

SECTION '2' – Applications meriting special consideration

Application No : 15/05474/FULL1

Ward:
Hayes And Coney Hall

Address : Land Between 65 And 67 Cameron Road
Bromley

OS Grid Ref: E: 540211 N: 167604

Applicant : Mr M Ali

Objections : YES

Description of Development:

Construction of a single storey building for use as a day nursery (Use Class D1) and associated access, parking, refuse storage and landscaping.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51
Urban Open Space

Proposal

Planning permission is sought for the construction of a single storey building for use as a day nursery (Use Class D1) and associated access, parking, refuse storage and landscaping.

The proposed building would incorporate an earth mound design and be entirely earth sheltered. The internal floor areas will be partially sunk below the external ground level. The main pedestrian access would run along the south boundary of the site. There will also be a rear entrance from the mound side of the site facing north via a sloped and stepped access in to the 'main play' area. A further narrow access facing north east is provided for entry into the 'babies' area. A metal fence will surround the semi-circle edge of the mound on the northern side. A living willow fence will also surround in part the rear entrance and a separate willow fence is also indicated over the front southern elevation over the top of the mound.

The main vehicular staff parking, access and drop off would be from Cameron Road with a service access from the east.

The applicant advises that the proposed use would be for 28 children and 7 staff and would operate from 8am to 6pm.

Location

The site is a thin open plot of land running between Cameron Road and Cornford Close. To the west of the site are three storey dwellings on Cameron Road. To the north and south are single storey dwellings, with five storey flats on Cornford Close further east.

Trees on the site are subject to Tree Preservation Order. The site is designated within the Unitary Development Plan as Urban Open Space. The site is not within a conservation area.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o Site is not suitable for a nursery nor is it needed in this area.
- o A new nursery has recently opened in precinct and also others in the local area, another nursery is not required.
- o Site is only green area in the vicinity and widely used by residents. Other green spaces indicated by applicant are quite a distance away.
- o Concerns regarding below ground works being near to public sewers and therefore prohibiting such construction.
- o Parking provision is not sufficient.
- o Site has not been maintained. Owner has no interest in community.
- o Unsuitable development on an open space fundamental to the nature and character of the local area.
- o Site is part of the character of the estate and specifically designed to be left open.
- o Application should be rejected on the same grounds as before.
- o The open space is important to the character of the estate. Any building is inappropriate and should not be permitted and will set a precedent.
- o Proposal will result in loss of recreational space for local children and only be available for paying customers to the detriment of local social cohesion.
- o Previous costs decision does not mean highway and tree issues have been satisfactorily addressed and overcome in the current application.
- o Concerns raised regarding parking availability, congestion during pick up and drop off and levels of noise and disturbance from the drop off zone to adjacent residents.
- o Concerns regarding the level of servicing required for such a facility.
- o Transport assessment comparison is not applicable to the site and inaccurate.
- o Staff parking not addressed.
- o Parking area will result in loss of green space.
- o Access to back gardens would be lost to properties in Cornford Close and Cameron Road. Proposal for residents having a key is not adequate in an emergency.
- o No details provided regarding future operators or a business plan to indicate viability of the proposal.

- o Proposal is a speculative development rather than a considered plan to improve nursery provision.
- o Concerns regarding the threat to mature TPO protected trees on site.
- o Concerns regarding the level of noise from the nursery centre. Properties either side of the site are for elderly residents.
- o Documents are out of date.
- o Access across the site has become a right of way through the passage of time. There are now three footpaths across the site.
- o Concerns regarding level of light ingress to the proposed development.
- o Play area on top of mound could potentially cause overlooking.
- o Concern regarding stability of neighbouring garden walls should development go ahead.
- o Preference to see a single bungalow on the land would be most appropriate development.
- o Concerns regarding a long building process causing noise and disturbance for a long period of time.
- o Concerns regarding introducing a business activity into the estate.

Internal consultations

Environmental Health - Pollution

No objections in principle however we do sometimes get noise complaints from children playing in external areas with this type of use. I would recommend that the number of children is restricted by condition to a maximum of 28 as per the application documents to prevent loss of amenity from noise.

Highways:

The site is located in the area with low PTAL rate of 2 and also lies inside the Bromley Town Centre Controlled Parking Zone (CPZ) where there is limited parking available.

I have seen the appeal decision and also discussed the application with Traffic and Road Safety section who advised there is capacity within the local area to cater for the loss of 2 permit bays. However, the details of parking layout submitted with this application are not satisfactory, therefore I am including a condition below that before any work is commenced details of parking spaces and turning spaces should be submitted for approval.

Arboriculture:

There are three mature trees within the application site that have been acknowledged as a development constraint. These trees are protected under the area Tree Preservation Order (TPO). The details received as part of the Tree Survey and Implications Assessment is sufficient to assess the impact of the development upon nearby trees. I note the comments made by the planning inspector in respect of application 13/03992/FULL1 and agree with the statements made.

Drainage:

The proposed building will be over a public sewer. Please advise the applicant to contact Thames Water. In accordance with section 18(2) of the Building Act 1984, I shall inform Thames of this matter, and Thames will be given 28 days from today to say if they want a Building Over Sewers Agreement, or make a condition.

This site is within the area in which the Environment Agency - Thames Region require restrictions on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries. This site appears to be suitable for an assessment to be made of its potential for a SUDS scheme to be developed for the disposal of surface water.

External consultations

Environment Agency:

Request for a planning condition in respect of requiring further details of land contamination should it be identified during development.

Natural England:

No comments.

Thames Water:

Surface Water Drainage - 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Planning Considerations

The most relevant London Plan polices are as follows:

- 3.18 Educational Facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 8.2 Planning obligations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of Development
- G8 Urban Open Space
- NE7 Development and trees
- T1 Transport Demand
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- C1 Community Facilities
- C3 Access to Buildings for people with disabilities
- C7 Educational & Pre-School Facilities

SPG No.1 - General Design Principles

Planning History

1989: Planning application (ref: 89/00508/FUL) refused for two pairs of semi-detached 3 bedroom bungalows with integral garages.

Reasons for refusal:

1. The proposed development of this site would seriously detract from the attractive character of this area of open land which makes an important contribution to the visual amenities of this residential area, the greater part of which it has been held by the Secretary of State should be retained for open space. Its loss, if the proposal were to be permitted, would be bound to result in serious detriment to the prospect now enjoyed by the occupiers of neighbouring properties.
2. Public foul and surface water sewers cross the site and as such the development would be prejudicial to the public sewer system.

1991: Planning application (ref: 91/02048/FUL) refused and dismissed at appeal for 4 single storey three bedroom house.

Reasons for refusal:

1. The proposed development of this site would seriously detract from the attractive character of this area of open land which makes an important contribution to the visual amenities of this residential area, the greater part of which it has been held by the Secretary of State should be retained for open space. Its loss, if the proposal were to be permitted, would be bound to result in serious detriment to the prospect now enjoyed by the occupiers of neighbouring properties.
2. Public foul and surface water sewers cross the site and as such the development would be prejudicial to the public sewer system.
3. The development would prejudice the retention and well being of mature trees on the site subject to the Tree Preservation Order No. 643 which contribute significantly to the visual amenities of the area and would therefore be contrary to Policies H.2 and E.13 of the Bromley Borough Plan and Policies G.24 and G.26 of the Consultation Draft of the Unitary Development Plan.

1992: Planning application (ref: 92/02263/FUL) refused and dismissed at appeal for two single storey three bedroom dwellings each with integral garage.

Reasons for refusal:

1. The proposed development of this site would seriously detract from the attractive character of this area of open land which makes an important contribution to the visual amenities of this residential area, and would be seriously detrimental to the amenities currently enjoyed by the occupiers of neighbouring properties contrary to Policy H.2 of the Bromley Borough Plan and the Deposit Draft Unitary development Plan.
2. Public foul and surface water sewers cross the site and in the absence of information to the contrary the development would be prejudicial to the public sewer system.

2008: Planning application (ref: 08/02825/FULL1) refused for erection of 2 two bedroom semi-detached houses with new public shelter and fitness equipment.

Reasons for refusal:

1. The proposed residential development would be inappropriate within this area of Urban Open Space, and would result in harm to the open nature of the site by reason of the three storey height of the proposed dwellings, contrary to Policy G8 of the Unitary Development Plan.
2. The proposed development would by reason of its height and design appear out of character with the surrounding area, unduly prominent within and harmful to the visual amenities of the street scene, contrary to Policies BE1 and H7 of the Unitary Development Plan.
3. In the absence of satisfactory information to assess the impact of the proposed development on the protected trees within the site, the proposed development is contrary to Policy NE7 of the Unitary Development Plan.

2013: Planning application (ref: 13/03992/FULL1) refused on 06.08.2014 and dismissed at appeal for erection of a single storey building for use as a day nursery (Use Class D1) and associated access, parking and landscaping.

Reasons for refusal:

1. The development would be inappropriate within this area of Urban Open Space and result in harm to the open nature of the site by reason of the building up of ground levels in an unnatural manner and additional hardstanding and car parking contrary to Policy G8 of the Unitary Development Plan.
2. The development would prejudice the retention and well-being of mature trees on the site subject to the Tree Preservation Order No. 643 which contribute significantly to the visual amenities of the area and would therefore be contrary to Policy NE7 of the Unitary Development Plan.
3. In the absence of sufficient information to demonstrate the capacity of the proposed access and parking layout to accommodate satisfactorily the additional traffic generated by the development, the proposal would be likely to result in significant and unacceptable traffic congestion in the local road network, inconvenient to road users and prejudicial to the safety and free flow of traffic contrary to Policies T1, T2, T3 and T18 of the Unitary Development Plan.

The application was subsequently appealed and dismissed on 22/10/2014.

The Appeal Inspector concluded that in respect of the effects to trees on the site that the trees would continue to perform the amenity role of protected trees which can be appreciated over a large area and not just on the site. The aims of Policy NE7 would be met.

In respect of highways issues the Inspector found that the use is unlikely to be a significant generator of traffic so that Policies T1 and T2 are of limited relevance, the parking is considered acceptable under Policy T3 and with regard to Policy T18, it is unlikely that, with negatively worded conditions requiring further details of parking and turning on the site, there should be any impact on road safety or the free flow of traffic.

With respect to any harm to the Urban Open Space the Inspector opined that there appear to be no policy or other reasons why development of the site should be prevented and Policy G8 provides for built development of Urban Open Spaces in certain circumstances. The proposal complies with circumstance alternative (ii) in being small scale and supporting children's play, and supporting paragraph 8.35 specifically mentions indoor play. However, in the planning balance, the harm to the character and appearance of the area, and the failure to accord with the Framework's aims of good design, would not be outweighed by the benefits and for the reasons given above it is concluded that the appeal should be dismissed and planning permission refused.

2015: Pre application advice: Following refusal of 13/03992/FULL1 and appeal being dismissed new plans have been submitted to be discussed. A pre app response was sent 25.06.2015. The pre app response advised on further mitigation that may be necessary to overcome the harm to the Urban Open Space to an acceptable level.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area having particular regard to the designation of the site as Urban Open Space with a Tree Preservation Order, the impact that it would have on the amenities of the occupants of surrounding residential properties and the impact that it would have on parking and highways matters.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Principle of Development

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Policy G8 details that proposals for built development in areas defined as Urban Open Space (UOS), will be permitted where the development is related to the

existing use (in this context, neither residential nor indoor sports development will normally be regarded as being related to the existing use) or the development is small scale and supports the outdoor recreational uses or children's play facilities on the site, or any replacement buildings do not exceed the site coverage of the existing development on the site. Where built development is involved; the Council will weigh any benefits being offered to the community, such as new recreational or employment opportunities, against a proposed loss of open space. In all cases, the scale, siting, and size of the proposal should not unduly impair the open nature of the site.

Policy C7 is concerned with educational and pre-school facilities and states that applications for new or extensions to existing establishments will be permitted provided they are located so as to maximise access by means of transport other than the car.

Therefore the principle of the acceptance of the use of the site as a day nursery needs to be considered on balance between Policies G8 and C7.

Paragraph 8.35 of the UDP amplifies the rationale in respect of children's indoor play facilities within urban open space detailing that on sites where there are no buildings, proposals associated with the functioning of outdoor sports or small-scale children's indoor play facilities may be permitted under clause (ii) of Policy G8, provided that the predominantly open nature of the site is not impaired. Children's play facilities would supplement existing outdoor play areas, particularly in the winter, as well as encouraging greater use of the open spaces in which they were located.

In the previous scheme (ref 13/03992), the Planning Inspector considered that the proposal was small-scale in the main and supported children's play, but there were elements that were out of scale with the surroundings and contrary to the open nature of the site. It was considered that in principle, the developing the site for such a purpose was accepted provided the proposal was small scale, supported outdoor recreation/children's play facilities and that the scale, siting and size of the proposal did not unduly impair the open nature of the site.

Therefore, similarly in this application it is considered that in principle the use of the site as a day nursery would be acceptable in principle subject to the scheme's compliance with all other relevant development plan documents and policies.

It is noted that some concern has been raised by neighbours regarding similar facilities in the area and the need for another such facility. Given the acceptability of the principle of the use on planning grounds there is no basis to resist such a use on the basis of need or competition which would be at the behest of economic conditions outside the planning remit even if a number of similar facilities are provided locally.

Members will also be aware of the additional demand for primary school places currently being experienced in the Borough in the same way as the demand is for pre-school places. Additionally, in the intervening time since the last application, demand for such a facility and others like it has increased in terms of population

demographics and it is considered that some further flexibility to address the demand need is generally required.

Design

Policy G8 details that development should be small scale and support the outdoor recreational uses or children's play facilities on the site.

Policy BE1 sets out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

In light of the previous decision, the primary consideration is the location of the site within Urban Open Space and the current undeveloped open nature of the site.

In dismissing the previous appeal on the grounds of the impact on the openness of the site and character of the area, the Planning Inspector found issue with specific parts of the proposal. These were the raised sloping structure to the rear (North) side of the building located on the sloped mound and the door and fencing to protect the external play area, including the remaining perimeter fence and fence across the crest of the building. As such the inspector found that the previous proposal did unduly impair the open nature of the site and dismissed the appeal.

In the current scheme, a similar design approach has been adopted with an earth mound construction. The building would remain in the same location, be the same height and have a similar size footprint. The Planning Inspector opined that the design approach would retain much of the through views, would retain the appearance of green open land and would sit comfortably with the canopies of the trees.

On this basis, the current scheme has now removed the rear north facing structure entirely. A recessed secondary entrance now replaces the previous unacceptable structure within the profile of the mound. The openness of the site is therefore now maintained in this regard without the punctuation of an unnatural structure. Vertical fencing over the mound has also been replaced with a living willow style fence with the idea that this will complement the earth sheltered design to retain openness to the site. It is considered that while the fence will present a level of solidity to the profile of the mound over and above its natural shape, this is offset by its green credentials that will soften the impact to an acceptable level akin to the natural format of the earth mound design approach.

The loss of space as result of the removal of the north facing mound dormer has been offset by sinking part of the floor level into the ground. Photo voltaic cells have also been introduced to the south facing façade entrance. Notwithstanding

the plans submitted further architectural detailed elevations and datum drawings can be conditioned to ensure the height and floors levels of the building are accurately implemented to prevent loss of openness to the site.

On balance it is now considered that subject to specific conditions, the openness of the site has been now been maintained and mitigated within the revised design approach.

Impact on amenities of adjoining Occupiers

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of neighbouring buildings and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

Given the relatively low height of the building, any impacts are likely to be confined to those on neighbouring residential amenity through associated noise and disturbance.

It is noted that the maximum number of children attending the site will be 28 and the staff being 7 full time employees. There is potential to be some concern regarding the impact on neighbouring amenity due to the close proximity to neighbouring windows and gardens in this respect.

However, the previous Planning Inspector supported the use at these numbers of children and staff levels as it was considered a relatively small scale. Given the intensity of use would remain the same in the revised scheme through its mitigated design, it is considered that at the level now proposed as found acceptable and relatively small scale by the Inspector, that there is no basis to resist the proposal on these grounds.

Therefore, subject to formal planning conditions regarding maximum numbers and which can also control the numbers outside, perhaps to a maximum of 20 children the external effect of noise and disturbance would be within acceptable limits so as not to disturb adjoining residents when the site is in use.

Traffic, Parking and Servicing.

A key consideration in an application of this type is the impact of the proposal on the surrounding highway network, and parking pressure arising from the increase in drop-off/pick-ups by parents of users of the facility.

The site is located in an area with a low PTAL rate of 2 and also and lies inside the Bromley Town Centre Controlled Parking Zone (CPZ) where there is limited parking available. The access and parking arrangements are effectively unchanged from the 2013 scheme. The Planning Inspector found that the Council's reason for refusal in respect of lack of information was unfounded and that further information could have been sought by condition to address outstanding issues. The inspector concluded that whilst there would be change, since the land is currently unused, the level of the proposed use is not such as to cause real harm in planning terms

and a condition would ensure that the use did not start early or continue late. In conclusion, the planning inspector concluded that the use is unlikely to be a significant generator of traffic so that Policies T1 and T2 are of limited relevance, the parking is considered acceptable under Policy T3 and with regard to Policy T18, it is unlikely that, with negatively worded conditions requiring further details of parking and turning on the site, there should be any impact on road safety or the free flow of traffic.

The Council's Highway Officer has commented on the current application, taking account of the recent appeal decision. The application was also discussed with the Traffic and Road Safety section who advised there is capacity within the local area to cater for the loss of 2 permit bays.

It has been noted that the details in relation to the parking layout submitted with this application are not satisfactory in terms of conflict with manoeuvring in and out of the small parking area. It is considered that further information in respect of parking spaces, turning spaces and a road safety audit can be conditioned to address this issue.

Trees and Landscaping.

There are three mature trees within the application site that have been acknowledged as a development constraint. These trees are protected under the area Tree Preservation Order (TPO).

Given the location of the earth mound structure is the same as the previous scheme the impact to the protected trees can be considered to be the same. The Council's Arboriculture Officer has reviewed the scheme and commented that the details received as part of the Tree Survey and Implications Assessment is sufficient to assess the impact of the development upon nearby trees. No objection has been raised in this regard subject to details of an Arboricultural Method Statement which can be secured by condition.

It is also noted that the Planning Inspector assessed the impact to trees within the 2013 scheme and commented that the accompanying Arboriculture assessment concludes that with specialist, low invasive foundation design, no harm would be caused to the trees and compliance could be secured by condition. It was then opined that the trees would continue to perform the amenity role of protected trees which can be appreciated over a large area and not just on the site with the aims of Policy NE7 having been met.

Sustainable Development and Renewable Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance

with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Details within the Design, Access and Planning Statement has been provided that details the efforts made in the proposals to achieve these objectives in respect of photovoltaic glass sheets and the nature of the earth mound style of construction. This is considered acceptable.

Summary

On balance, having had regard to the above it was considered that the proposed D1 nursery use at the site is acceptable and that the scale, siting, and size of the proposal does not unduly impair the open nature of the site. The intended hours of operation are acceptable, and the use would not result in a harmful impact on the amenities of local residents, or have an unacceptable impact on road safety and the surrounding highway network.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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.

- 3 (i) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:50 or 1:100 showing all elevations, plans and sections and full architectural details for windows, doors, and entrances have been submitted to and approved in writing by the local planning authority.**

(ii) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy BE1 in the Unitary Development Plan.

- 4 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 before work commences and the development 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.

- 5** 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.

- 6** 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 before the commencement 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.

- 7** Before any work is commenced on the access/highway works, a Stage 1 and where appropriate a Stage 2 Road Safety Audit (these may be combined with the prior agreement of the local Planning Authority) shall be submitted to and approved in writing by the local Planning Authority. The works shall be implemented strictly in accordance with the approved details to the satisfaction of the local Planning Authority before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the local Planning Authority following satisfactory completion of the works and before they are opened to road users. The road safety auditor should also request for a member of LBB traffic team to be present on site at the time of audit.

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

- 8** Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (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.

- 9 Before commencement of the development hereby permitted details of (a) turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

- 10 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.

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

- 11 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

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

- 12 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m which can be accommodated within the site shall be provided in both directions at 2.4m and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

- 13 Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

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

- 14 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.

15 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 before any part of the development hereby permitted is commenced 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.

16 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 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

17 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 before the development hereby permitted is commenced. 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.

18 Prior to the commencement 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.

19 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 (2015)

20 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.

21 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan (2015)

22 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved

details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan (2015)

23 The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.

Reason: In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

24 Prior to the commencement of the use hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

25 (a) The children attending the day nursery/play group shall be between the ages of 0 and 6 years and not more than 28 children and 7 staff shall be accommodated at any one time.

(b) The use of the premises as a children's nursery shall be limited to Mondays to Fridays inclusive between the hours of 8.00am and 6.00pm.

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

26 No more than 20 children shall be allowed onto the mound curtilage play space area at any one time.

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

27 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the children's nursery use of the building shall be used only for this purpose and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policies BE1 and G8 of the Unitary Development Plan.

You are further informed that:

- 1** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 3** Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/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.
- 4** 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 groundwater. 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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 5** There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 6** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 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 regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 8** Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.