Reason: To ensure the amenity of the occupants and future occupants of the adjacent properties is maintained.

36. An entrance and security gate shall be erected to the access path to the tennis court, at a height of no less than 1.8 metres, at a point no closer than the back edge of the pavement line. The gate shall open inward and be kept locked for the periods when the tennis court is not in use.

37. Reason: To ensure the amenity and security of the adjacent and neighbouring occupants is maintained.

38.

39.

RECOMMENDATION 3

That in the event of a Legal Agreement under S106 of the Town and Country Planning Act 1990 (As Amended) not being signed the application shall be refused for the following reason:

The proposal fails to provide a contribution towards Educational Provision within the Borough in accord with SPG 12 and Policy UD10 of the Revised Unitary Development Plan.

RECOMMENDATION 4

In the event that the Planning Application is refused for the reasons set out in resolution (4) above, the Assistant Director (PEPP) (in consultation with the chair of PASC) is hereby authorised to approve any further application for planning permission which duplicates the Planning Application provided that: (i) There has not been any material change in circumstances in the relevant planning considerations, and (ii) The further application for planning permission is submitted to and approved by the Assistant Director (PEPP) within a period of not more than 12 months from the date of the said refusal, and (iii) The relevant parties shall have previously entered into the Agreement(s) contemplated in resolution (1) above to secure the obligations specified there in.

REASONS FOR APPROVAL

The proposed development is similar in density and scale to the previously approved development and proposes the same number of dwellings with the same amount of bedrooms. The form, massing and layout of the proposed development is similar to the approved scheme and is considered appropriate for the site. It is considered that in design terms the current application would result in a development with a more uniform appearance than the approved scheme and the proposed development would not detract from the amenity or

character of the surrounding area. The proposed changes in the layout and footprint of the development detailed in the current application would not result in overlooking or result in any loss of privacy.

The proposed development is considered consistent with Policies UD2 'General Principles', UD3 'Quality Design', UD9 'Parking for Development' HSG1 'New Housing Developments', HSG2 'Change of Use to Residential', HSG8 'Density Standards', HSG9 'Dwelling Mix' of the Haringey Unitary Development Plan Revised Deposit Draft 2004 and HSG 1.3 'Changes of Use to Residential, HSG 2.1 'Dwelling Mix for New Build Housing', HSG 2.2 'Residential Densities', DES 1.1 'Good Design and How Design Will be Assessed', DES 1.5 'Assessment of Design Quality (4): Detailing and Materials', DES 1.8 'Landscaping and Trees in Development Schemes' and DES 1.9 'Privacy and Amenity of Neighbours' of the Haringey Adopted Unitary Development Plan 1998.