

**Application No : 14/00820/OUT**

**Ward:  
Cray Valley West**

**Address : Grays Farm Production Village Grays  
Farm Road Orpington BR5 3BD**

**OS Grid Ref: E: 546899 N: 169722**

**Applicant : Grays Farm Production Village**

**Objections : YES**

**Description of Development:**

Demolition of existing buildings and redevelopment to provide 1,077sqm of use Class B1 floorspace in a detached 2 storey building with accommodation in roof and 45 two storey houses (some with accommodation in roof) with access road and car parking

Key designations:

Areas of Archaeological Significance  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Open Space Deficiency

**Proposal**

Under ref. 14/00809, outline planning permission was granted in respect of the demolition of existing buildings and redevelopment to provide 1,077sqm of use Class B1 floorspace in a detached 2 storey building with accommodation in roof and 45 two storey houses (some with accommodation in roof) with access road and car parking. Planning permission was subject to a legal agreement. The terms of the agreement have been finalised but the agreement has not yet been completed as the agent has raised questions concerning the conditions to be attached to the planning permission. The application was submitted alongside a separate full planning application for Grays Farm Production Village Ltd for a 75 bedroom care home (ref. 14/00809).

Thomas Aston Homes (owner of Grays Farm Production Village) is selling part of the site to MedicX (Care Home) and Persimmon Homes (residential), whilst retaining the commercial area for itself but clearing the planning conditions in cooperation with Persimmon. Persimmon will become responsible for the removal of asbestos and demolition works across the whole site, and in doing so also accept the legal obligation (to MedicX) to clear the pre-demolition planning conditions within a timescale which will enable the demolition works to be completed by the end of May 2015.

The Agent has advised of the need to complete the S106 agreement and finalise the planning conditions to be attached as a matter of urgency, to enable the current status of the outline planning consent to change from 'pending' to 'granted' and thereafter proceed to clear the pre-demolition planning conditions.

The permission has not yet been issued and therefore the proposal cannot be treated as a minor amendment of an existing permission. The Chief Planner does not have delegated authority to permit applications for new commercial development - see paragraph 24 of the scheme of delegation to the Chief Planner from Development Control Committee. The Legal Officer's view is that it would need to go back to Committee as the application is outside of the delegated powers and the Chief Planner would not have the authority to correct it.

The conditions affected are listed below:

- 1 Reserved Matters
- 2 Site Layout to be agreed
- 10 Parking Spaces
- 16 Surface Water Drainage: justification for this condition

## **Conclusion**

For the reasons set out above, it is considered reasonable to amend some of the conditions to enable the details to be submitted and agreed after the existing buildings are demolished. It is not considered that the conditions affected will prejudice the Council's consideration of the proposal, aimed at ensuring that the development complies with local and national planning policy requirements.

Background papers referred to during production of this report comprise all correspondence on the file refs set out above, excluding exempt information.

## **RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT**

and the following conditions:

- 1 The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - a. Scale
  - b. Appearance
  - c. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

**Reason:** No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2 Notwithstanding the submission of drawing no 1182-C201B, none of the development hereby permitted shall commence until a detailed site layout plan has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interest of the visual and residential amenities of the area, and to accord with Policy BE1 of the Unitary Development Plan.

3 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

4 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

5 No trees on the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing by the Local Planning Authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the Authority.

**Reason:** In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that as many trees as possible are preserved at this stage, in the interest of amenity.

6 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;

Type and siting of scaffolding (if required);

Details of the method and timing of demolition, site clearance and building works

Depth, extent and means of excavation of foundations and details of method of construction of new foundations

Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;

Location of bonfire site (if required);

Details of the location of underground services avoiding locating them within the protected zone

Details of the method to be used for the removal of existing hard surfacing within the protected zone

Details of the nature and installation of any new surfacing within the protected zone

Methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

**Reason:** To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

- 7 The applicant shall at his own expense instruct an arboricultural consultant, approved by the Council in writing to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence on site until a consultant has been appointed. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Council or the arboricultural consultant that such works may recommence.

**Reason:** To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 8 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted. The works shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 9 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted. The windows shall be installed in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 10 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details submitted to and approved in writing by the Local Planning Authority and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 11 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 12 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 13 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall

be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

**Reason:** In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

14 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

**Reason:** In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

15 Prior to the first construction of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

16 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan and the National Planning Practice Guidance

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 and in the interests of the visual and residential amenities of the area.

- 18 Details of proposals to provide dwellings capable of occupation by wheelchair users (including related car parking spaces) shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted. Details shall also be submitted to and approved in writing by the Local Planning Authority of proposals for the construction of all the dwellings hereby permitted as "Lifetime Homes" in accordance with the criteria set out in Supplementary Planning Guidance to the London Plan "Accessible London: achieving an inclusive environment" (April 2004) prior to first construction of the development hereby permitted. The dwellings shall be constructed in accordance with the approved details.

**Reason:** In order to comply with Policy 3A.5 and 4B.5 of The London Plan

- 19 The development hereby permitted shall incorporate measures to minimise the risk of crime. Details of such measures, according to the principles and physical security requirements of Secured by Design shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted. The approved measures shall be implemented before the development is occupied and thereafter retained.

**Reason:** In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 20 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority prior to first construction of the development hereby permitted and shall be completed strictly in accordance with the approved levels.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 21 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance

scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

**Reason:** In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

22 Prior to first construction of the development hereby permitted, a site-wide energy assessment and strategy for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve a reduction in carbon emissions of 25% above that required by the 2010 building regulations. The development should also achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final designs, including the energy generation shall be retained thereafter in operational working order, and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate

**Reason:** In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2011.

23 A surface water drainage scheme for the site based on sustainable drainage principles, where possible, and an assessment of the hydrological and hydro geological context of the development shall be submitted to, and approved by, the Local Planning Authority prior to the first construction of the development hereby permitted. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface

water run-off rates to 4l/s in line with the Preferred Standard of the Mayor's London Plan and the submitted flood risk assessment.

**Reason:** To reduce the impact of flooding both to and from the proposed development and third parties.

24 Details of the junction of the access road with Grays Farm Road, including sightlines, shall be submitted to and approved in writing prior to the first construction of the development hereby permitted and the works shall be completed prior to first occupation of the building.

**Reason:** In order to comply with Policy T18 of the Unitary Development Plan and in the interests of highway safety.

25 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason:** The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

26 A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation and possible mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.

B) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological investigation and possible mitigation in accordance with a Written Scheme of Investigation.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

You are further informed that :

1 Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.

- 2 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.  
Reason: to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres per minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 6 You are reminded of your obligation under Section 80 of the Building Act 1984 to notify the Building Control Section at the Civic Centre six weeks before demolition work is intended to commence. Please write to Building Control at the Civic Centre, or telephone 020 8313 4313, or e-mail: [buildingcontrol@bromley.gov.uk](mailto:buildingcontrol@bromley.gov.uk)
- 7 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and

Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)

- 8 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

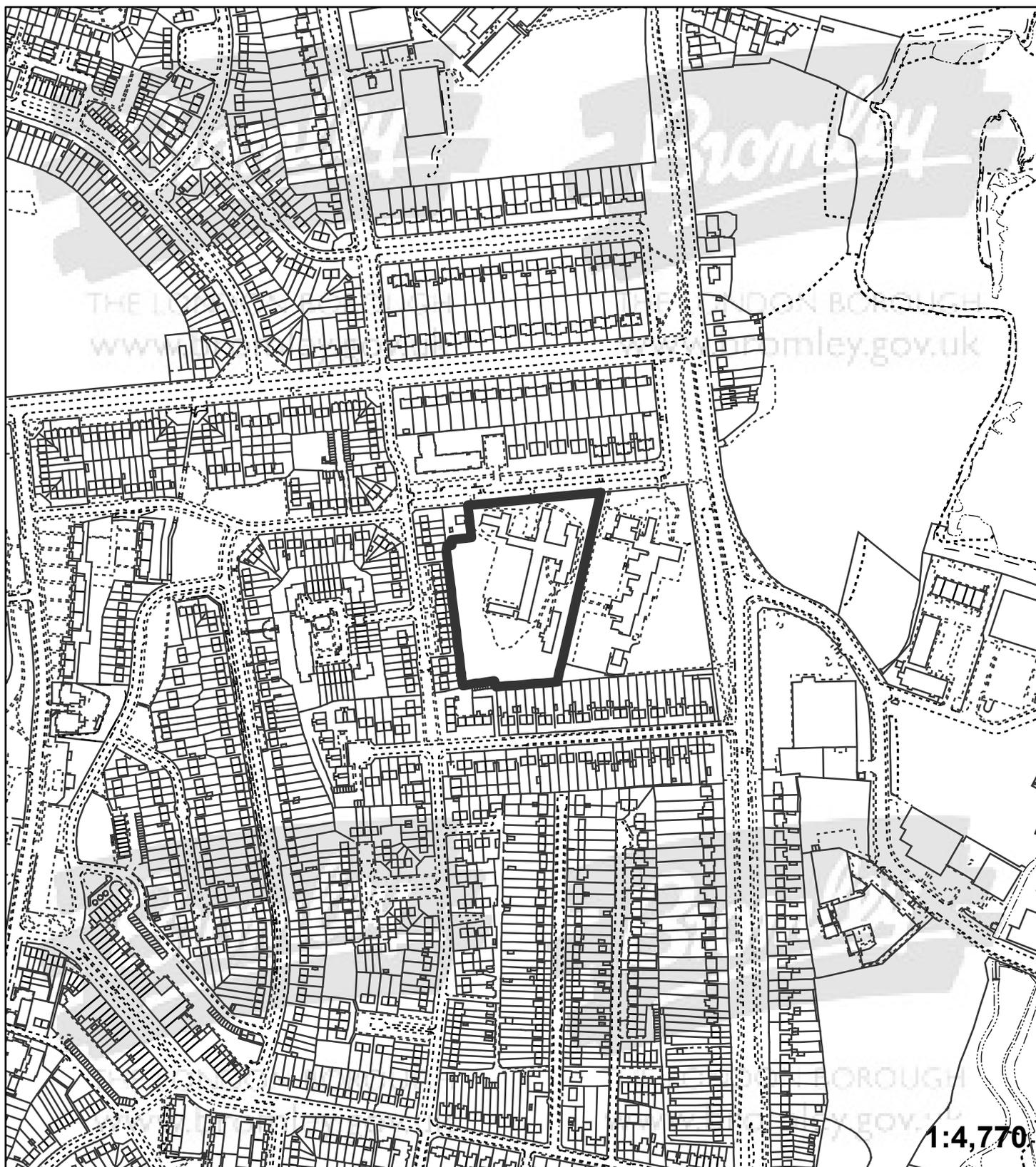
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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