

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

Application No : 17/03076/OUT

Ward:
Chislehurst

Address : Kemnal Stables Kemnal Road
Chislehurst BR7 6LT

OS Grid Ref: E: 544638 N: 171611

Applicant : Mr T Pullen

Objections : YES

Description of Development:

Demolition of existing residential building, stables with sand schools, flood lighting and office and the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 6 1 bedroom dwellings with communal parking and private terraces

Key designations:

Conservation Area: Chislehurst

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

Smoke Control SCA 16

Proposal

The application seeks outline planning permission with all matters reserved for the demolition of the existing residential building (Toppers Oak), stables with sand schools, flood lighting and office and the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 6no. 1 bedroom dwellings with communal parking and private terraces.

Whilst plans have been submitted with the application, these are no more than illustrative given that the scheme is in outline provision with all matters reserved. The plans are considered to be an indicative representation of what the Applicant considers could be achieved on site. In determining the application Officers make reference only to the principle of the redevelopment of the site which includes an assessment on all relevant policy. Matters of appearance, means of access, landscaping, layout and scale will be subject to a reserved matters application at a later date. The decision on this application does not mean that the submitted plans are acceptable or not, as the detail within them is for consideration at reserved matters stage.

Location

The site measures 1.24ha in size and is located within the Chislehurst Conservation Area and the Green Belt. A livery business is located at the site with an associated dwelling.

The existing built development comprises a four bedroom, single storey dwelling with accommodation in the roofspace including dormers, and a courtyard arrangement of single storey self-livery stables with 29 boxes located around a courtyard, offices, sand schools with associated floodlighting and car parking. To the north of the site a combined vehicular and pedestrian access leads to the stables.

Mature planting is located throughout the site, including to the rear of the residential dwelling and northern most sand school. The site is bounded from Kemnal Road by a post and rail fence, with the residential dwelling and stables at a significantly higher land level than the highway. The site has a semi-rural appearance and the existing development is appropriate in its context being low key and predominantly related to the equestrian business.

Consultations

Nearby owners/occupiers were notified of the application and the following comments were received:

- The Kemnal Residents Association objects to this proposal on the grounds that it does not comply with the area's Green Belt status and would remove the type of "country" activity currently generated by the riding school/stables which contributes to the semi-rural character of the main part of Kemnal Road - a character which the Association is anxious to retain and to avoid further urbanisation of the northern part of the road.
- The Association's members are responsible for the maintenance of the main metalled part of Kemnal Road (unadopted) leading to the private roadway on which the site is situated. There is no means of access to the site other than via this part of Kemnal Road, and we are concerned that the proposed development would (because of the need for regular access and parking by residents of and visitors to the proposed new dwellings) generate more traffic in this quiet residential road. During the construction period, considerable additional heavy goods traffic can be expected. Previous experience has shown that this causes damage to the road (which residents would have to pay for) and nuisance to residents as a result of queueing heavy vehicles and vans.
- If the development is approved, the Association would strongly advocate a planning condition requiring formal before and after road inspections by highway engineers and the deposit of a financial bond to cover any necessary repairs.

Neighbours were consulted again on the 5th September due to an error in the description however no comments were received.

Highways - 'It is noted that this is an outline application with all matters reserved. The site has a PTAL assessment of 0 so the vast majority of trips are likely to be vehicular. This section of the Kemnal Road is private although there is a registered footpath (FP 35) over it.

The proposal is to demolish the existing stables and construct 6 x 1 bed and 2 x 2 bed dwellings. There are 8 parking spaces shown. The Planning Statement refers to a Transport Assessment (para 6.17) but one could not be seen with the application.

There are no visitor's spaces parking shown. More spaces are likely to be required and there does seem adequate space to provide them. There is no indication of how the refuse collection will be undertaken.

There is also a proposal for a replacement dwelling at Toppers Oak. As that is like for like I would have no issue with the principle'.

Following receipt of the Highways Officers comments, a transport note was submitted (25th July 2017) and the following comments were received from the Council's Highways Officer:

'The vehicular trip generation from the proposed residential units may be slightly underestimated given the poor public transport links but it is accepted they are unlikely to be significantly more than the stables appear to generate. There is no mention of the access layout and no further comments are made'.

Environmental Health (Housing) - The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Environmental Health (Pollution) – No objections subject to conditions

Drainage - There is no public surface water sewer near the site, so the applicant is required to make his own arrangement as how to dispose of surface water run-off. No objections are made subject to conditions

Conservation Officer - Although clearly quite indicative due to this being Outline, I consider that this proposal could be similar in bulk, scale and site layout to what is there at present and therefore may be considered to preserve the character and appearance of the CA. The elevations are at 1:250 which even at Outline stage is a very small scale and it would be useful at least to have 1:100 sections clearly showing max heights. It could be an improvement on the previously refused scheme 16/03627/FULL1.

Trees - The arboricultural submissions have adequately addressed tree constraints and implemented protection measures. Trees to be removed are not considered significant enough to prevent the proposals. Conditions are recommended.

Planning Considerations

The National Planning Policy Framework is a material consideration. Sections 4 'Promoting sustainable transport'; 6 'Delivering a wide choice of high quality homes'; 7 'Requiring good design'; 9 'Protecting Green Belt land'; and 10 'Meeting

the challenge of climate change, flooding and coastal change' are of particular relevance.

London Plan 2015:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 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

7.16 Green Belt

8.3 Community Infrastructure Levy Housing: Supplementary Planning Guidance.

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

- BE1 Design of New Development BE11 Conservation Areas
- ER10 Light pollution G1 The Green Belt
- L3 Horses, stabling and riding facilities NE7 Development and Trees
- H1 Housing Supply
- H7 Housing Density and Design H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments T18 Road Safety

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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The following policies are most relevant:

- Draft Policy 4 - Housing Design
- Draft Policy 8 - Side Space
- Draft Policy 30 - Parking
- Draft Policy 31 - Relieving Congestion
- Draft Policy 32 - Road Safety
- Draft Policy 37 - General Design of Development
- Draft Policy 41 - Conservation Areas
- Draft Policy 49 - The Green Belt
- Draft Policy 61 - Horses, stabling and riding facilities
- Draft Policy 113 - Waste Management in new Development
- Draft Policy 116 - Sustainable Urban Drainage Systems
- Draft Policy 119 - Noise Pollution
- Draft Policy 120 - Air Quality
- Draft Policy 122 - Light Pollution
- Draft Policy 123 - Sustainable Design and Construction

Green Belt policies are particularly relevant to this application:

Chapter 9 of the National Planning Policy Framework (NPPF) 2012 is a material planning consideration. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The National Planning Practice Guidance details that the NPPF is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected, as in this case as land designated as Green Belt.

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

Policy G1 of the UDP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. In this regard the policy does accord with the NPPF and is a material consideration.

The NPPF notes at Paragraph 87 that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to certain exceptions. Paragraph 89 states that the replacement of a building, provided that the new building is in the same use and not materials larger than the one it replaces is appropriate development in the Green Belt". Paragraph 89 also allows for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

NPPF Paragraph 90 states that: "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are: mineral extraction; engineering operations; local transport infrastructure which can demonstrate a requirement for a Green Belt location; the re-use of buildings provided that the buildings are of permanent and substantial construction; and development brought forward under a Community Right to Build Order".

Planning History

87/00049/FUL - Four detached single storey buildings comprising stables, tack room, toilets, rest room, store and garage - Refused and allowed at appeal.

16/03627/FULL1 - Demolition of existing residential building, stables with sand schools, flood lighting and offices and the erection of 3x five bedroom houses with underground swimming pool, basement accommodation, orangery and garages.

Reasons for refusal:

1. The proposal is inappropriate development which in principle and by reason of its size, location, design and siting would have a harmful impact upon the openness and character of the Green Belt and the purposes of including land within it, and for which no very special circumstances are considered to exist to clearly outweigh the harm to the Green Belt contrary to Policy G1 of the Unitary Development Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework (2012).

2. The proposal, by reason of its design, scale and urban character would be at odds with the identified semi-rural character and landscape qualities of the conservation sub-area which contributes to the character and appearance of the Chislehurst Conservation Area and the proposal would therefore fail to either

preserve or enhance the character and appearance of the Conservation Area and the character of the area in general, contrary to Policies BE1, BE11 of the Unitary Development Plan.

This application is currently at appeal with a Public Inquiry scheduled for February 2018.

Conclusions

Members will need to consider the principle of development as set out in the description within the site area defined. The submitted plans are not what is being considered at this stage as the application is in outline with all matters reserved. The decision on this application will not mean that the illustrative plans are acceptable or not acceptable, this will be determined at reserved matters stage.

The decision for Members is therefore whether a development of "Demolition of existing residential building, stables with sand schools, flood lighting and office and the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 6 1 bedroom dwellings with communal parking and private terraces" could be accommodated within the site in some form.

Green Belt

The main Green Belt issues for consideration are: the appropriateness of this development in the Green Belt; its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances. Members should note that as the application is in outline provision with all matters reserved, Officers are not considering the overall scale or layout of the development which will be subject to assessment within a future reserved matters application.

Green Belt - Whether the development is appropriate:

The applicant, as per the previously refused application, presents an argument to justify the proposal in Green Belt policy terms which argues that the proposal is appropriate development under both bullet points 4 and 6 of paragraph 89 of the NPPF. These are:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

With regard to bullet point 4, this refers to the replacement of a building. Given that the application involves the replacement of the stable buildings with the provision of 8 dwellings, it is not appropriate to consider the principle of one of the new dwellings under bullet point 4 but the redevelopment of the site should be considered as a single proposal as it is all part of the same outline application. The application is therefore considered under bullet point 6 of paragraph 89 of the NPPF.

With regard to bullet point 6 it is claimed that the site comprises previously developed land. The application site can be considered 'previously developed land' (PDL) as defined in the glossary of the NPPF, however it is important to note that this does not automatically mean that any development on PDL is appropriate or acceptable in the Green Belt. The only relevance of land being PDL in Green Belt terms is that it would fall to be considered under the exception in bullet point 6 of paragraph 89 in the list of new development which may be appropriate. It would need to then meet the further tests set out in that bullet point. The full test under this bullet point is that the limited infilling or complete redevelopment of such land can be appropriate development in the Green Belt "provided it does not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Whilst calculations have been made to attempt to demonstrate that the proposed development meets the aims of bullet point 6 with regard to not having a greater impact on openness than the existing development, Members should note that this application is in outline provision with all matters reserved, and matters of scale and layout which would be pertinent in assessing the impact of openness within the Green Belt, will be considered within a later application. This includes any footprint or volume, design and layout of the proposed dwellings and any associated development such as hard surfacing. The plans submitted by the Applicant are not the proposal to be considered, but an illustration of how the scheme could be taken forwards. .

Nevertheless, bullet point 6 makes explicit that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is appropriate within the Green Belt. The site is considered PDL as established within application reference: 16/03627/FULL1 therefore the partial or complete redevelopment of previously developed sites would be considered appropriate as long as the development would not have a greater impact on the openness of the Green Belt. The approach to considering openness on the basis of simple calculation of floor areas, volume or footprint is not set out in any policy and is too simplistic an approach to solely rely upon. In order to make a full assessment other matters such as the height, layout, character and materials of existing and proposed development can also assist in determining whether there is a greater impact on openness.

Officers note that the scheme is to provide 9 separate dwellings which, given the low PTAL rating of the site (1a) would result in transient vehicular and people movements across the site. Nevertheless, whilst there would be some impact to

the openness as a result of this, given the existing use of the site for 29 self-serving livery stables, the impact from the movements within the site is not considered materially worse than the existing use. As a result, Members may consider that in terms of activity, the proposed use would have no further impact upon openness.

It is therefore acknowledged that subject to a necessary future assessment of openness at reserved matters stage, the principle of a whole site re-development may be found to be acceptable subject to 9 dwellings of the sizes stipulated within the description of development being adequately accommodated on the site:

Proposed residential floor space

The description of development relates to the provision of 1 no. 4 bedroom house, 2 no. 2 bedroom and 6 1 bedroom dwellings with communal parking and private terraces. In order to ascertain whether the quantum of development proposed could be satisfactorily achieved within the site to comply with Green Belt policy, it is necessary to assess the minimum sizes these dwellings are likely to be with regard to relevant policy.

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The nationally described space standard requires various sizes of internal areas in relation to the number of persons and bedrooms provided in each unit.

The existing floor space for the stables equates to 568sqm and 143sqm for the house. Policy 3.5 of the London Plan requires a minimum of 90sqm and a maximum of 130sqm for a four bedroom property, a minimum of 61sqm and a maximum of 79sqm for a two bedroom property and a minimum of 39sqm and a maximum of 58sqm for a one bedroom property. When considering the minimum floor space requirement of the London Plan standards, a floorspace of 446sqm would be required to be compliant with the standards and when considering the maximum, a floorspace of 636sqm would be required, both of which seem feasible based on the existing floor space within the site and that proposed to be developed. As previously stated however, calculation regarding floor space are one element in assessing openness of which a future assessment must be made within a reserved matters application.

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 of the plan, 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 site has a PTAL rating of 1a (the lowest on a scale of 1a-6) and is considered a suburban setting for the purposes of this calculation. In accordance with Table 3.2, the recommended density range for the site would be 35-55 dwellings per hectare. The proposed development would have an indicative density of 21.84 dwellings per hectare. The proposed development would therefore sit below these ranges.

A numerical calculation of density is only one aspect in assessing the acceptability of a residential development. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity. Subject to more detailed consideration which will occur with the submission of the reserved matters application, the proposed residential density is deemed acceptable.

Highways

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP and London Plan should be used as a basis for assessment.

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

Whilst matters of access are a reserved matter, it is pertinent for Officers to consider whether it would be possible to accommodate parking for 9 dwellings within the confines of the site in order to adequately assess whether the site is capable for the siting of 9 dwellings. Comments have been received from the Council's Highways Officer who states:

'It is noted that this is an outline application with all matters reserved. The site has a PTAL assessment of 0 so the vast majority of trips are likely to be vehicular. This section of the Kemnal Road is private although there is a registered footpath (FP 35) over it.

The proposal is to demolish the existing stables and construct 6 x 1 bed and 2 x 2 bed dwellings. There are 8 parking spaces shown. The Planning Statement refers to a Transport Assessment (para 6.17) but one could not be seen with the application.

There are no visitor's spaces parking shown. More spaces are likely to be required and there does seem adequate space to provide them. There is no indication of how the refuse collection will be undertaken.

There is also a proposal for a replacement dwelling at Toppers Oak. As that is like for like I would have no issue with the principle'.

Following receipt of the Highways Officers comments, a transport note was submitted (25th July 2017) and the following comments were received from the Council's Highways Officer:

'The vehicular trip generation from the proposed residential units may be slightly underestimated given the poor public transport links but it is accepted they are unlikely to be significantly more than the stables appear to generate. There is no mention of the access layout and no further comments are made'.

The Officer acknowledges that further parking spaces will be required to be provided but states that there appears to be adequate space to provide them. A full assessment of highways matters, including an assessment of the impact on openness, will be considered within any future reserved matters application.

On balance, Officers consider that at this stage it may be possible to redevelop the site with regard to paragraph 89 bullet point 6 subject to any future development submitted within a reserved matters application not having a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Members may consider that given that this is an outline application with all matters reserved, that at this point very special circumstances are not required given that the principle of the redevelopment of the land is acceptable. Should reserved matters be submitted which show a scheme of development found to have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, then a very special circumstances argument may be required (or could be submitted) at that point.

Conservation Area and Local Character

In terms of visual amenity, the existing site forms part of a ribbon development with Uplands to the north and Brookside to the south on the western side of Kemnal road, heading out into open Green Belt land to the north. The site has a rural character, indicative of this part of the Chislehurst Conservation Area. The site is made up of several single storey buildings of a traditional rural character, which blend well with the verdant and pleasant surroundings.

The character and appearance of this sub-unit of the conservation area is essentially a rural character, described in the Chislehurst Conservation Area SPG as being "predominantly rural land in a diversity of tenures and activities... the land remains predominantly open, providing a largely rural atmosphere along the eastern boundary of the Conservation Area". The rural character of this part of Chislehurst is considered to provide an important buffer along the eastern part of the Conservation Area, and makes an important contribution to the context and setting for the remainder of the Conservation Area. The presence of rural activities and agriculture greatly enhances the sense of adjacency to the countryside, which is present throughout the Conservation Area.

The existing stables are not of particular historic interest, but nonetheless are sensitively designed and respond to the semi-rural context. This application is in outline provision with all matters reserved, as such matters concerning design and impact upon the Conservation Area are all for future consideration. Nevertheless, it is considered that the site is capable of redevelopment for residential dwellings which could preserve or enhance the character and appearance of the

Conservation Area, and the Applicant should make specific reference to the local plan policies and Chislehurst SPG guidance when finalising any future design.

Impact on Adjoining Properties

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.

The property is sited within a centralised location between Brookside to the south and Uplands to the north. Matters of layout and massing are subject to a future reserved matters application however the Applicant should be mindful of the impact of the development upon the residential amenity of the neighbouring properties. The car parking in respect of the dwelling should be sensitively located and not cause any nuisance by way of transient vehicular movements. Windows within the flank elevations should not cause any undue loss of privacy or overlooking. The property should not overshadow or appear overbearing to the surrounding neighbouring properties in compliance with Policy BE1. It would appear possible to accommodate the number of dwellings proposed without unacceptable impact on neighbouring properties subject to suitable design and layout.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

Landscaping

Landscaping matters are a reserved matter and will be subject to a future application.

Given the verdant nature of the site, the Tree Officer has made indicative comments on the application which are as follows: The arboricultural submissions have adequately addressed tree constraints and implemented protection measures. Trees to be removed are not considered significant enough to prevent the proposals. Conditions are recommended.

Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Summary

The site is considered to be able to be redeveloped for residential use as per paragraph 6 of the NPPF subject to an assessment as to the developments impact upon openness within a future reserved matters application. It is considered that the density of the proposed dwellings is likely to be acceptable and that the required floor space provision for compliance with the London Plan standards is not over and above that which already exists on site. On balance, Officers consider that at this point Very Special Circumstances are not required given that the application is in outline provision with all matters reserved, and subject to future applications, the principle of a whole site re-development for 9 dwellings of the size outlined within the description, is found to be acceptable in principle, subject to suitable reserved matters.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/03627/FULL1 and 17/03076/OUT as set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 **(i) Details relating to the appearance, means of access, landscaping, layout and scale 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 **No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.**
 - a) **The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the**

desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

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

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

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

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

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

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

3 Before the use commences the applicant shall submit to the Local Planning Authority details of any external lighting which provides details of light spillage to any neighbouring property. Once approved in writing by the Local Planning Authority the lighting shall be installed in accordance with the approved scheme and shall be permanently maintained thereafter, and no further external lighting shall be installed without the approval in writing of the Local Planning Authority

Reason:In order to ensure that no adverse impacts occur as a result of the lighting on residential amenity and surrounding open Green Belt land in compliance with Policy G1, BE1 and H7 of the Unitary Development Plan

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s)

of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order for the Local Planning Authority to consider all future application to protect the site from overdevelopment within the Green Belt and to ensure a high level of residential amenity is maintained for neighbouring owner/occupiers in compliance with Policy G1 and BE1 of the Unitary Development Plan

- 5 Details of the layout of the access road and turning area including its junction with Kemnal Road and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 1m in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.

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

- 6 Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

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

- 7 Parking bays shall measure 2.4m x 5m and there shall be a clear space of 6m in front of each space (or 7.5m if garages are provided) to allow for manoeuvring and these spaces shall be permanently retained as such thereafter.

Reason: In order to comply with Appendix II of the Unitary Development Plan and to the interest of pedestrian and vehicular safety.

- 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 Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

12 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

13 The development permitted by this 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 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.

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

14 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 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."

15 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.

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

The statement shall include details of:

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

Type and siting of scaffolding (if required);

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

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

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

Location of bonfire site (if required);

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

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

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

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

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

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

- 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** 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.

You are further informed that :

- 1** Registered footpath 35 runs along the eastern boundary of the application site. It is outside of the site and should not be affected by the granting of planning permission. However, due to its close proximity to the development, the applicant should be made aware, by means of an informative attached to any permission, of the need to safeguard pedestrians using the route, and that it must not be damaged or obstructed either during, or as result of, the development.
- 2** 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.
- 3** 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
- 4** 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