

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

Application No : 17/00624/OUT

Ward:
Copers Cope

Address : 56A Foxgrove Road Beckenham BR3 5DB

OS Grid Ref: E: 538411 N: 169983

Applicant : McCulloch Homes

Objections : YES

Description of Development:

Demolition of existing block of 6 flats and garage block and construction of three/four storey block of 18 flats with car parking and landscaping (OUTLINE APPLICATION)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Proposal

Outline planning permission is sought for the following:

- Demolition of existing block of 6 flats and garage block to rear
- Three/four storey replacement block of 18 flats (8 x 1 bed; 8 x 2 bed; 2 x 2 bed wheelchair units)
- Car parking for a total of 21 cars is proposed with 18 space situated towards the rear of the site accessed via the existing access arrangement and a further 3 spaces at the front of the site
- Refuse storage is located at the front of the site
- Cycle parking for 30 bicycles is proposed
- A landscaping layout is provided which the applicant has marked as illustrative at this stage.

The reserved matters being applied for at this stage are access, landscaping, layout and scale, with the appearance of the development reserved for future consideration.

The applicant has submitted the following reports in support of the application which are summarised below:

Air Quality Assessment by Air Quality Consultant (March 2017)

This assesses the air quality impacts associated with the construction and operation of the proposed development. It acknowledges that the site is within an AQMA. It concludes that the construction works will give rise to a low risk of dust impacts however considers mitigation measures necessary in the form of "basic best practise measures to minimise dust emissions". Air quality conditions for new residents within the development have also been considered and air quality for new residents will be acceptable. However, while the development will be at least 'air quality neutral' in terms of building emissions, it will exceed the relevant transport emission benchmarks and mitigation measures to offset the excess in air quality neutral emissions will therefore need to be agreed with the Council.

Daylight and Sunlight Assessment by Herington Consulting Ltd (June 2017)

Analysis was carried out to examine the impacts of the proposed development on the amount of daylight enjoyed by neighbouring buildings in line with assessment criteria prescribed by the BRE Guideline. It concludes that the reduction in daylighting to the windows of the neighbouring buildings is less than the value that is considered to represent a notable impact.

The assessment of the impact of the proposed development on the sunlight enjoyed by the neighbouring buildings has also shown that whilst there will be a reduction in the number of probable sunlight hours enjoyed by these windows, this reduction is also within the limits prescribed by the BRE Guidelines as being acceptable.

Energy Statement by BBS (Feb 2017) (addendum received 02/06/17)

This sets out the methodology and results in order for the scheme to meet the energy conservation target required to meet policy 5.2 of the London Plan. The key measures and carbon dioxide emissions targets proposed for the development have been set out in an energy hierarchy which first details passive energy efficiency measures, such as building typology and orientation, and improved insulation, together with higher efficiency, or heat recovery ventilation systems which should be employed to meet or exceed the regulatory requirements.

The use of combined heat and power (CHP) and connecting to an existing decentralised network has been considered, however, there are no existing energy networks within reasonable distance of the site and it was considered that CHP would not be appropriate due to the size of the scheme which would only provide 18 units.

In terms of renewable energy options the report finds that the only feasible options would be roof-mounted photovoltaic panels which is proposed to mount on the flat roofed part of the building. It is estimated that the total regulated emissions including renewable savings will be 13,473 kgCO₂/yr.

An addendum to the energy statement was received which confirms that the carbon offset fee which the developer will be liable to pay in respect of this development is £24,210.

Flood Risk Assessment and Drainage Strategy Report by Considine (March 2017)

This report has been produced to assess the flood risk to and the potential for increased flood risk from the proposed development. The site is identified as being within Flood Zone 1 (land assessed as having a <0.1% (1 in 1000) probability of river or sea flooding. Therefore the risk from fluvial or tidal sources is considered to be low. Furthermore, the site is not at risk of flooding from overland (surface water) flows and the risk of flooding from groundwater, sewers, highway drainage and private drainage is also considered to be low. Having considered all potential sources of flooding to the development, the main risk of flooding to the site, post development, is believed to be the newly constructed surface water drainage system.

It is proposed that the surface water run-off from the proposed development will be drained via a traditional piped system which will discharge to an attenuation tank to restrict surface water run-off to a maximum of 3.5l/s.

Preliminary Ecological Appraisal by ASW Ecology (June 2017)

The appraisal was carried out during May and June 2017. It finds that the overall protected species potential at the site is considered to be bats, reptiles (slow-worms) and breeding birds. The additional visit to the site undertaken on 17th June 2017 to search the roof voids of the existing flats plus the garages where access was possible found that there is no genuine bat roost potential at the buildings. While the mature trees with dense ivy cover do have much better potential for bats, these will not be impacted by the works as none of these will be felled.

Breeding bird and reptile potential was found in the gardens of the property however it is unclear if reptiles are present or not. Nevertheless, avoidance measures have been put forward. No badger setts were found at the property and no water bodies that great crested newts could use were present.

It concludes that there will be no significant impact on the local ecology or biodiversity in regards to the development proposal. Best practise guidelines are should be followed during works in regards to both breeding birds and bats. In addition, it is recommended that reptile exclusion fencing is installed across the rear garden with the taller grass, behind the garages, before any vegetation clearance begins.

Statement of Community Involvement

On 11th March 2017 the applicant held a Public Consultation event at St Paul's Church, Beckenham. The event was publicised by a letter drop to 102 properties in the immediate vicinity of Foxgrove Road and side streets. Over 35 people attended the event. Comments received from attendees predominantly related to noise, dust and construction traffic however the applicant asserts that the overwhelming response to the scheme was supportive and positive. Appended to the statement are the invitation to the event, the register of attendees and comments received.

Support letter from Moat (March 2017)

This letter provides assurance that the proposed affordable units will meet London Design Standards, including 2 wheelchair homes and they will enter into the Council's Nominations Agreement and also ensure that the shared ownership homes are affordable and priority is given to Bromley residents.

The letter indicates the Developer's potential intention to increase the number of affordable homes on this development to 100% with all homes being shared ownership. On 2nd June 2017 Moat submitted a further letter in support of delivering the whole development as shared ownership. More recently, confirmation has been received from the applicant confirming that the development will provide 35% affordable housing (on a habitable room basis) with a proportion of these being affordable rented as well as shared ownership units.

Transport Statement by Considine (March 2017)

This report assesses the existing transport opportunities to the site. There are 2 bus stops located at 130m and 240m from the site. Ravensbourne railway station is located within a 320m radius. There are also cycle routes in the vicinity of the site and Beckenham High Street located a 1400m 'maximum preferred' walking distance of the proposed development site. The level of traffic likely to be generated by the development is an additional 6 trips during both the AM and PM peak period and concludes that this fall within the limits of daily fluctuations in traffic flows and would therefore have no adverse impact on highway safety or the capacity of the existing road network. Furthermore, it states that

car and cycle parking will be provided in accordance with UDP standards and that the access to the development can achieve the required sightlines.

Tree Survey by Treeventures Ltd (Feb 2017)

This records the condition of trees on the site, sets out the tree constraints including root protection areas and how this should inform the design of the scheme, assess the impacts of the development on existing trees which may arise and sets out a methodology for the implementation of any aspects of the development which may result in the loss or damage to a tree and measures which should be undertaken to prevent loss and damage.

7 trees have been identified for removal, including 3 category C trees to allow the proposed design layout. The report states that these are not significantly visible from the outside of the site and their removal is unlikely to detract from the general amenity value of the area. In addition, there is scope for replacement planting as apart from the landscaping scheme.

A series of mitigation measures are proposed in respect of protecting the retained trees. Further recommendations are also made in respect of further inspection being undertaken for bat roosts or bird nests before any tree work is carried out.

The application was also accompanied by a Planning, Design and Access Statement in which the applicant submits the following comments in support of the application:

- In principle, this is an area where new residential development is acceptable
- Bromley is currently unable to demonstrate a five year supply of housing land and therefore policies that are relevant to the supply of housing in the UDP are out of date and the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of providing new housing in such a location
- The scheme would make a significant and important contribution to the supply of housing in the Borough
- The proposed building would replace the existing two storey flats with a new block being part three/part four storey which addresses the transition in the street scene between the adjacent blocks of flats on either side of the site
- The siting of the building is comparable to the existing building in respect of the front building line and proximity to site boundaries
- It is also intended to retain the existing access to the rear of the site along the eastern boundary to access additional car parking and ancillary facilities at the rear of the site
- The proposed new building would respond to the changing levels of the site by stepping down the hill from east to west
- The building is a high quality design, articulated in both plan form and elevation and would contribute positively to the street scene
- Whilst of a contemporary design, the building incorporates a range of traditional materials which would respect the elevations of neighbouring buildings
- The scheme incorporates good sized communal amenity areas to the rear which would be well screened from the public domain and would provide future residents with appropriate levels of privacy in compliance with the Housing SPG
- Overall the design and layout of the scheme embodies the principles of good design
- The proposed building would relate well to, and be respectful of, existing neighbouring buildings along Foxgrove Road

- The proposals would ensure the retention of the mature garden area to the rear of the property - identified as a key feature of the character of the area by the planning Inspectorate
- The existing trees and vegetation to the front boundary line along Foxgrove Road would also be retained thereby ensuring that there would be no change in the character of the area or the street scene in that particular regard
- A total of 23 car parking spaces and 28 bike storage spaces would be provided to ensure that there would be no unacceptable highway and parking impacts arising
- The proposal would not cause harm to the amenity of neighbouring occupiers and there are no other demonstrably harmful impacts that have been identified by any of the technical reports and analyses that have been undertaken
- In conclusion the scheme represents a well-designed and beneficial redevelopment that would result in 18 new high quality apartments in a sustainable location and the presumption in favour of planning permission being granted should apply in this case.

Location

The site is approximately 0.26ha in area and is located on the south side of Foxgrove Road. It currently comprises a rectangular block of six flats located at the northern end of the site towards Foxgrove Road. To the rear of the site is a row of six garages and small vehicle turning area for use by the occupants of the existing flats. A vehicle access runs along the east boundary at an elevated level where it meets the flank side of the existing block. Large communal rear gardens are located behind (south) of the garages with extensive mature tree cover. Surrounding the site are similar flatted blocks with extensive rear gardens and tree cover.

The existing site falls from east to west putting the adjacent site, Pentlands, at a higher ground level than the application site and Coniston Court, to the west, on a lower level.

The site is not within a designated area in the London Borough of Bromley Unitary Development Plan (UDP) (2006) however east of the site beyond No58 (Pentlands) is the boundary of Downs Hill Conservation Area. The site has a Public Transport Accessibility Level (PTAL) rating of 1b (on a scale of 0 to 6b where 6b is the most accessible).

The site is within an Air Quality Management Area (AQMA).

Consultations

Nearby owners/occupiers were notified of the application by letter. Site notices were displayed and an advertisement was placed in the local press. Representations are summarised below:

- There are a few new mums nearby and are concerned that the construction work will effect routines i.e. open windows, use of gardens and sleep etc.
- is there a proposed outline for work and timescale?
- Beckenham is gradually losing its identity as a tranquil and quiet place to live
- if any more modern flats are built in in Foxgrove Road it will destroy the character of one of the most beautiful areas of Beckenham
- the traffic and noise levels will increase
- the wildlife from the park visit our gardens and by reducing garden areas through more building we are in effect not protecting a very special corner of our Borough that not only residents but everyone can come and enjoy
- no visitors parking is allowed for

- the plans allow for a 3-storey block to replace the present 2-storey block, with 2 penthouse flats on a 4th storey and a lift shaft. This must be the maximum height and the 4th storey must not be extended
- proposed development would have adverse impact on neighbouring property due to its size and increased bulk and elevation
- it will impact on privacy of residents due to overlooking, loss of privacy and the building having an overbearing impact
- the increase in size of property, mass and height would be intrusive and overbearing to neighbours especially to the rear of the neighbouring property at 58 Foxgrove Road and in particular to the garden area of 58 Foxgrove Road as it would be overlooked
- detrimental to the character and visual amenities of the locality
- additional parking problems, especially as its location is on the brow of the hill
- it could provide a blue print for over development in this area if this application was successful
- the proposed building would be larger and taller than other structures surrounding the site area. The intensity would be at odds with the local environment.

Consultee Comments:

The Council's Highways Engineer:

There is a pinch point where the access narrows to 2.9m and the applicant should provide a passing bay somewhere between the proposed block and rear parking. 21 car parking spaces are proposed for a mix of 18 one and two bedroom flats which is satisfactory. 30 cycle parking spaces are indicated on the submitted plans. The London Plan requires 28 spaces for the number and mix of units sizes proposed. The refuse store is close to the highway boundary, which is satisfactory, but this looks a bit small for 18 units therefore Waste Management Team should be consulted.

No objection in principle providing the above is addressed and subject to conditions.

Updated comments (06/07/17): The applicant has provided a passing bay as shown in revised drawing number 1000 C which is satisfactory.

The Council's Drainage Engineer:

The submitted Flood Risk Assessment & Drainage Strategy Report carried out by CONSIDINE with report No. 1669 FRA1 Dated 20 March 2017 to provide 12x3x1.2m deep attenuation tank to restrict surface water run-off to 3.5l/s is acceptable.

The Council's Environmental Health Officer:

No objections in principle to permission being granted. Recommend a condition to require details of mitigation measures to reduce transport emissions and an informative regarding compliance with pollution and noise from demolition/construction legislation as well as contacting the Council's Environmental Health team if suspected contamination is encountered.

The Metropolitan Police Designing out Crime Advisor:

As burglary features highly within the area and has done so for many years, I would request that the development be subject to the principles of Secured by Design and consultation to ensure sufficient security standards against the possibilities of residential burglary.

There is nothing within the current design proposal that would give me cause for concern.

Thames Water:

With regard to sewerage infrastructure capacity no objection. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, they would not have any objection to the above planning application.

Planning Considerations

The application falls to be determined in accordance with the following policies of the London Borough of Bromley Unitary Development Plan (UDP) 2006:

- BE1 Design of New Development
- BE4 Public Realm
- BE6 Environmental Improvements
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE13 Development Adjacent To Conservation Areas
- ER10 Light Pollution
- H1 Housing Supply
- H2 and H3 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- NE2 Development and Nature Conservation sites
- NE3 Nature Conservation and Development
- NE5 Protected Species
- NE7 Development and Trees
- NE9 Hedgerows and Development
- NE13 Green Corridors
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T8 Other Road Users
- T9 and T10 Public Transport
- T11 New Accesses
- T12 Residential Roads
- T14 Unadopted highways
- T15 Traffic Management
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of premises
- T18 Road safety

Affordable Housing Supplementary Planning Document (SPD)
Planning Obligations Supplementary Planning Document (SPD)

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

The final consultation for the Preferred Submission Draft Local Plan was completed on December 31st 2016. It is expected to be submitted to the Secretary of State for

examination in public in mid-2017. The weight attached to the draft policies increases as the Local Plan process advances.

Relevant policies from the Draft Local Plan include:

Draft policy 1: Housing Supply
Draft policy 2: Provision of Affordable Housing
Draft policy 4: Housing Design
Draft policy 8: Side Space
Draft policy 26: Health & Wellbeing
Draft policy 30: Parking
Draft policy 32: Road Safety
Draft policy 33: Access for All
Draft policy 37: General Design of Development
Draft policy 42: Development Adjacent to a Conservation Area
Draft policy 69: Development and Nature Conservation Sites
Draft policy 70: Wildlife Features
Draft policy 72: Protected Species
Draft policy 73: Development and Trees
Draft policy 77: Landscape Quality and Character
Draft policy 78: Green Corridors
Draft policy 79: Biodiversity and Access to Nature
Draft policy 116: Sustainable Urban Drainage Systems (SUDS)
Draft policy 118: Contaminated Land
Draft policy 119: Noise Pollution
Draft policy 120: Air Quality
Draft policy 122: Light Pollution
Draft policy 123: Sustainable Design and Construction
Draft policy 124: Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
Draft policy 125: Delivery and Implementation of the Local Plan

In strategic terms, the application falls to be determined in accordance with the following policies of the London Plan (March 2015):

2.18 Green Infrastructure
3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.6 Children and young people's play and informal recreation
3.7 Large residential developments
3.8 Housing choice
3.9 Mixed and balanced communities
3.10 Definition of affordable housing
3.11 Affordable housing targets
3.12 Negotiating affordable housing on individual private residential and mixed use schemes
3.13 Affordable housing thresholds
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.7 Renewable energy
5.9 Overheating and cooling
5.10 Urban greening
5.11 Green Roofs and Development Site Environs
5.12 Flood risk assessment

- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

The 2015-16 Minor Alterations (MALPs) have been prepared to bring the London Plan in line with the national housing standards and car parking policy. Both sets of alterations have been considered by an independent inspector at an examination in public and were published on 14th March 2016. The most relevant changes to policies include:

- 3.5 Quality and Design of Housing Development
- 3.8 Housing Choice
- 6.13 Parking

The relevant London Plan SPGs are:

- Housing (March 2016)
- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Providing for Children and Young People's Play and Informal Recreation (2012)

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account. The most relevant paragraphs of the NPPF include:

- 14: achieving sustainable development
- 17: principles of planning
- 47-50: housing supply
- 56 to 66: design of development
- 69, 73, 74: promoting healthy communities
- 109 -111, 118, 120 - 121: nature conservation and biodiversity
- 128 -137: heritage assets
- 196-197: Determining applications
- 203-206: Planning conditions and obligations

Planning History

15/05329/FULL1 - Planning permission refused and dismissed at appeal for Construction of a three storey block of 6 two bedroom and 3 three bedroom flats with associated car parking and amenity space to the rear of the existing block at No.56. The Inspector, in her assessment of the appeal, came to the conclusion that due to a significant proportion of the site being occupied by the proposed flats building or hard surfacing, the height and scale of the proposed buildings and its proximity to site boundaries, the proposed intensity of the scheme would be at odds with the spacious rear garden environment in which it would be located.

Furthermore, to accommodate the proposed development a significant number of trees would need to be removed as well as a number of shrubs and there would be limited opportunity to replace the trees that would be removed or to provide a meaningful soft landscaping scheme.

For these reasons the proposed scheme would appear cramped on the site, would fail to respect the sylvan quality of the back garden environment and spacious and verdant qualities of the surrounding area and would therefore seriously and unacceptably harm the character and appearance of the locality, contrary to policies H7, BE1 and NE7 of the UDP, policies 3.5 & 7.4 of The London Plan and the NPPF.

Furthermore, it was not demonstrated that it would be possible to make appropriate arrangements for waste servicing. Accordingly the scheme would conflict with policy BE1 of the UDP which encourages sustainable design and requires new development to respect the living conditions of the occupiers of adjacent buildings.

Assessment

The NPPF, at paragraph 14, sets out a presumption in favour of sustainable development and states that for decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The weight to be afforded to individual policies, alongside other material considerations, falls to the decision-maker to consider within the balance of paragraph 14.

The main issues to be considered in respect of the current proposal are:

- Housing Land Supply
- Design
- Density
- Impact on Neighbouring Amenity
- Housing Issues
- Highways Impacts
- Trees, Landscaping and Ecology
- Energy and Sustainability
- Pollution and Contamination
- Drainage
- Planning Obligations

Housing Land Supply

Paragraph 49 of the NPPF states that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Policies including 3.3 of The London Plan 2016, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

The Council's latest Five Year Housing Land Supply paper was reported to and agreed by Development Control Committee on 24.11.2016. It concludes that the Council does have five years' worth of housing supply and it has informed the Council's Proposed Submission Draft Local Plan (November 2016) that was out for public consultation until the end of December 2016.

The proposal for an additional 12 residential units at this site could therefore be seen as making a small but positive contribution to the London Plan's targets for new homes in the Borough. The following sections of the report consider whether the development in the manner proposed would constitute sustainable development and should be granted in accordance with paragraph 14 of the NPPF or if it would have adverse impacts which would significantly and demonstrably outweigh the benefits of the increase in the Borough's housing supply.

Design

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (Para's 56-57, NPPF).

Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development; respond to local character, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; and ensure that development are visually attractive as a result of good architecture and appropriate landscaping (Para.58, NPPF).

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

The London Plan at policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people's access to social and community infrastructure (including green spaces). Development should enable people to live healthy, active lives, maximise the opportunities for community diversion, inclusion and cohesion and the design of new buildings and spaces should help reinforce the character, legibility, permeability and accessibility of the neighbourhood. Buildings, streets and open spaces should provide a high quality design response that has regard to

the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass and contributes to a positive relationship between the urban structure and natural landscape features. Furthermore, development should be human in scale and create a positive contribution with street level activity (policy 7.4, London Plan).

Consistent with this policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP) requires new developments to be imaginative and attractive to look at; 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; the space about buildings should provide opportunities to create attractive settings and security and crime prevention measures should be included in the design and layout of buildings and public areas. Draft Policy 37 of the proposed submission Draft Local Plan takes a similar stance and, additionally, requires that recycling and waste storage facilities are incorporated within the design layout.

UDP policy BE13, Draft policy 42 and London Plan policy 7.8 all seek essentially to preserve and enhance the setting of the adjacent conservation area and not detract from views into or out of the area.

Policy H7 of the UDP and Draft policy 4 also require development to comply with the relevant density ranges. Whilst a quantitative assessment could be made using a numerical calculation of density, however, it also recognises the importance of considering the qualitative feel of the development in terms of its character and appearance and relationship to the established qualities of the area. Policy H9 of the UDP and Draft Policy 8 requires developments to maintain a minimum of 1m separation distance from the boundaries. However, this is a minimum and in areas characterised by greater separation distances a more generous spacing should be achieved.

The character of development in the surrounding area includes low density detached and semi-detached dwellings and flatted developments interspersed with clusters of modern higher density terraced housing developments. In principle it is an area where flatted residential development is therefore considered acceptable.

Since the dismissal at appeal of the previous (15/05329/FULL1) scheme, the applicant has amended the design substantially and now proposes a three/four storey block in approximately the same position as the existing block of 6 flats as opposed to a new block positioned towards the rear of the site in the existing garden area. This layout would be more in keeping with development in the surrounding area and would allow for the retention of the majority of trees on the site. While the footprint of the proposed building would extend further forward and further back than the existing building, the relationship to the side boundaries of the site would be similar and the development would not appear unduly cramped.

Access to the development would be via the existing crossover (adapted where necessary) leading to a rear parking area in a similar location to the existing garage block which will be demolished. While the associated hardstanding for the parking area would encroach further towards the western site boundary and south of the existing garage block, the amount of site coverage proposed from building and hard surfaces would not unduly impact upon the spacious and verdant qualities of the site and the applicant has demonstrated that an attractive soft landscaping scheme could be provided as part of the development. Furthermore, ample communal amenity space would be provided for future occupants.

The proposed layout would also allow for the positioning of refuse storage towards the front of the site in a convenient location for collection as well as cycle parking.

Although the final design of the building has yet to be agreed since appearance is a reserved matter, the scale of the development is a matter being considered at this stage. The 18 flats would be set within a predominantly three storey building with a fourth storey set in from the storeys below. Development adjacent to this site is three storeys at Coniston Court and three/four storeys at Pentlands with the fourth storey subservient to the main building. There are also other examples of four storey flatted development in the vicinity. The applicant has tried to address the overall massing of the building through the subservient fourth storey and stepping in the building at the corners so it would not appear as a solid unbroken block. Overall, the height and massing of the development is therefore considered acceptable in that it would not appear out of character with the area or harmful to the visual amenities of the street scene. Although appearance is a reserved matter at this stage, the applicant has indicated the use of brick and cladding for the external materials. While only indicative at this stage there are no objections in principle to these elevational treatments since brick is prevalent at development in the area and the use of contrasting materials would help to break-up the massing of the building further.

Overall, the layout proposed, which would allow the majority of trees and existing garden area to be retained, combined with the scale and form that the building would take is considered acceptable in that it would not detract significantly from the important characteristics of this area. Furthermore, the proposed building would not result in a significant impact on the setting of the nearby Downs Hill Conservation Area given the reasonable separation of over 30 metres and an intervening building at no 58 and important views into or out of the Conservation Area would be preserved.

Conditions are recommended relating to submission of the reserved matters, i.e. appearance, wherein a palette of high quality materials, including the use of green roofs and wall planting, where feasible, will be required.

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 Chapter 7 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). The London Plan states that residential density figures should be based on net residential area, which includes internal roads and ancillary open spaces.

The London Plan advises that development plan policies related to density are intended to optimise not maximise development and density ranges are deliberately broad to enable account to be taken of other factors relevant to optimising potential such as local context, design and transport capacity, as well as social infrastructure, open space and play (para.3.28).

The Housing SPG (March 2016) provides further guidance on implementation of policy 3.4 and says that this and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (e.g. employment or commercial floorspace), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility (para.1.3.8).

This site is considered to be in a 'suburban' setting and has a PTAL rating of 1b. The London Plan gives an indicative density range of between 35 and 95 units/ha (dependent on the unit size mix) and 150-250 habitable rooms/ha. UDP Policy H7 also includes a density/location matrix which supports a density of 50-80 units/ha and 200-250 habitable rooms/ha 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.

Taking into account the accommodation schedule submitted, the density calculations for the proposed development are approximately 176 habitable rooms/ha and 69 units/ha which is within/below the density ranges for the London Plan and the UDP. This is considered appropriate in this location given the relatively low PTAL rating of the site.

Impact on neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Concerns have been raised from local residents with regard to noise and disturbance from the construction of the development, the increase in intensity of the use of the site, traffic and parking implications of the development, the impact on neighbouring residents due to its size and increased bulk, the impact on neighbouring occupier's privacy and the effects on wildlife.

While the height and bulk of the development would be more substantial than the existing two storey development and would project further to the front and rear, as a result of the separation distances which would be retained to neighbouring buildings along with the stepping-in of the building at the rear, it is not anticipated that that the development would appear significantly overbearing from adjacent properties. While the impact of the development on occupiers of Coniston Court would be intensified somewhat due to this building being set at a lower ground level than the application site with a number of windows facing onto the application site, the applicant has submitted a daylight and sunlight assessment which confirms that the reduction in daylighting and sunlight to the windows of neighbouring buildings would be less than the value that is considered to represent a notable impact.

There are no flank windows on the elevation of Coniston Court nearest to the application site which would be impacted by the introduction of flank windows at the application building. The closest flank windows at Coniston Court would be sited around 11m from the side of the proposed building where windows serving habitable rooms are proposed and where balconies are proposed at the rear. While any potential overlooking from proposed windows would be limited due to the separation distances proposed, it is considered necessary and reasonable to impose a condition on any subsequent grant of planning permission to ensure that the proposed balconies nearest to Coniston Court are screened on their western side however to avoid overlooking to adjacent residential properties.

Any potential overlooking from proposed flank windows to neighbouring windows at Pentlands would also be limited due to the separation between the two buildings of around 8 metres. The submitted plans indicate that the flank windows in the upper floors of the building would be obscure glazed where facing Pentlands and it is recommended that this be secured by condition. Furthermore, due to the site levels, the proposed building would

be set at a lower ground level than Pentlands which would minimise any likelihood of the proposal resulting in an overbearing impact for occupiers of this adjacent flatted development.

While concerns have been raised regarding the increase in intensity of the use of the site, this is a residential development proposal within a residential area and it is noted that the access and parking arrangements would not be dissimilar to the existing arrangement. Subject to the development being acceptable from a technical parking and highways perspective, the development of this site for 18 flats is therefore unlikely to lead to a significant increase in noise and disturbance at adjacent sites.

Noise and disturbance to neighbouring properties during construction of the development can be managed as far as is practicable through a Construction Management Plan which should be submitted to the Council for approval as part of a condition of any planning approval given.

Technical highways and ecology issues are discussed later in the report.

Housing Issues

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups on the community; identify the size, type, tenure and range of housing that is required in particular locations; and where they have identified that affordable housing is needed, set policies for meeting this on site, unless off-site provision can be robustly justified (Para 50, NPPF).

Unit type/size:

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. The site's size and location in a suburban setting with good access to open space make it suitable for the provision of family housing. The applicant is proposing a mix of 1 and 2 bedroom flats. While some 3 bedroom units would be desirable, a number of the 2 bedroom units are large enough to accommodate 4 people and include a number of affordable units and wheelchair units. On balance, the mix of units proposed would provide a range of housing choice taking into account the requirements of different groups and are considered acceptable in this instance.

Affordable Housing:

Affordable housing will be sought on sites capable of providing 11 dwellings or more, a site area of 0.4ha or on sites providing over 1000 square metres of residential floorspace. The London Plan, at policy 3.8, states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought on schemes having regard to current and future requirements at local and regional levels and the London Plan's target of an average of at least 17,000 more affordable homes per year in London. Development proposals are required to create mixed and balanced communities with the size and type of affordable housing being determined by the specific circumstances of individual sites.

The development is considered liable for the provision of affordable housing on site and contributions by way of planning obligations under Policy IMP1 of the UDP. Policy H2 of the UDP requires 35% affordable housing (on a habitable room basis) to be provided with policy 3.11 of the London Plan requiring 60% affordable rented and 40% intermediate provision. A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision.

The applicant submitted revised schedule of accommodation on 19th June which confirms that 35% of the proposed units will be affordable (based on habitable room). Within the provision of affordable units 75% will be affordable rented units and 25% will be shared ownership (intermediate) units. Although this results in a higher proportion of affordable rented units than policy requires, there is a high level of need for affordable rented properties in this area and, on balance, this is considered acceptable. The affordable units will need to be secured through the completion of a Section 106 legal agreement should the application be considered acceptable overall.

Standard of living accommodation:

Although this is an outline application with the final designs to be determined at the appropriate stage, development plan policy, including policies BE1 and H7 of the UDP require that proposals for residential development provide a satisfactory form of living accommodation to serve the needs of the particular occupants and provide adequate private or communal amenity spaces.

Policy 3.5 of the London Plan, which was amended by the Minor Alterations in 2016, sets out the Mayor's aspirations for the quality and design of housing developments. The Housing SPG sets out further guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. New housing should promote and enhance the quality and character of local places and should meet the needs of all Londoners at different stages of life, particularly those of children and older people. Housing should be designed so that people can use it safely, easily and with dignity regardless of their age, disability, gender or ethnicity. It should meet inclusive design principles by being responsive, flexible, convenient, accommodating, and welcoming (para.2.1.4).

The 2016 Minor Alterations to the Plan adopted the nationally described space standard. This standard is set by Government and clearly set out in the Technical housing standards -nationally described space standard document (March 2015). The standards apply to all tenures. The proposed units all meet the minimum internal space standards and the proposed wheelchair units exceed the minimum standards.

In accordance with the London Plan Policy 3.8 ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The Housing SPG advises that affordable dwellings (where the Council has nomination rights) should be provided as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion). Affordable wheelchair units will additionally be required to comply with South East London Housing Partnership (SELHP) standards.

The applicant proposes 2 affordable rented wheelchair units on the ground floor of the building and have indicated that these will meet the majority of the SELHP standards. These particular units will need to be secured through a Section 106 legal agreement,

which should also require involvement throughout the build phase from the Council's Senior Occupational Health Therapist to ensure compliance with SELHP standards.

With regards to Part M4(2) (accessible and adaptable dwellings), for blocks of four storeys or less, the London Plan advises that Boroughs should seek to ensure that dwellings accessed above or below the entrance storey have step-free access. The plans show a lift will be provided at all levels and the applicant has confirmed that the development would meet this standard for the non-wheelchair units. The relevant category of Building Regulation will therefore need to be secured through planning conditions for the remaining units.

The London Plan Housing SPG says that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. The floor plans submitted show four flats on ground to second floors arranged around a single core. At third floor two flats are proposed. This arrangement would result in all flats being dual-aspect.

Amenity Space:

All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. For all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) suitable play space should be provided as part of the development scheme.

The proposed apartments would all have access to a private balcony or patio which all meet the minimum space requirements, as well as access to the amenity area at the very rear of the site. A proposed 1.2m fence is also indicated to the front and rear of the building, which sections of further areas of garden from adjacent car parking spaces to allow additional play and amenity space around the edges of the building which would be well overlooked from the flats. The quality and amount of amenity space which would be provided as part of the development is therefore considered acceptable and, overall, it is considered that the development would provide a satisfactory form of living accommodation for future occupants.

Highways impacts

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (Para.32).

Plans and decisions should also ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised while at the same time taking into account

policies set out elsewhere in the Framework. Therefore developments should be located and designed to, among other things: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic

and cyclists or pedestrians; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport (Paras.34-35, NPPF).

London Plan and UDP Policies also encourage sustainable transport modes whilst recognising the need for appropriate parking provision.

In accordance with paragraph 39 of the NPPF, if setting local parking standards for residential development, local planning authorities should take into account the accessibility of the development, its accessibility in relation to public transport, the type, mix and use of development, local car ownership levels and the overall need to reduce the use of high-emission vehicles. Car parking standards within the UDP and the London Plan should therefore be used as a basis for assessment.

Applying the London Plan maximum residential parking standards, the development would give rise to a maximum requirement for 36 parking spaces. Appendix II of the UDP gives a maximum requirement of 17 parking spaces for a development of this nature. 21 car parking spaces are proposed which is considered acceptable.

The applicant has submitted revised plans proposing a passing bay towards the rear parking area.

30 cycle parking spaces for the flats are provided within the site set out over three cycle stores situated adjacent to Foxgrove Road and to the rear car parking area. This level of provision would comply with the London Plan requirements set out in Table 6.3. Subject to conditions to secure an appropriate type of cycle stand and shelter, the proposal is considered acceptable from a cycling perspective.

Refuse and recycling storage is positioned adjacent to the front boundary of the site with the indicative landscaping proposals showing some proposed planting between the store and the highway boundary. While the location so close to the highway boundary may result in some impact on the visual amenities of the street scene, it is anticipated that this could be mitigated through the careful consideration of appearance at the reserved matters stage and by securing a high quality landscaping scheme to help screen the refuse store from Foxgrove Road. In terms of the impact on the amenities of adjacent occupiers, the store would not be in close proximity to any adjacent residential buildings and, subject to suitable appearance and landscaping, this aspect of the proposal is considered acceptable in that appropriate arrangements for waster servicing could be made.

Overall, it is considered that the development, as proposed, would not give rise to any significant parking or highways impacts. Highways, cycling and refuse conditions are recommended accordingly.

Trees, Landscaping and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing nets gains in biodiversity where possible (Para 109, NPPF).

Policy NE7 of the UDP requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which, in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Policy NE3 of the UDP seeks to protect wildlife features and where development is otherwise acceptable will seek through planning conditions or obligations suitable mitigation measures and the creation, enhancement and management of wildlife habitats and landscape features where damage to and/or loss of such features cannot be avoided. Policy NE5 prohibits development which would have an adverse effect on protected species. The presence of protected species is a material planning consideration.

While the applicant has asked for landscaping to be considered at this stage, only illustrative material has been provided and it will therefore be necessary to request further detail of a high quality landscaping scheme by condition.

Unlike in the previous application, the current proposal retains the majority of trees on the site. Seven trees are to be removed in total including a prominent sycamore tree sited adjacent to the front boundary of the site which the applicant states is required due to its poor quality. The Council's tree officer considers that the supporting arboricultural information has addressed the tree constraints and adopted protection measures to limit disturbance and, subject to these measures being adhered to, the development, as proposed, would not impact significantly on the retained trees.

Overall, the development would not unduly impact upon the sylvan quality of the back garden environment and spacious and verdant qualities of the surrounding area and is considered acceptable from a trees perspective.

The application is also accompanied by a preliminary ecological appraisal which initially found that the protected species potential at the site is bats, reptiles (slow-worms) and breeding birds. However, following subsequent investigation, it concludes that there is no genuine bat roost potential at the buildings which are to be demolished. Furthermore, none of the trees which have the potential for roosting bats are proposed to be felled as part of this development. Mitigation measures are also recommended in respect of breeding birds and reptiles. Subject to the recommendations in the report, the proposal would not significantly impact upon ecology or protected species.

Tree, landscaping and ecology conditions are recommended accordingly.

Energy and Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

In accordance with the energy hierarchy in policy 5.2 of the London Plan, updated following the implementation of the 2013 Building Regulations (see the Mayor's guidance: Energy Planning (guidance on preparing energy assessments (2015)), developments should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 35% above

that required by the 2013 Building Regulations. The development should also achieve a reduction in carbon dioxide emissions of at least 20% from on-site renewable energy generation.

The energy statement submitted as part of the application demonstrates that the scheme can achieve at least a 35% reduction in carbon emissions above the 2013 Building Regulations, through the use of a combination of energy efficiency improvements and an array of PV panels mounted on the roof of the development. The applicant has also agreed, in principle, to a cash in lieu payment of £24,210 to the Council to offset the remaining regulated carbon emissions up to 100%. This would need to be secured through the section 106 legal agreement attached to any subsequent grant of planning permission.

The proposal is therefore considered acceptable in respect of energy and sustainability. It would be appropriate to attach conditions requiring an updated energy assessment and final designs with the renewable energy technologies incorporated to any subsequent grant of planning permission.

Pollution and contamination

The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (Para.109, NPPF).

The application site is located within an Air Quality Management Area where London Plan policy 7.14 requires developments to be air quality neutral and not lead to further deterioration of existing poor air quality. The applicant has submitted an Air Quality Assessment to support the application which concludes that although the development would be air quality neutral in terms of building emissions, it would exceed the relevant transport emissions benchmarks. As such, mitigation measures are recommended to offset the excess in air quality neutral emissions which, it says, will need to be agreed with the Council.

Conditions are therefore recommended to ensure that details of mitigation measures to offset the excess in air quality emissions are submitted to the Council for approval, along with the mitigation measures outlined in the Air Quality Assessment including the provision of electric car charging points, the installation of low NOx boilers, the use of PV panels and the submission of a Construction Logistics Plan and a dust management plan and compliance with the SPG "Control of Dust and Emissions During Construction and Demolition" being implemented.

Drainage

Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13. The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS.

The proposals to provide an attenuation tank to restrict surface water run-off is considered to be acceptable in compliance with the London Plan hierarchy. Drainage conditions are recommended.

Planning obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

The development, as proposed, would give rise to the following contributions which the applicant has agreed, in principle, to pay should the application be considered acceptable overall:

Health: £16,956.00

Education: £42,964.60

Carbon Off-Setting: £24,210.

Therefore a legally binding planning obligation will be required to secure the above contributions as well as the affordable housing and the affordable rented wheelchair units.

The scheme would also be subject to Mayoral CIL.

Summary and Conclusions

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

The development, as proposed, would not unduly impact upon the sylvan quality of the back garden environment or the spacious and verdant qualities of the surrounding area. Furthermore, the scale and form which the building would take has been assessed and it is considered that it would not result in an undue impact on the visual or residential amenities of the area. The final appearance of the development along with a high quality landscaping scheme will need to be secured through the submission of details required by condition and at the detailed application stage.

Overall it is considered that the proposal represents a sustainable form of development which would make a small but positive contribution to the Boroughs housing supply and the application should be approved in accordance with paragraph 14 of the NPPF.

as amended by documents received on 20.03.2017 02.06.2017 06.06.2017 19.06.2017 10.07.2017

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

and the following conditions:

- 1 (i) Details relating to the
(a) appearance

shall be submitted to and approved by the Local Planning Authority before any development is commenced.

(ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

(iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: No such details have been submitted and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents unless previously agreed in writing by the Local Planning Authority:

Site wide plans/elevations/floor plans: 1000 C; 1001 B; 1002 B; 1003; 1004; 1005 A

Trees: U639TCP; U639TPP

Reports: Air Quality Assessment Report No: J2853/1/F/F1; Daylight and Sunlight Assessment (June 2017); Energy Statement: EST58671 Issue 1; Flood Risk Assessment and Drainage Strategy Report No: 1669 FRA1; Preliminary Ecological Appraisal Report No: ASW/MC/012/21/2017 (June 2017); Transport Statement Report No: 1669 TS1 A; Tree Survey: U639AIA

REASON: In order to comply with Policies BE1, BE4, BE6, ER7, NE7, NE12, T2, T3, T5, T7, T9, T11 and T18 of the Unitary Development Plan and in the interest of the amenities of the area.

- 3 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.

- 4 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

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

- 5 Details of a scheme of landscaping, which shall include the location, species and sizes of trees and shrubs marked up on a labelled plan and 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.

- 6 The development hereby permitted shall be carried out in complete accordance with the mitigation measures recommendations outlined in the Air Quality Assessment accompanying the application and, prior to development commencing, the applicant shall submit additional details of mitigation measures to offset the excess in air quality neutral emissions to the Local Planning Authority for approval. Any deviation from the approved measures shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

REASON: 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.

- 7 The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

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

- 8 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 a satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

- 9 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground floor slab level 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.

- 10 The development shall be implemented in accordance with the Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

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

- 11 The development hereby permitted shall be carried out in complete accordance with the survey, mitigation and biodiversity enhancement recommendations outlined in the Ecological Appraisal document accompanying the application. Any deviation from these recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

REASON: In order to comply with Policy NE5 of the Unitary Development Plan and in the interest of any protected species using the site.

- 12 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.

- 13 The development hereby permitted shall be carried out in complete accordance with the Energy Statement by BBS (Feb 2017) (as amended) including the provision of Photovoltaic panels on the roof of the building in accordance with details of their scale and appearance (including drawings showing sections through the roof of the building) which shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground floor slab level. The approved details shall be implemented prior to first occupation and shall be retained thereafter in operational working order.

REASON: In the interest of the visual amenities of the area and in order to seek to achieve compliance with the Mayor of London's Climate Change Mitigation and Energy Strategy and to comply with Policy BE1 of the UDP and policies 5.2, 5.3 and 5.7 of the London Plan.

- 14 Details of the means of privacy screening for the western side of the proposed balconies nearest to Coniston Court shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. The development shall be carried out in accordance with the approved details prior to first occupation and 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 adjacent residents.

- 15 Before the development hereby permitted is first occupied, the proposed upper floor window(s) in the eastern facing flank elevation of the building shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority 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.

- 16 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.

- 17 Before any part of the development hereby permitted is first occupied electric car charging points shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces.

REASON: In order to minimise the effect of the development on local air quality in line with Policies 6.13 and 7.14 of the London Plan

- 18 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 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

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

- 19 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

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

- 20 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 first occupied. 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.

- 21 The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The following approved plan/report shall be complied with:
Flood Risk Assessment & Drainage Strategy Report carried out by CONSIDINE with report No. 1669 FRA1 Dated 20 March 2017.

REASON: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties

- 22 The flat roof area of the second floor shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

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

- 23 No loose materials shall be used for the surfacing of the access drive, parking and turning area hereby permitted.

REASON: In the interest of pedestrian and vehicular safety and in the interest of the visual and residential amenities of the area and to accord with Policies BE1 and T18 of the Unitary Development Plan.

- 24 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' for the units identified in the application as non-wheelchair units and shall be permanently retained 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 reminded of your obligation under Section 80 of the Building Act 1984 to notify the Building Control Section at the Civic Centre six weeks before demolition work is intended to commence. Please write to Building Control at the Civic Centre, or telephone 020 8313 4313, email buildingcontrol@bromley.gov.uk.
- 2 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 3 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email address.management@bromley.gov.uk regarding Street Naming and Numbering.
- 4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 5 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

- 6** A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 7** No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 8** Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 9** Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 10** 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.