

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/01122/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** 87 Oak Tree Gardens Bromley BR1 5BE

**OS Grid Ref:** E: 540986 N: 171589

**Applicant :** Mr T Joseph

**Objections :** YES

**Description of Development:**

Demolition of 89 and 91 Oak Tree Gardens and erection of 6 two storey 3 bedroom houses comprising of 3 pairs of semi-detached houses. Erection of single garage for No. 87; associated access, parking, landscaping, cycle storage, refuse and recycling provision.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 7

**Proposal**

It is proposed to demolish 2 dwellings (Nos. 89 and 91) in order to provide access to the rear to a formed backland development site comprising the entirety of Nos. 89 and 91 and parts of the severed rear gardens of the adjacent semi-detached dwellings at 87 and 93 Oak Tree Gardens.

It is proposed that six houses be erected on the formed site, arranged in three semi-detached pairs. Dwellings 1-4 would be arranged on the northern side of a cul-de-sac access road with north facing rear gardens and dwellings 5 and 6 would be on the south of the site partly positioned within the severed rear garden of No. 87, with south facing gardens and the northern front elevation of the pair facing towards the access road.

Location

Oak Tree Gardens is part of the Links Estate, a large suburban residential area dating from the 1930s which is characterised by two storey dwellings that are in the main provided in semi-detached pairs or in short terraces set in long, narrow plots.

To the west of Oak Tree Gardens lies a railway line set above the gardens on a tree-covered railway embankment. The common features which characterise the development in the locality are considered to be the two storey bay windows, hipped roofs and part tile hung/rendered front elevations.

The application site is located at the point where Oak Tree Gardens turns a sharp corner into Portland Road. The site comprises the plots of nos. 89 and 91 in their entireties and part of the rear gardens of Nos. 87 and 93. These gardens fan out behind the existing properties and are significantly larger than those associated with other dwellings in the area. There is a change in levels across the site, with the section at the rear of the site and particularly the area at the rear of No. 87 being set at a higher ground level than that at the front.

## **Consultations**

### Local representations

Nearby owners and/or occupiers were notified of the application and the representations received (including from the Links Estate Residents' Association) in response can be summarised as follows:

- the new development only provides space for one or two cars and statistically the majority of houses have at least 2 cars per family. Overflow parking in the adjacent streets and at the corner would be hazardous
- there have been recent car crashes on the corner of Oak Tree Gardens and Portland Road
- The drainage in this part of the estate is problematic resulting in an increased load on outdated and overloaded sewage and waste water systems
- The area is a flood plain and while the flooding has eased a little since Chinbrook Meadows was redeveloped, the risk remains when there is heavy enough rain. Flood warnings have previously been received from the Environment Agency
- The trees on the site have been removed and this in conjunction with the building of solid structures will result in excess water having nowhere to go other than to 1 - 19 Portland Road
- The local primary schools are oversubscribed
- There have been recent car accidents on the bend and additional traffic entering or leaving the site would increase danger to drivers
- Overlooking to dwellings fronting Oak Tree Gardens
- Loss of privacy and outlook
- There should be a limited to the number of planning applications allowed to be submitted on a site.
- The proposal would constitute inappropriate backland development which would be detrimental to the surrounding area resulting in loss of garden land

### Technical Comments

#### Highways

There are no objections to the proposal. The site is located in an area with a zero PTAL level which is the lowest level on a scale of 0 - 6b. A total of 14 car parking spaces are proposed including parking for 2 visitors. Despite a reduction in the number of spaces provided the parking provision would still meet the UDP

standards. A number of planning conditions are proposed should planning permission be granted.

#### Thames Water

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to the sewers approval should be sought from Thames Water where the erection of a building would come within 3m of a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings and the applicant is advised to contact Thames Water about the proposals.

With regards 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. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the public network through on or off site storage. Where the developer proposes to discharge to a public sewer prior approval should be sought. With regards to sewerage infrastructure capacity no objections are raised.

#### Environment Agency

Under the previous application 15/05324 the Environment Agency were consulted with, and responded that that application has been assessed as having a low environmental risk and therefore there were no comments.

Comments were sought with regards to the application ref. 16/04446 (6 dwellings) but the Environment Agency declined to comment, stating that the application fell outside their remit as a statutory consultee.

This current application proposes 6 rather than 8 dwellings and is not therefore considered to have a higher environmental risk than the previous application under reference 15/05324.

It is noted that the records relating to Flood Zones show that the application site itself lies outside the any of these Flood Zones although to the east of the application site some dwellings fronting Portland Road do lie within a flood zone as a consequence of their position closer to the Quaggy River/Chinbrook Meadows.

#### Network Rail

Under the previous application, Network Rail recommended that prior to the commencement of development the developer should contact the Asset Protection Kent team and sign up to an Asset Protection Agreement to enable Network Rail to review the development's design and construction.

Further information and guidance was provided regarding the relationship between development and the railway infrastructure and including advice regarding railway noise and development. The potential for any noise/vibration impact must be assessed in the context of the NPPF.

No further comments have been received in respect of this current application.

## **Planning Considerations**

### Unitary Development Plan

BE1 Design of New Development  
H1 Housing Supply  
H7 Housing Density and Design  
H8 Residential Extensions  
H9 Side Space  
NE7 Development and Trees  
T3 Parking  
T7 Cyclists  
T8 Other Road users  
T18 Road Safety

SPG1 General Design Principles  
SPG2 Residential Design Guidance

The Council is preparing a Local Plan. A period of consultation on the proposed draft Local Plan (under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended) ran from November 2016 and closed on December 31st 2016. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in late 2017.

Draft planning policies of relevance to the application comprise:

Draft Policy 1 Housing Supply  
Draft Policy 4 Housing Design  
Draft Policy 3 Backland and Gardenland Development  
Draft Policy 37 General Design of Development  
Draft Policy 73 Development and Trees  
Draft Policy 30 Parking  
Draft Policy 32 (road safety)

### London Plan

3.4 Optimising Housing Potential  
3.5 Quality and Design of Housing Developments  
5.3 Sustainable Design and Construction  
5.13 Sustainable Drainage  
6.9 Cycling  
6.13 Parking  
7.2 An Inclusive Environment  
7.3 Designing out crime  
7.4 Local Character  
7.6 Architecture

Mayor of London's Housing Supplementary Planning Guidance

## National Planning Policy Framework

The National Planning Policy Framework is a material consideration in the determination of the application, including (but not limited to) the following:

Para. 56 of the NPPF refers to the need for good design, and the indivisibility of good design from good planning.

Para. 53 relates to garden land, stating that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Section 6 of the NPPF relates to the need to deliver a wide choice of high quality homes.

## Planning History

The planning history of the site is summarised below:

### 14/04443: 8 dwellings

Under reference 14/04443 an appeal was submitted on the grounds that the Council had failed to determine the application within the specified time-scale. Following the submission of the appeal, the application was reported to the Plans Sub-Committee to seek grounds to contest the appeal, if Members were so minded.

The grounds to contest the appeal were:

1. *The proposal by reason of its layout, bulk and siting in relation to neighbouring residential dwellings constitutes an unsatisfactory and cramped form of backland development, seriously detrimental to the residential amenities which the occupiers of neighbouring properties might reasonable expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.*

2. *The proposal, by reason of its bulk, layout and siting, would constitute an unsatisfactory form of backland development, out of character with the pattern of development, quality and distinctiveness of the surrounding area, thereby detrimental to the visual amenities of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.*

The application 14/04443 proposed the demolition of Nos. 89 and 91 Oak Tree Gardens in order to provide access to the rear to a formed backland development site upon which 2 terraces of 3 dwellings and 1 pair of semi-detached dwellings would be built. A total of 8 dwellings were proposed to be provided.

The appeal against the non-determination of the application was dismissed. In considering the impact of the proposal the Inspector identified the main issues as comprising:

- Character and appearance
- Living conditions

In response to the concerns raised regarding other matters by local residents, including parking, additional traffic movements and flooding, the Inspector considered that there was insufficient evidence before her to enable the assessment of the flooding concerns. It was noted that the Environment Agency did not raise any objection to the scheme, while the concerns raised by residents regarding the impact of heavy rain on the area were acknowledged.

With regards to parking, the Inspector considered that while car ownership in the locality appeared to be high at the time of the site visit, the area is not part of a residential parking scheme and the highway authority did not raise any objection to the scheme. The Inspector was satisfied that the additional demand for parking could be accommodated on the site and that the additional traffic movements would not be detrimental to highway safety.

The Inspector considered that a significant tract of under-used land is trapped behind the existing development and that the demolition of the pair of semis and creation of a cul-de-sac would not be fundamentally out of character with the layout of the estate as a whole.

The key consideration in the assessment of the impact of the proposal on the character and appearance of the area and the principle of the backland development was identified as the ability of the site to accommodate a development of the scale and quantity proposed whilst being sensitive to the surrounding area.

The layout of the site and the density of the development were considered to be not incompatible with the character of the surrounding area, although it was noted that the space available for soft landscaping would be more limited.

In assessing the impact of the proposal on the character and appearance of the area, the Inspector expressed concern that the steeply pitched roofs with significant area of flat roof with box-style dormer windows would result in dwellings that would be deeper and taller than those in the vicinity of the site.

The size of the plots for the proposed dwellings was considered to be materially smaller than those of surrounding development, with the Inspector finding that the division of the gardens into two sections by the retaining wall required to address the difference in levels across the site would have given rise to the gardens appearing cramped and rather too small in relation to the footprint of the buildings they would serve.

The Inspector considered that the key points against the proposal in terms of impact on character and appearance were the size and bulk of the dwellings relative to their respective plots. The existing buildings in Oak Tree Gardens were assessed as having a depth of approx. 9m including the front bay windows, and the proposed dwellings were noted to have a depth of approx. 11m. The crown style roofs were considered to be alien to the locality and the inclusion of rear dormers was considered unacceptable since dormers were not a feature of the original design of the surrounding houses, with their inclusion adding bulk to the roofs of the proposed dwellings.

The area available for landscaping was considered to be restricted and the Inspector concluded that the proposal would be harmful to the character and appearance of the area.

With regards to the impact of the proposal on the residential amenities of neighbouring residents, the Inspector considered that while the proximity of the flank wall of the proposed dwelling on plot 6 to the revised rear boundary of No. 87 would have an impact on outlook, this would not be materially harmful to their living conditions.

The Inspector noted that in view of the proximity of the side boundary of No. 87 to car parking spaces, it would be possible if the development was acceptable in all other respects to impose a condition securing the installation of an acoustic fence.

The Inspector noted that while some overlooking of gardens is a common feature in a suburban location, the provision of 6 first floor rear facing windows in addition to 4 dormer windows facing the rear garden of No. 85 would amount to an unacceptable loss of privacy for the occupants, making the rear part of the garden of No. 85.

#### 15/05324: 7 dwellings

Planning permission was refused under reference 15/05324 for the redevelopment of land to the rear of 87-93 Oak Tree Gardens including the demolition of No. 89 and No. 91 and the erection of seven 2 ½ storey 4 bedroom houses comprising one terrace of three houses and a single garage for the existing dwelling at No. 87 along with associated access, parking, landscaping, cycle storage, refuse and recycling provision.

Permission was refused on the grounds:

1. *The proposal by reason of its layout, bulk and siting in relation to neighbouring residential dwellings constitutes an unsatisfactory and cramped form of development, seriously detrimental to the residential amenities which the occupiers of neighbouring properties might reasonable expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.*

2. *The proposal, by reason of its bulk, layout and siting, would constitute an unsatisfactory form of development, out of character with the pattern of*

*development, quality and distinctiveness of the surrounding area, thereby detrimental to the visual amenities of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.*

A subsequent appeal against the refusal of planning permission was dismissed. The Inspector referred to the character of the area as having an appearance of uniformity enhanced by the straight roads and reasonably consistent front building lines running through the area. Houses are quite closely spaced but the area has a pleasant landscape setting provided by street trees and the backdrop of mature vegetation from the rear gardens and railway embankment.

It was noted that the configuration of gardens in the corner provided by the right angle bend at the junction of Oak Tree Gardens and Portland Road is unusual in comparison with the prevailing pattern of development, resulting in a "significant tract of underused land behind the houses in this location." It was not considered that the demolition of the pair of semi-detached dwellings would be fundamentally out of character with the estate as a whole.

The Inspector drew attention to the ground levels on the site, noting that the ground levels on which the dwellings would be constructed would be at a higher level than those fronting Oak Tree Gardens and Portland Road. Concern was expressed at the likelihood that roof areas would be visible in the wider area, taking into account that most vegetation in the site would be removed increasing the visual contrast between the green appearance of the area and the proposed development. It could not be relied upon that vegetation on the railway bank would be retained since the embankment falls outside of the appeal/application site.

Reference was made to the height of the proposed dwellings along with their width and proximity to each other. However, the narrow access and corner position of the proposed development was considered to lend itself to a scheme with its own identity rather than an exact replication of the spatial standards of the estate as a whole.

However, the Inspector stated:

*"It is clear that the proposed dwellings would not have the same amount of space around them or garden sizes as the surrounding estate, and therefore the proportion of hard surfacing and buildings to green spaces would be higher. I also note that the gardens to No 87 and 93 would be considerably reduced in size. While I recognise that the level of outside space provision and the appearance of spaciousness would be an improvement on the previous scheme, I remain of the view that because these properties would be in a slightly elevated position, together with their height and number of dwellings proposed and the loss of landscape setting, this would lead to an intensity of development in this corner which would be at odds with its presently verdant nature which provides an attractive setting for the wider area."*

With regards to the impact of the proposal on the residential amenities of neighbouring properties, the Inspector considered that the reductions in the



scheme under consideration limited the degree of overlooking to an acceptable degree. The introduction of sound attenuating fencing along the boundaries with neighbouring residential dwellings would limit the impact of noise and disturbance associated with the access drive to an acceptable degree.

The concerns expressed regarding flooding and surface water drainage issues were noted. However the Inspector referred to the lack of Environment Agency objection to the original scheme for 8 dwellings. It was also considered that the provision of 18 car parking spaces would be a reasonable provision for the development.

#### 16/04446: 6 dwellings

Planning permission was refused for the demolition of 89 and 91 Oak Tree Gardens and the erection of 6 two storey three bedroom houses, arranged as three semi-detached pairs. The proposal incorporated the erection of a single garage for No. 87. Permission was refused on the grounds:

*"1. The proposal, by reason of the height and siting of the proposed dwellings, their elevated position and the proportion of the site given over to buildings and hardsurfaces, would have a detrimental impact on the character and appearance of the area, detrimental to its green and verdant nature and thereby contrary to Policies H7 and BE1 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.*

*2. The layout of the estate roads and access arrangements to the dwellings are inadequate to serve the proposal and as such would be prejudicial to the free flow of traffic and conditions of general safety within the development contrary to policy T18 of the Unitary Development Plan, 2006."*

An appeal against the refusal of planning permission has been submitted. The current application seeks to address the grounds for refusal of the previous application, stating with regards to the second ground above, that no technical highways objections have ever been received regarding the proposed development. Members will note that this position is maintained, and that no technical highways objections have been raised in respect of this current application.

#### **Conclusions**

In assessing the merits of the proposal the main issues are considered to be the impact of the proposal on the residential amenities of the occupiers of neighbouring residential dwellings and the impact of the development on the character and appearance of the area.

The appeal decision in respect of the previous proposals is a material consideration in the determination of the application, as is the refusal of planning permission under reference 16/04446. It is necessary to consider whether the development that is currently proposed would overcome the concerns expressed by the Inspectors at appeal and the reasons for refusal of application 16/04446.

Members will note that the Inspectors have raised no objection in principle to the development of the rear garden land, subject to the provision of a satisfactory development that would complement the character of the area.

The primary concerns expressed in dismissing the most recent appeal related to the cumulative impact of the height and number of dwellings proposed to be sited in a slightly elevated position alongside the loss of landscape setting. The proposal was considered to lead to an intensity of development "at odds with its presently verdant nature which provides an attractive setting for the wider area."

A comparison between the previously dismissed and currently proposed schemes may be helpful in assessing the extent to which the current proposal addresses the grounds for dismissing the appeal and the extent to which the current proposal represents an improvement over the scheme refused planning permission under reference 16/04446.

The applicant has amended the scheme in the following ways (in comparison with 15/05236 dismissed at appeal and 16/04446 refused planning permission most recently):

- Reduction in the number of units from 7 (15/5324) to 6 (16/04446 and current scheme).
- Roof pitch reduced from 42 degrees (15/05324) to 30 degrees (16/04446) to 25 degrees (current application).
- The ridge height from external ground level has reduced from 9.2m (16/04446) to 7.4m, which is also a reduction in height from the dismissed scheme (15/05236) which proposed a ridge height of 8.8m.
- The eaves height has reduced from 6m (16/04446) to 5.2m (compared with the eaves height of 5.7m which was proposed in the scheme dismissed at appeal). This reduction in the height of the dwellings has been achieved by the reduction in the pitch of the roofs and the incorporation of the small crown roof element which would also reduce the floor to ceiling height available within the formed roof space and thereby limit the potential for accommodation within the roof slope.
- The number of parking spaces has been reduced in order to provide an enlarged area of soft landscaping and screening planting between the access drive and the flank elevation of House 5. In total 14 spaces are proposed to serve the 6 houses, including 2 visitor spaces, in addition to parking associated with No. 87. Under reference 16/04446 16 spaces were provided to serve the new development.

#### Impact of the proposal on the residential amenities of the area

In view of the Inspector's findings in respect of the previous scheme, the grounds for refusal of 16/04446 and taking into account the proposed provision of noise

attenuating boundary fencing and landscape screening to the boundaries with adjacent dwellings it is considered that the proposal would not have a significant impact on the residential amenities of neighbouring properties.

The proposal would not result in undue overlooking and unacceptable noise and disturbance associated with the use of the access road and manoeuvring within the site. As a consequence of the separation between the buildings and the boundaries of the site it is not considered that the outlook from neighbouring gardens and windows would be unduly affected as a consequence of the proposal.

#### Impact of the proposal on the visual amenities, pattern of development and distinctiveness of the locality

It falls to be considered whether the amendments represented in the current scheme adequately overcome the concerns expressed within the appeal decision pursuant to 15/05324 and the scheme refused under reference 16/04446. A key consideration in the appeal was the appearance of spaciousness within the site, the height and slightly elevated position of the dwellings and the loss of the landscaped setting. The Inspector was concerned that the intensity of the development in this corner would have been at odds with the current verdant nature of the site, which was considered to provide an attractive setting for the wider area. In reaching the decision to dismiss the appeal the Inspector referred to the proportion of hardsurfacing and buildings relative to green spaces. It was considered that the proposal would have appeared as overdevelopment in the location and that the Council's concerns regarding the impact on the character and appearance of the area were justified.

This current application has increased the area of soft landscaping at the turning/manoeuvring space adjacent to the boundary with proposed dwelling No. 5. The more limited extent of this landscaping buffer, in tandem with the height to eaves and overall height of the dwellings, proposed under 16/04446 was considered to fail to address the Inspector's concerns regarding the extent to which the development would be appreciable from outside the site.

It is considered that the increase in the landscaping at this location in conjunction with a reduction in hardstanding parking spaces would improve the appearance of the development, and that this combined with the reduction in height of the proposed dwellings would satisfactorily overcome the previous grounds for refusal relating to the impact of the development on the character and appearance of the area.

It is acknowledged that the development would be appreciable from the surroundings of the site and that it would replace an existing large area of garden land and as such would have an impact on visual amenity. However, the Inspector found that the principle of the residential redevelopment of the site would be acceptable, describing the site as under-used. The current scheme is considered to provide a satisfactory balance between hard and soft landscaping, open amenity space and the footprint of built development, along with the reduction in the height of the dwellings adequately addressing the visual impact of the development.

## Highways

Members may recall that when the previous application (16/04446) was refused an additional ground for refusal was added which referred to the layout of the estate roads and access arrangement to the dwellings, stating that these were inadequate to serve the proposal. It was considered that as such the development would have been prejudicial to the free flow of traffic and conditions of safety within the highway.

There were no technical highways objections to the proposal then under consideration and there remain no technical highways objections to the proposed development. It is noted that the number of parking spaces proposed on the site has reduced from 16 to 14 but this provision would meet the parking standards for a development of this scale. It is noted by the Highways Engineer that more spaces were proposed under the previous application than were required to serve the needs of the development.

It is acknowledged that the current scheme has not amended the estate road and access arrangements and as such does not directly address the additional ground for refusal of 16/04446. However, in view of the lack of any technical objection to the proposal it falls to be considered whether the ground for refusal would be sustainable should an appeal against refusal of planning permission be submitted. (It is noted that an appeal against the refusal of permission 16/04446 was lodged shortly before the submission of this application, that previous appeal decisions have established that there are no highways objections to the developments in question, and that in each case the layout of the estate road and the access arrangements have been substantially similar).

In view of the lack of technical objections to this and previous applications, past grounds for refusal and subsequent appeal decisions it is not considered that the refusal of planning permission on highways grounds would be reasonable and sustainable at appeal.

## Other matters

The concerns raised by local residents regarding flooding, drainage, parking and highways safety are noted. However, no technical highways objections are raised to the proposal regarding the number and siting of parking spaces or future servicing of the site by refuse/emergency vehicles. The width of the access road and manoeuvring space within the site are considered acceptable, and no technical concerns are raised regarding the vehicular/pedestrian access to the site in context with the host street.

In dismissing the appeal, the Inspector referred to the concerns raised regarding potential for flooding and surface water drainage issues in the area. It was considered that there was insufficient evidence before the Inspector to suggest that this was an issue in that case, and it is noted that the Environment Agency have not raised objections to this or previous applications on the site. The application site itself does not lie within a designated Flood Zone although it is acknowledged that nearby properties which are sited closer to the Quaggy River and Chinbrook

Meadows are located with a Flood Zone. The Environment Agency noted that the previous application (16/04446) fell outside of their remit as a statutory consultee.

### Summary

It is considered that the proposal would have no significant adverse impact on the residential amenities of the occupiers of neighbouring residential dwellings and would not have a detrimental impact on parking and conditions of safety within the highway. On balance it is considered that the current scheme adequately addresses the concerns raised at appeal and in respect of the most recent refusal of planning permission regarding the impact of the proposal on the visual amenities of the area and the character and appearance of the locality.

The impacts of the scheme proposed under 16/04446 were finely balanced. The current proposal, which includes a reduction in the overall height of the buildings in tandem with a reduction in the proportion of the site given over to buildings and hard surfaces is considered to overcome the previous concerns regarding the impact of the proposal on visual amenity and the character of the area.

Background papers referred to during production of this report comprise all correspondence of files refs. 14/04443, 15/05324, 16/04446 and 17/01122, excluding exempt information.

### **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 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.**

- 3 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.

- 4** The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 appearance of the building and the visual amenities of the area.

- 5** The development hereby granted planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

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

- 6** 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.

- 7** 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.

- 8** 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.

- 9** 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.

- 10** 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.

- 11** 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.

- 12** 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.

- 13** 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.

**14** 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 secure a satisfactory means of surface water drainage and to prevent run-off onto to the highway and adjacent properties.

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

**Reason:** In the interest of highways and pedestrian safety and to accord with Policy T18 of the Unitary Development Plan.

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

**Reason:** In order to prevent an overdevelopment of the site, in the interest of the visual and residential amenities of the area, and in accordance with Policies BE1 and H7 of the Unitary Development Plan.

**17** 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.

**18** Before the development hereby permitted is first occupied the proposed first floor windows in the eastern flank elevation of house 4 and house 5 shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed and the windows shall subsequently be permanently retained as such thereafter.

**Reason:** In the interest of the residential amenities of the occupiers of the neighbouring dwellings and to accord with Policy BE1 of the Unitary Development Plan.



**19** 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 the interest of the visual and residential amenities of the area and to accord with Policies BE1 and H7 of the Unitary Development Plan.

**20** The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained as such thereafter.

**REASON:** To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that :

- 1** 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)
- 2** 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.
- 3** Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus considered necessary and practical to help with the modification of the vehicular crossover hereby permitted shall be under taken at the cost of the applicant.
- 4** You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)