

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 16/01091/FULL1

**Ward:**  
**Clock House**

**Address :** 45 Ancaster Road Beckenham BR3 4DZ

**OS Grid Ref:** E: 535783 N: 168685

**Applicant :** William Willoughby (Estates) Ltd

**Objections :** YES

### **Description of Development:**

Demolition of existing bungalow and the construction of a two storey building in order to provide 4no. 2 bedroom flats, together with four off road parking spaces, cycle and refuse storage (amendment to application ref:15/05399)

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 30

### **Proposal**

Members will recall that this application was presented to Plans Sub Committee No.2 on the 12th May 2016, with an Officer recommendation for approval. Members resolved to defer the application in order to seek a reduction in the size and scale of the rear of the development. The applicant has subsequently decided to appeal this scheme on the grounds of non-determination (Appeal REF APP/G5180/W/16/3150820). Members are therefore asked whether they wish to contest the current appeal.

It should be noted that Members cannot grant or refuse planning permission for this scheme as the decision now rests with the Planning Inspectorate. However, the conditions listed at the end of this report can be suggested to the Planning Inspectorate.

A copy of the report is provided below:

The application seeks consent for the demolition of existing bungalow and the construction of a two-storey building in order to provide 4No two bedroom flats.

Four off-street parking spaces are proposed.

### **Location**

The application site is located on the west side of Ancaster Road. The site currently comprises a detached bungalow with a large rear garden. The building is currently vacant. The existing development within Ancaster Road is characterised

by detached and semi-detached single family dwelling houses. There are a number of architectural styles within the street; including Victorian dwellings, 1950s housing and 1960/70s developments. Generally however semi-detached styles, with hipped rooflines and double height bay windows are common. The dwellings have generous rear gardens and modest gaps between the buildings.

The site is located within Flood Zone 3

The site is not located within a conservation area and the site has a PTAL of 4.

## **Consultations**

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

- The height of the proposed development goes beyond the height of the neighbouring dwellings
- Overdevelopment of such a small plot
- Would appear enormous against neighbouring semi-detached houses
- None of the other properties have been converted into flats
- Owner occupied houses are normally well maintained but there is nothing to stop these from being rented out
- Would set a precedent for other houses on the area.
- Loss of sunlight to neighbouring properties
- Would make neighbouring houses feel claustrophobic
- Harmful to neighbouring visual amenities. Extensions granted permission elsewhere in the street have already resulted in harm to neighbouring properties
- Loss of privacy and overlooking.
- Extension into the garden is out of character with the street
- Size and scale of the proposal is out of character
- Proposed fencing is unacceptable and unsightly. Existing fencing is open and allows for interaction between neighbours.
- Noise pollution from flats as lounges will be at the rear with fully opening patio doors onto the rear garden
- Proposed materials are not in keeping neighbouring buildings including roof material and cedar cladding.
- Insufficient parking for 4 flats.
- Area is already heavily parked and congested by commuters
- The plans are misleading.
- Ancaster Road is a rat run and used by neighbouring streets.
- Concerns about manoeuvrability into and out of the site, including highway and pedestrian safety
- Removal of the sapling to the front is not acceptable. Benefits the streetscene and has environmental benefit. A replacement sapling would take years to establish.
- Noise of construction

- The rear garden of No 45 becomes a pond in heavy rain. Increasing the footprint reduced drainage and will result in more flooding for neighbouring properties
- Storage of materials during construction will be difficult as there is insufficient room to the front
- Loading and unloading of delivery vehicles and construction vehicles will block the road
- Due to the narrow width of Dorset Road, large vehicles have issues turning rounds resulting in safety hazards
- Concerns about drainage
- Loss of light and impact on human rights

Highways Officer - The site is located in an area with PTAL rate of 4 (on a scale of 1 - 6, where 6 is the most accessible).

The applicant has given further details of refuse bins. LBB Waste Service would be able to confirm if the bins are enough to store refuse of 5 flats.

There are some highway trees in front of the house. Consult the Arboricultural Officer to decide if crossover can be constructed without disturbing the tree or if they are prepared to relocate the tree.

A covered and secure cycle storage facility is now provided close to the main entrance and also at the rear of the house. The storage area can store 12 cycles which is satisfactory.

The proposal is to remove the frontage low level wall, extend the dropped kerb and create an open driveway to provide four car parking spaces. Each space is 2.4 metres x 5.0 metres. These four spaces would be for use by the proposed 4 x 2 bedroom apartments. I have seen the swept path Swept Path Analysis which demonstrates that the vehicles can manoeuvre safely and efficiently in and out of the 4 proposed bays and I am satisfied.

Please include the following with any permission:

Condition

H03 (Satisfactory Parking)

H12 Pedestrian Visibility....3.3 x 2.4 x 3.3m visibility splays and no obstruction to visibility in access of 1m in height...

H16 (Hardstanding for wash-down facilities)

H19 (Refuse storage)

H22 (Cycle parking)

H23 (Lighting scheme for access/parking)

H24 (Stopping up of access)

H29 (Construction Management Plan)

H32 (Highway Drainage)

Non Standard Condition

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

Informative

## DI16 (Crossover)

Non standard informative

Street furniture/ Statutory Undertaker's apparatus "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."

Highway Area Inspector - We have no highways issues as such but there are two trees in situ and looking at the plans we would struggle to fit the crossovers whilst they are present but it depends how close we can excavate to the tree. There is also a telegraph pole on the boundary. We have no highways issue as long as the construction is 4.5m away from the rear of the footpath but the trees would be the main issue in my opinion.

Council Arboricultural Officer - No objections subject to appropriate compensation for the removal and relocation of the sapling located on the pavement.

Environment Agency - We have reviewed the proposal and have no objections subject to the following planning condition being imposed on any permission granted:

### Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) by UK Flood Risk Consultants, version 1.1, dated February 2016, and the following mitigation measures detailed within the FRA:

1. flood resilient construction measures to be incorporated as detailed within section 4.2;
2. finished ground floor levels to be set no lower than 32.55mAOD as indicated on drawing no. 5289.08C in Appendix A.

### Reasons

1. To reduce the impact of flooding to the proposed development and future occupants;
2. To reduce the risk of flooding to the proposed development and future occupants.

The site is situated within flood zone 3, the high risk zone. Residential development is classified as more vulnerable in terms of flood risk under the National Planning Policy Framework (NPPF).

The Proposed Elevations and Sections drawing (Drawing no. 5289.08C) indicates that ground floor finished floor levels are to be set at 32.55mAOD. This is over 300mm above the modelled 1 in 100 year plus climate change flood level according to the submitted FRA. We consider this acceptable.

We would highlight that the proposal includes sleeping accommodation on the ground floor.

We normally advise against placing sleeping accommodation at ground floor level in areas of flood risk as it presents a potential risk to life. We recommend that sleeping accommodation is placed on the first floor or above, or alternatively that ground floor levels are raised to 600mm above the modelled 1 in 100 year plus climate change flood level.

We welcome the flood resilience measures recommended in section 4.2 of the submitted FRA and strongly advise that these are included within the development. Further information on flood resilience can be found on the following link [http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf).

As recommended within the FRA, residents should register with the Environment Agency's flood warning service, 'FloodLine', so that they may prepare themselves in case of a flood event. They can do this by calling 0345 988 1188.

In view of the potential extent of flooding around the property we would highlight to your authority concerns about access and egress to the site and neighbouring properties in the event of a flood. Section 4.3 of the FRA states residents can evacuate via Ancaster Road towards Elmers End as it will remain dry during extreme events. Yet Table 4 of the FRA indicates a flood depth of 32.7mAOD on Ancaster Road, implying it is not a dry escape route.

You may wish to impose a planning condition requiring the submission of an emergency flood plan for approval by your emergency planner. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures, as we do not carry out these roles during a flood.

Please note we are aware of incidents of surface water flooding at the site. Following the Flood and Water Management Act 2010, the responsibility for management of flood risk from surface water runoff, groundwater and ordinary watercourses now sits with the lead local flood authority (LLFA), in this case, the London Borough of Bromley. Please refer to your drainage department for planning advice with respect to surface water management at the site.

Thames Water - No objections

Drainage Officer - Reviewing the submitted FRA carried out by UK Flood Risk with Reference No. QFRA:252 Version 1.2 dated 25/02/2016. I note the following comments: the proposed mitigation measures to increase finished floor levels and incorporating resistance and resilience measures are acceptable, I however do not agree with the applicant saying that the new building will occupy the same footprint of the existing therefore the surface water run-off from the site will not be increased, I refer the applicant to the London Plan and the fact that the site is a brownfield site and attenuation must be provided for the life span of the development.

Environmental Health - I have considered the above and I have no objections in principle however I would recommend that the following conditions are attached:

The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan)  
I would also recommend that the following informatives are attached:

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.

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.

### **Planning Considerations**

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

BE1 Design of New Development  
BE7 Railings, Boundary Walls and Other Means of Enclosure  
H1 Housing Supply  
H7 Housing Density and Design  
NE7 Development and Trees  
ER10 Light pollution  
T3 Parking  
T7 Cyclists  
T18 Road Safety

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles  
SPG No.2 - Residential Design Guidance

London Plan (July 2015)

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (2016)

Planning History

15/05399/FULL1 Demolition of existing bungalow and the construction of a two-storey building plus roof space, in order to provide 4No 2 bedroom and 1No 1 bedroom flats, together with associated parking, cycle and refuse storage. Refused in February 2016 for the following reasons:

- 1. The proposal would provide a poor standard and poor quality accommodation within flat 5, by virtue of its inadequate head height, restricted outlook and poor ventilation, harmful to the amenities of future occupiers and contrary to Policies H7 and BE1 of Bromley's Unitary Development plan (2006); Policy 3.5 of the London Plan (2015); Housing Supplementary Planning Guidance (2012); Minor Alterations to the London Plan (May 2015) and Draft Housing SPG (2015).*
- 2. The proposal would result in unacceptable overlooking and a loss of privacy to neighbouring properties as a result of the proposed balconies, intensification of the site and location of the development contrary to BE1 Design of New Development of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.*

## **Conclusions**

The main issues relating to the application are the principle of the development and the effect in principle that a residential development would have on the character and appearance of the locality, the effect of the design layout and scale on the locality and visual amenity of the area, access arrangements and the impact the scheme would have on the living conditions and amenities of nearby properties. Consideration should also be given to the previous reason for refusal.

## Principle of Development

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable 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.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is currently in residential use and is located adjacent to residential dwellings to the north and south. In this location the Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

Therefore the provision of the new dwelling units on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications.

## Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting



(assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). This site is considered to be in a 'suburban' setting and has a PTAL rating of 4 giving an indicative density range of 45-130 dwellings per hectare / 200-350 habitable rooms per hectare (dependent on the unit size mix). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces. UDP Policy H7 also includes a density/location matrix which supports a density of 250-300 hab rooms/80-120 units for locations such as this provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area.

The density of this proposal equates to approximately 150 habitable rooms per hectare or 50 u/ha which sits within the London Plan and UDP Policy H7 standards. Development plan policies related to density are intended to optimise not maximise development and a numerical calculation of density is only one consideration. It is also necessary to consider the quality of the development in relation to the surrounding context.

#### Scale and Layout.

The National Planning Policy Framework (NPPF) states that a key role for planning is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Further to this, paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials; and are visually attractive.

The London Plan further reiterates the importance of ensuring good design, and states, in Policy 7.4, that development should improve an area's visual or physical connection with natural features and, in areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 of the London Plan also states that development should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and should comprise details and materials that complement, not necessarily replicate, the local architectural character.

BE1 states that 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.

The existing development within Ancaster Road is characterised by detached and semi-detached single family dwelling houses. There are a number of architectural

styles within the street; including Victorian dwellings, 1950s housing and 1960/70s developments. Generally however, semi-detached styles with hipped rooflines and double height bay windows are common. The dwellings have generous rear gardens and modest gaps between the buildings.

The proposed building has been designed to appear as semi-detached dwelling when viewed from the front. However, it would include central door, with double height bay windows, and a pitched roof. Its front building line would be similar to neighbouring dwellings and the architectural details are not uncharacteristic of the wider locality. In terms of its materiality, the proposal would have a contemporary appearance with part cedar cladding, however when considering the overall design this is not considered to be harmful to the character and appearance of the wider locality. The proposed building would be similar in height to the neighbouring property at No 47; however the existing bungalow was significantly lower and is generally considered to be more of an incongruous feature within the street scene. In this case, it is considered that the introduction of a two-storey structure would be more in keeping with neighbouring dwellings and uniformity of the street. The surrounding area is residential in character and the proposal and been design to appear as a two-storey semi-detached dwelling, albeit with a central door. The introduction of residential flats would not therefore be significantly out of character with the street and planning permission has been granted for the conversion of 21 Ancaster Road into 3No flats.

The proposal would also include a two-storey rear projection, which would incorporate a pitched roof. The rearward projection and footprint would be marginally out of keeping with the rear building lines of the immediate neighbouring properties, however No's 19-21 and No's 30-32 also include original two-storey rear projections. Two-storey rear extensions are also noted at No's 40 & 42 Ancaster Road. This staggered design is not uncommon for urban/suburban environments and the examples above, depth of the rear garden and more informal architectural arrangement provides some degree of flexibility. In this case it is considered that the rear projection would not be significantly incongruous with, or harmful to, the character and appearance of the wider locality.

Saved Policy H9 also requires proposals of two or more storeys in height to be a minimum of 1m from the side boundary. However, H9(ii) states that 'where higher standards of separation already exist in residential areas, proposals will be expected to provide a more generous side space. Para 4.48 explains that the Council considers that it important to 'prevent a cramped appearance and is necessary to protect the high spatial standards and visual amenity which characterise many of the Borough's residential areas'. In this case the proposal would be significantly larger than the previous bungalow; however the scheme has provided the required 1m side space. The proposed space between the buildings is not dissimilar to neighbouring examples and the overall spatial qualities of the area would not be significantly harmed.

The proposal would also include a parking area to the front. This would require the removal of a front garden wall and landscaping. Whilst the parking area to the front would be greater than neighbouring examples, front drives are not uncommon. In this case the harm to the appearance of the streetscene is not considered to be of

a material degree that could sustain a refusal. Some landscaping is proposed around the front parking area and a Willow tree located at the rear would be retained. A full landscaping strategy could be conditioned should the application be considered acceptable.

Whilst it is acknowledged that the form and scale of the proposed dwelling is larger than the existing bungalow it is not so dissimilar to neighbouring properties that it would cause significant harm to the character and appearance of the wider streetscene. The proposal in terms of its scale and massing would appear similar to neighbouring examples, when viewed from the front. The scheme would provide a level of side space that accords with Saved Policy H9 and would generally maintain the spatial qualities of the area. Given the above, members may therefore consider that the proposal would be acceptable from a design perspective.

#### Standard of Accommodation

The London Plan and London Plan Housing SPG set out minimum floor space standards for dwellings of different sizes. These are based on the minimum gross internal floor space requirements for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and moving around, in line with Lifetime Home Standards. The quality of the proposed accommodation needs to meet these minimum standards.

The layout, as indicated on the plans, demonstrates a form of development which would provide a level of accommodation in accordance with the minimum space standards and overall unit sizes as set out in the London Plan and the Mayor's Housing SPG.

The applicant has removed one flat from the proposed development and would no longer include a unit within the roof slope. This has therefore addressed the previous reason for refusal.

All rooms would receive an acceptable level of light, ventilation and outlook.

#### Neighbouring amenity

Policy BE1 seeks to ensure that new development proposals respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The main impact of the proposal would be on the immediate neighbouring occupiers.

In relation to neighbouring occupiers No 47 is located to the north east of the application site. It benefits from a modest size single-storey rear extension. There are a number of windows located within the flank elevation of No 47, however these windows do not appear to serve habitable rooms. No 39 is located to the south west of the site and includes a small lean to extension at the rear. No windows are located within the flank elevation of this neighbouring property.

The proposed structure would be significantly larger than the existing bungalow, and would also include a two-storey rearward projection. However, in terms of the visual impact the principle harm would come from the bulk of the two-storey rear projection. The harm from the remaining section of the building would be limited, due to the nature of windows within the flank elevations of the neighbouring properties. It is acknowledged that the development would be bulkier than the existing structure; however the scheme has been design to be outside the 45 degree splay for No 39 and No 47. The proposed would include a roof which pitches away from the common side boundary and the rearward projection has also been designed to include a 3m setback. The neighbouring extension at No 47 and depth of the rear gardens also go some way to alleviating the visual harm. Whilst it is accepted there would be some visual incursion from the proposal, including some loss of light and overshadowing from the rear section of the development for No 47, when taking the above factors into account, along the depth of the rear gardens, this harm is not considered to be of a material degree that would warrant a refusal.

Consideration has been given to the revised layout in order to try and minimise overlooking. This includes a reconfiguration of the internal layout with bedrooms located towards the rear on the upper floors. The scheme has also removed the rear balconies and would include high level obscured windows on the flank elevations, which can be conditioned to be obscured glazed and non-opening below 1.7m. There is already an established degree of overlooking towards the rear gardens from neighbouring properties and whilst the proposal would result a marginal increase in overlooking the impact is not considered significant enough to sustain a refusal given the above amendments.

### Highways

The site has a PTAL of 4 which is considered to be a "good" level of accessibility. The London Plan states that "All developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit". In this case the proposal would comply with objectives of Policy 6.13 Parking of the London Plan. The Council's highways officers has also reviewed the scheme and raised no objections on parking grounds, or on pedestrian and highway safety. Given the above the proposal is considered to be acceptable in terms of its highway impact.

Cycle parking has been demonstrated on the plans, however further details regarding the means of enclosure could be conditioned.

Refuse storage has also been indicated on the plans as being within front garden area. The location appears reasonable subject to the submission of means of enclosure.

### Trees

Policy NE67 Development and Trees states that proposals for new development will be required to take particular account of existing trees on site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat are considered

desirable to be retained. Tree Preservation Orders will be used to protect trees of environmental importance and visual amenity. Where trees have to be felled, the Council will seek suitable replanting.

There is one small tree located immediately outside the proposed entrance to the site, which would have to be removed. The tree is a relatively young sapling, which is considered to hold limited amenity value at present. However this value would increase as the tree increases in size. The applicant has submitted a Unilateral Undertaking with a payment to facilitate the removal of this tree and replacement within the vicinity. The Council's Arboricultural officer has reviewed the scheme and raised no objections to this arrangement.

#### Flooding

The site is located within Flood Zone 3. The applicant has provided a FRA in support of the application and no objections have been received from the Environment Agency. However the EA have requested a condition relating to compliance with detailed resilience measures outlined with the FRA. This is considered reasonable and necessary to ensure the safety of the dwelling. The proposal would also include a front drive which includes permeable paving. It is considered reasonable to condition the submission of the permeable paving and drainage details to ensure the scheme would not result in unacceptable runoff onto the highway.

#### Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL contributions will be sought in connection with any subsequent reserved matters applications.

Officers consider on balance that the scheme would be acceptable, however Members decided to defer this scheme at the 12th May 2016 committee in order to seek a reduction in the size and scale of the rear development – should these concerns remain and Members wish to contest the appeal, reasons for this would need to be agreed.

#### **RECOMMENDATION: RESOLVE NOT TO CONTEST APPEAL**

**The following conditions be suggested to the Planning Inspectorate:**

- 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** 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 approved details 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 (England) 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.

- 4** Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3 x 2.4 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.

- 5** 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.

- 6** 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.

- 7** 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.

- 8** 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.

- 9** 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.

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

- 10** 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.

- 11** 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 5.12 Flood Risk Management of the London Plan (2015)

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

**Reason:** In the interest of highway safety, the amenities of the area and to accord with BE1 Design of New Development and T18 Road Safety of the Unitary Development Plan (2006).

- 13 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with the NPPF p124 and Policies 6.13 and 7.14 of the London Plan (2015)

- 14 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 before any work is commenced. 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

- 15 Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site and approved in writing by the Local Planning Authority before any work is commenced and the sample panels shall be retained on site until the work is completed. The facing brickwork of the development hereby permitted shall be carried out in accordance with the details of the approved sample panels.

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

- 16 The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) by UK Flood Risk Consultants, version 1.2a, dated February 2016, and the following mitigation measures detailed within the FRA:

(i) flood resilient construction measures to be incorporated as detailed within section 4.2

Reasons. To reduce the impact of flooding to the proposed development and future occupants and in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2015)

- 17 The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) by UK Flood Risk Consultants, version 1.2a, dated February 2016, and the following mitigation measures detailed within the FRA:

(i) finished ground floor levels to be set no lower than 32.55mAOD as indicated on drawing no. 5289.08C in Appendix A.

Reasons. To reduce the impact of flooding to the proposed development and future occupants and in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2015)



**18 (a) No development shall commence on site until a scheme for surface water management, including a management and maintenance plan for the lifetime of the development, specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.**

**(b) The development shall be carried out in accordance with the approved scheme and thereafter, the approved scheme is to be retained and maintained in perpetuity in accordance with the details approved therein.**

**Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2015)**

**19 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.**

**20 Before the development hereby permitted is first occupied, the proposed window(s) in the first floor flank elevations shall be obscure glazed to a minimum of privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor of the room in which the window is installed and shall subsequently be permanently retained as such.**

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

**You are further informed that :**

**1 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.**

**2 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)**

- 3 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. 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.**
- 4 Street furniture/ Statutory Undertaker's apparatus "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.**