

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

**Application No :** 17/04892/FULL1

**Ward:**  
**Bromley Common And**  
**Keston**

**Address :** 128 Jackson Road Bromley BR2 8NX

**OS Grid Ref:** E: 542762 N: 166177

**Applicant :** Northstar 2000 Ltd

**Objections : YES**

### **Description of Development:**

Demolition of 128-130 Jackson Road and outbuildings and redevelopment with a 2 storey terrace of four 3 bedroom dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 22

### **Background**

The application is being reported to Planning Committee due to the applicant exercising their right of appeal against the Council's non-determination of the application.

The application was reported to Planning Committee on 21st December 2017. Members resolved to defer without prejudice to seek the submission of revised plans for the erection of three small detached cottage style dwellings with pitched roofs.

A new application has been submitted in this regard which remains invalid at the time of writing:

Demolition of 128-130 Jackson Road and outbuildings and redevelopment of the site with 3no. 3-Bedroom, 2-Storey detached dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments.

It will therefore be necessary for Members to consider whether the deferred application should be contested at Appeal or not.

The original report which recommended permission is repeated below for reference.

## **Proposal**

Planning permission is sought for the demolition of 128-130 Jackson Road and outbuildings and redevelopment with a 2 storey terrace of four 3 bedroom dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments.

The proposed dwellings would be accessed via the existing driveway and would be set back from the street frontage situated on the approximate footprint of the existing buildings. The dwellings would form a two storey terrace of 3 bedroom houses to the east of the plot.

The northern boundary of the terraced building is located 3.31m increasing to 3.93m from the site boundary. To the southern boundary it is located 1.5m from the boundary increasing to 2.5m at the closest rear flank wall section. A greater separation is indicated to the south front flank wall section of 5.5m. The terrace is arranged as two symmetrical pairs, with integrated bay windows and porches.

Internal layout plans indicate 4 three bedroom dwellings. The rear garden curtilage will vary between approximately 6m to 8m depth between terraced properties divided into private areas. Parking arrangements are provided in front of the properties and within the driveway to the northern boundary of the site with a total provision of 8 vehicles accessed from Jackson Road. A collective external refuse store is located within the front curtilage driveway and cycles spaces are provided for each property.

Materials are indicated as a traditional palette of materials, including brick, slate and traditional detailing of sash style windows and doors.

The application was supported by the following documents:

- Design and Access Statement
- Planning and Heritage Statement
- Sustainability Design and Construction statement
- Drainage Strategy and Maintenance Requirements
- Part M4(2) Statement

## **Location and Key Constraints**

The site is located on the east side of Jackson Road and comprises a pair of Locally Listed cottages located behind and to the east of No126 Jackson Road and accessed via a private driveway between No126 and No134. The properties surrounding the site are of later periods of construction with the buildings concerned dating back to at least the early nineteenth century. The site is not located in a conservation area.

## **Comments from Local Residents and Groups**

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

## Objections

- Create more traffic, pollution, noise.
  - Houses squeezed into a small piece of land.
  - Comments relating to the developer trying to buy up surrounding garden land.
  - Density is too high with overdevelopment of the site.
  - Concerns regarding highway access and pedestrian/vehicle safety.
  - The existing dwelling is "locally listed" although this carries no weight in terms of statutory legislation the property has some architectural value.
  - Detrimental impact to surrounding property by reason of height, bulk and orientation.
  - Concerns regarding increased parking problems and congestion.
  - Concerns regarding increased and direct overlooking, loss of privacy to properties in Aragon Close Hathaway Close and the property in front of the site to the west.
  - Style of houses is not in keeping with the area.
  - Concerns regarding the increased use of the access and implications to highway safety generally and access for emergency vehicles.
  - Jackson Road is already overdeveloped and overpopulated.
  - Increased noise and pollution
  - Site is inappropriate for a large redevelopment in such a cramped site area.
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- Comments relating to surrounding buildings not being indicated on the plans correctly.

## Officer response:

Revised plans have been received in respect of the siting of buildings/extensions outside the site area and assessed accordingly. An Officer site visit has also observed all extensions and additions to surrounding properties and their relationship to the proposed scheme.

## **Comments from Consultees**

Environmental Health Pollution Officer:

No objections to permission being granted.

Drainage Engineer:

No objection.

Highways:

The site is located to the rear of No. 126 Jackson Road and is in an area with PTAL rate of 1b on a scale of 0 – 6b, where 6b is the most accessible. Vehicular access is from Jackson Road utilising the existing arrangement leading to the car

parking area. Eight car parking spaces are indicated on the submitted plan which is acceptable. Eight cycle spaces are indicated on the submitted plan which is satisfactory. The bin store location is acceptable in principle.

Secure by Design Officer:

The scheme should achieve the physical security requirements of Secure by Design by incorporating the use of tested and accredited products.

Tree Officer:

The proposed plans show the demolition of the buildings on site and the construction of 4 dwellings. The Tree Protection Plan (TPP) by Sylvan Arb illustrates the removal of 5 category 'C' trees. These trees are of fair quality and are of early mature or younger. The removal of these trees to allow for the demolition and construction is considered appropriate. Further to this the TPP shows tree protection fencing to the east of the site to ensure the retention of these trees.

We consider the TPP to provide adequate protection to retained trees. Therefore we only require the application of the protection illustrated in the TPP.

## **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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 development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

### London Plan Policies

- 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 facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 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
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 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
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.16 Green Belt
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

## Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE10 Locally Listed Buildings
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

## Emerging Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 39 Locally Listed Buildings
- 73 Development and Trees
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

## Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

## **Planning History**

The relevant planning history relating to the application site is summarised as follows:

No.128

96/00591/FUL: Single storey front and side extension. Approved 01.05.1996

No.130

86/01399/FUL: Detached garage. Approved 25.06.1986

No 128 and 130:

17/02459/FULL1: Demolition of 128-130 Jackson Road and outbuildings and redevelopment with a 2 storey terrace of four 3 bedroom dwellinghouses and one 2 storey, 2 bedroom detached dwellinghouse, with associated landscaping, parking, cycle and refuse stores and boundary treatments.

The development was refused by reason of its siting, design, mass and scale and its relationship to adjacent dwellings in this location representing an inappropriate and visually obtrusive development harmfully at odds with the open spatial characteristics of the site and locality which is an important characteristic to the urban grain and pattern of development in the locality and also contributes to the character and appearance of the area.

Furthermore, the siting and proximity of the dwellings to neighbouring buildings and property boundaries were considered to have a serious and adverse effect on the perceived privacy and amenity enjoyed by the occupants of neighbouring property.

## **Considerations**

The main issues to be considered in respect of this application are:

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- The quality of living conditions for future occupiers
- Access, highways and traffic Issues
- Impact on adjoining properties
- Sustainability and energy
- Trees

## Resubmission

This application is a resubmission of a previously refused planning application. The main changes relate to the removal of the detached dwelling from the previous scheme and repositioning of the proposed terrace of four houses at a greater distance from the north and south boundaries of the site.

## Principle

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

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

The NPPF at paragraph 135 details that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Emerging Local Plan Policy 39 Locally Listed Buildings specifically refers to paragraph 135 emphasising this approach.

Policy BE10 of the UDP details that permission will only be granted for the replacement of locally listed buildings where it has been demonstrated that all reasonable options for the retention of the building have been considered and the proposed new building is of an exceptionally high standard of design.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise

as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The site is located in a primarily residential area and is currently developed for a single unit of occupancy for residential use across two original dwellings. Therefore, in this location the Council will consider a higher density residential development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

The existing buildings are Locally Listed as detailed above and therefore the historic significance of the local listing needs also to be considered in principle.

The listing entry details the historic information of the buildings as a "Pair of cottages with slated and clay tiled roofs and rendered walls". The submitted Heritage Statement notes that they first appear on the 1841 OS map with an early 19th century construction date. This is considered to be a realistic conclusion based on some of the photographs provided from the 1950's in the applicant submission.

In determining the acceptability of demolition, the significance of a locally listed building needs to be assessed and its contribution identified. The submitted Heritage Statement, uses Historic England's criteria for local listing. The Council's Conservation officer has reviewed the application and concurs with this approach.

On balance it is considered that the original setting of the building has been entirely eroded due to later periods of construction that now surround the site. The building itself has also been substantially altered, primarily through changes to its fenestration, roof and external facades. It is opined that if the building were to be now considered for local listing it would not meet the criteria for listing and the Council's own guidance in the Local List SPG states that historic significance is not normally enough on its own to warrant listing.

It is noted that the proposal submission has not demonstrated that all reasonable options for the retention of the existing buildings have been considered. However, this requires a balanced judgement in accordance with paragraph 135 of the NPPF.

In this case given the minimal weight that can be afforded to the historical significance of the existing building and the replacement development being of a generally good standard in terms of design approach using traditional design references and materials (discussed further below), on balance the scale of harm of the loss of the heritage asset is considered acceptable in terms of paragraph 135 of the NPPF.

Therefore, the provision of a replacement development of residential houses on the land appears acceptable in principle subject to the further assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements which are assessed below in greater detail.

### 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 1b and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-65 dwellings per hectare. The proposed development would have a density of 42 dwellings per hectare.

Therefore, the proposed development of the site would be within these ranges and maybe considered a suitable level of development for the site. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and 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 which are assessed below.

### Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that 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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must 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, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. London Plan and UDP

policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H9 of the UDP requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

The submitted Design and Access Statement goes some way to explain the design process and rationale that has led to the current revised proposed design.

The predominant character in the vicinity of the site in this part Jackson Road is of similarly sized and scaled forms of terraced, detached and semi-detached dwelling houses with regular spatial separation between boundaries. This has resulted in a cohesive character to the Jackson Road area that it is considered desirable to conserve within the locality.

In this case, the proposed terrace forms four three bedroom houses two storey in height and keeps a traditional design approach in terms of style, materials, mass and scale with pitch roofs as well as maintaining regular front and rear building alignments and ridge heights and landscaped rear garden areas.

The subdivision of the plot on the character, appearance and spatial standards of the area needs to be considered and any adverse effect on the locality of the bulk and mass of the replacement buildings, appearing as overdevelopment needs to be considered notwithstanding the density of development being within an acceptable range as detailed above.

The justification paragraph in respect of Policy H9 also details that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. This is to prevent a

cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

In this case the revised siting of the terrace building at greater distances from the flank boundary and removal of the previously proposed detached house has greatly improved the spatial standards and relationship of the building within the context of the pattern of development within the immediate locality.

The terrace building will also have relatively low eaves and ridge heights. The roof structure has been designed to limit the scale of the building to the elevations by positioning the eaves marginally lower than the internal ceiling height to reduce the height of the building overall. The siting of the building approximately centrally within the section of the site maximises separation distances to surrounding property rear elevations and view distances of the site. It is acknowledged that surrounding property views of the site will alter in terms of outlook. However, the siting of the building at the distances away from surrounding buildings will not be overbearing. The mass, scale and design style of the terrace building will also be comparable to surrounding similar property in Jackson Road with regard to the height, building proportions, roofscape and window proportions considered to echo the adjacent context. Therefore, the impact of the building within this revised scheme in terms of its mass and scale is considered minimal representing an unobtrusive infill development.

#### Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that 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 relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 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 Technical housing standards - nationally described housing standard (2015).

The floor space size of each of the houses is 89.86m<sup>2</sup> each respectively. The nationally described space standards require a GIA of 84m<sup>2</sup> for a three bedroom four person unit in relation to the number of persons, floors and bedrooms mix. On this basis, the floorspace size provision for all of the houses is compliant with the required standards and is considered acceptable.

The shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space the depth and width of the rear gardens are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse and is representative of the proportions of rear gardens in the vicinity.

### Highways

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. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

### *Car parking*

The Council's Highway Officer has reviewed the current application and not raised any objection to the level of parking provided off road at the site and the access onto Jackson Road. It is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

### *Cycle parking*

Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage within the open front garden area. This is not considered acceptable. However, a planning condition is recommended in this regard for further details to address this issue in connection with landscaping details to ensure the storage is secure and lockable as necessary.

### *Refuse*

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area adjacent to the north flank curtilage of the access way. A planning condition is recommended in this regard for further details of a containment structure and capacity.

## 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.

In terms of outlook, the fenestration arrangement will provide front and rear outlook for each unit overlooking amenity space or overlooking the street and vehicle access way primarily. Non habitable room flank windows in Unit 1 and 4 are also proposed.

Concerns have been raised regarding the terrace building directly overlooking properties to the west of the site causing loss of privacy and blocking natural light to neighbouring property.

The current scheme has revised the footprint position of the terrace and removed the additional detached dwelling from the scheme previously considered a significant impact in terms of direct overlooking to adjacent amenity space resulting in a loss of privacy.

As a consequence of the revisions undertaken the massing relationship of the proposed terrace building to adjoining dwellings at No124 and No126 has been considerably improved. A distance of approximately 21m is now provided to the rearmost point of the rear extension at No26 and approximately 23m to the main rear elevation. In relation to No 134 a distance of over 25m is achieved at an oblique angle to the site. While it is acknowledged that there will be a perception of greater overlooking the distances between the proposed and existing properties is considered to maintain a suitably level of privacy and as such is now considered to maintain an acceptable level of residential amenity to neighbouring property.

In terms of noise and disturbance concerns have been raised by neighbours that there would be excessive noise and disturbance. Neighbours principally fear those effects that would be generated by the proposed parking areas and increased use of the access way by vehicles. On balance the noise and disturbance generated by 8 parking spaces is considered as insufficient to result in significant material harm to neighbours in terms of vehicle movements to produce a harmful impact. Therefore, any increase in noise and disturbance that would result from the proposed development would not represent the substantial, additional material harm that might justify refusal of the application on this basis specifically.

## 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.

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.

### Trees

Policy NE7 states that proposals for new development will be required 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.

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to landscaping. A central birch tree and smaller peripheral trees are indicated to be removed on site to facilitate the development.

The Council's Arboricultural Officer has reviewed the scheme and not raised any objections in this respect. Full details of hard and soft landscaping and boundary treatment are recommended to be sought by condition as necessary.

### Security

The Metropolitan Police Designing Out crime Officer has advised that the scheme should achieve the physical security requirements of Secure by Design by incorporating the use of tested and accredited products. This is not required to be secured by planning condition. However, the security measures suggested are incorporated under Part Q of the Building Regulations.

### CIL

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

### **Conclusion**

The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and house type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner

and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/04892/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

**As amended by documents received on 07.11.2017**

**RECOMMENDATION: RESOLVE NOT TO CONTEST APPEAL**

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

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

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

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

- 3 Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area**

- 4 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.**

- 5 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the**

boundaries of the site(s). Details shall also be provided of a section of acoustic fencing adjacent to the two car parking spaces on the southern boundary next to No124 Jackson Road. The details as approved shall be implemented and permanently retained thereafter.

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

- 6** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 7** 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.

- 8** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) for 2 bicycles for each dwelling 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.

- 9** 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 reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

**10** The surface water drainage scheme hereby permitted shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The following approved plans shall be complied with:

o Drainage Strategy & Maintenance Requirements Report carried out by HODEL Consulting Engineers with Ref No. 17-052 dated 25/09/2017.

o Engineering Layout Plan DRW No. 17-052\_C01 Rev. A Dated May 2017.

o Drainage Calculations with File SA1\_REVA.SRCX Rev A Dated 25/09/2017.

**Reason:** To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

**11** The Tree Protection Plan JR/TPP/1309-02-B hereby permitted shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to comply with Policy NE7 of the Unitary Development Plan and ensure the works are carried out according to good arboricultural practice in the interest of the health and wellbeing of trees to be retained .

**12** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

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

**13** No additional windows shall at any time be inserted in the flank elevations of the terrace building hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 and H7 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**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 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 No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.**

**Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policies BE1 and H7 of the Unitary Development Plan.**

**You are further informed that :**

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.**
- 2 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)**
- 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](http://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.**

- 5 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.**
- 6 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.**
- 7 The applicant is advised that the development shall strive to achieve 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 of Policy 5.2 of the London Plan.**