

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

**Application No : 18/04199/OUT**

**Ward:  
Bickley**

**Address : Phoenix Lodge 14A Woodlands Road Bickley Bromley BR1 2AP** **Objections: Yes**

**OS Grid Ref: E: 543126 N: 169382**

**Applicant : Mr Martyn Avery**

**Description of Development:**

Demolition of existing dwelling and erection of a three storey building comprising 8 two bedroom and 1 three bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping OUTLINE APPLICATION

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
River Centre Line  
Smoke Control SCA 10

**Proposal**

Outline planning permission is sought to demolish the existing two storey detached dwelling at Phoenix Lodge and erect a three storey structure comprising 8 two bedroom and 1 three bedroom flats. 3 flats will be provided on the ground floor and first floor, with two in the roof space and a further flat split over two floors. The proposed building will have a width of 34m and a length of 22m. The overall height will be 10.9m. The existing house has a height of 9.6m.

Access will be provided utilising the existing vehicle access to the site, and provision for 11 car parking spaces to the front and rear of the building. A cycle store building will also be provided to the rear of the building and a refuse store to the front. The ground floor flats will be provided with a private amenity area, with a communal amenity area at the rear of the site.

The application is accompanied by the following documents:

- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Bat Building Assessment and Emergence Survey
- Arboricultural Report
- Highways Access Statement
- Design and Access Statement
- Sound Insulation Testing Report

Matters reserved for later consideration relate to landscaping only. Details of access, appearance, layout and scale are to be considered at outline stage.

## **Location and Key Constraints**

The area of Woodlands Road is characterised by large detached residential dwellings set within generously sized plots. The site falls within the Bickley Area of Special Residential Character and within Flood Zone 2 and 3.

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

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

- Intensification of the use of the site and loss of the family home would impact harmfully on local character of the Bickley Area of Special Residential Character
- Overdevelopment of the site
- Excessive scale, height and massing
- Loss of privacy and overlooking of neighbouring properties
- Insufficient car parking and dangerous access arrangements
- Increase in parking and traffic on Woodlands Road
- Traffic noise to adjacent residential gardens
- Permission would set a damaging future precedent for further flatted schemes on Woodlands Road
- Loss of mature trees at the site would impact harmfully on the amenities of the area.
- Impact on wildlife and bird species/habitat
- The building should not significantly exceed the height of surrounding development.
- No windows should face Rosemullion and boundary detail/acoustic fencing conditions should be imposed.

## **Comments from Consultees**

Drainage Officer: The submitted FRA carried out by Forge Engineering Design Solutions to incorporate permeable paving as well as soakaways/Crates to attenuate for surface water run-off are acceptable. Please impose PC06.

Environmental Health (Pollution) – no objections raised to the previous application subject to a condition that the recommendations of the Acoustic Assessment prepared by Falcon Energy Ltd (Report Ref 13896) are implemented.

Environment Agency – previously commented that the existing building footprint is partly within Flood Zone 3 and within Flood Zone 2. The closest distance to the River Kyd Brook is approximately 3m. As a residential dwelling the development is classed as 'more vulnerable'. Floor plans show ground floor sleeping, which is advised against. Wherever possible, floor levels should be situated a minimum of 0.3m above the 1% with climate change flood level, determined as an outcome of the site-based FRA. If no climate change data is available then a precautionary freeboard of 600 mm above the 1% annual probability peak flood level should be used as outlined within the Bromley SFRA. Since November 2016 when the Product 4 used within the submitted FRA was produced, the climate change levels have been updated and the proposed development would be situated within the new Climate Change 35% flood outline. Therefore the EA would require a new P4, a revised FRA and Finished Floor Levels (FFL) to be raised

accordingly, in line with the new modelled levels. On the basis of this advice, a revised FRA was submitted and reviewed by the Environment Agency, however the revisions did not address the principle concerns in terms of proximity to the Kyd Brook and FFLs being raised using the incorrect policy. A design change was provided that creates a larger buffer to the Kyd Brook and this is considered acceptable subject to a condition to retain this buffer.

Highways: The application is basically the same as the previous one which was dismissed at appeal. The site has a low (2) PTAL assessment. The application is outline for access, appearance, layout and scale. Woodlands Road is recorded as an unadopted highway and the application indicates there is no change to the access arrangements. There are 8 x 2 bed and 1 x 3 bed flats proposed together with 11 parking spaces, one for each flat and 2 visitor spaces. The property access is from a 90° bend and parking around the bend should not be encouraged. Examining the 2011 census data, the car ownership in the area was 1.5 vehicles per household. Although the provision meets the standards in the UDP, the standards contained within the Draft Local Plan shown a minimum of 1 space per 2 bed unit and 1.5 spaces per 3 bed unit. The Inspector did not uphold the highway ground of refusal regarding the parking provision for the previous application and so I assume there is nothing further we can say about that. The cycle parking is too far from the main building and is not overlooked. It needs to be relocated and should accommodate 18 bikes and be enclosed, lit and secure. The refuse storage shown is more than 18m from the highway, which is the maximum collection distance for flats. It also should be confirmed it is large enough for the Eurobins required.

Arboricultural Officer – The application site is free from any protective legislation in respect of trees. The proposed replacement building will occupy a similar position to the current building. The tree report details the positions of existing trees and the survey data can be referred to for categorisation. Chislehurst Conservation Area abuts the eastern boundary of the site, although trees here are of limited significance. The proposals appear well designed and will have a minimal impact upon third party trees. It is expected that a level of landscaping should be incorporated into the scheme and a level of protection offered to the existing trees on site. Standard conditions are recommended.

Natural England – no comments previously made and the Council is referred to its Standing Advice.

Network Rail – No comments received. No objections raised to the previous application subject to the development being undertaken without encroachment onto or damage to Network Rail land and infrastructure.

West Kent Badger Group – no comments received.

Waste Services – no comments received.

## **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.

The National Planning Policy Framework was published on 24<sup>th</sup> July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4<sup>th</sup> December 2017 and the Inspectors report is awaited. 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 (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 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
- 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
- 6.13 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.
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

#### Unitary Development Plan

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density & Design
- H9 Side Space
- H10 Areas of Special Residential Character
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- NE5 Protected Species
- NE7 Development and Trees
- ER16 The Water Environment

#### Emerging Bromley Local Plan:

- Draft Policy 1 - Housing Supply
- Draft Policy 4 - Housing Design
- Draft Policy 30 - Parking
- Draft Policy 31 - Relieving Congestion
- Draft Policy 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 37 - General Design of Development
- Draft Policy 44 - Areas of Special Residential Character
- Draft Policy 72 - Protected Species
- Draft Policy 73 - Development and Trees
- Draft Policy 77 - Landscape Quality and Character
- Draft Policy 79 – Biodiversity and Access to Nature
- Draft Policy 113 - Waste Management in New Development
- Draft Policy 115 – Reducing Flood Risk
- Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
- Draft Policy 117- Water and Wastewater Infrastructure Capacity
- Draft Policy 119 - Noise Pollution
- Draft Policy 120 - Air Quality
- Draft Policy 122 - Light Pollution
- Draft Policy 123 - Sustainable Design and Construction
- Draft Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy

## Additional Guidance

Housing: Supplementary Planning Guidance. (March 2016)  
Technical Housing Standards - Nationally Described Space Standard (March 2015)  
Supplementary Planning Guidance 1 - General Design Principles  
Supplementary Planning Guidance 2 - Residential Design Guidance

## **Planning History**

Planning permission was granted under ref. 87/02021 for a side extension to form garage and swimming pool enclosure.

Planning permission was granted under ref. 90/03041 for a first floor side/rear extension.

Outline planning permission was refused under ref. 17/00843 for demolition of existing dwelling and erection of a three storey building comprising 8 two bedroom and 1 three bedroom flats with associated parking, amenity space, refuse/cycle store and landscaping. The refusal grounds were as follows:

‘The proposed flatted development of the site, in particular the size of the development and amount of hard surfacing would be out of character with the form and appearance of Woodlands Road and would impact detrimentally on the special character, appearance and spatial standards of the Bickley Area of Special Residential Character, contrary to Policies BE1, H7 and H10 of the Unitary Development Plan.

The proposal would fail to provide an acceptable amount of off-street car parking within this area of low accessibility to public transport and would lead to further on-street parking stress in the surrounding highway network, contrary to Policies T3 and T18 of the Unitary Development Plan, Policy 30 of the emerging Local Plan.’

The application was subsequently dismissed on appeal. The Inspector concluded that the proposal would have no detrimental impact on the character of the Area of Special Residential Character or on highway safety, however he concluded that the potential of the appeal site to support suitable habitat for bats resulted in an unacceptable application in the absence of a suitable bat survey.

The key points of the Inspector’s decision in relation to the main issues are as follows:

### Bats

The Preliminary Ecological Appraisal (‘the PEA’) accompanying the planning application states that habitats present on the appeal site provide suitable habitat for specified species including bats. It concludes that the main building at Phoenix Lodge may have potential for bat roosting and further surveys are recommended in the form of a bat building assessment.

The applicant comments that the PEA identifies features suitable for roosting bats rather than their presence. The appellant also points to the living accommodation within the roof of Phoenix Lodge and the current residents’ lack of awareness of bats at the appeal site as reasons for their presence being unlikely.

I consider that the combination of habitats present on the appeal site being suitable for bats together with the potential for bat roosts in the main building provides evidence as to the reasonable likelihood of the presence of bats. As no survey has been carried out the presence of bats and the extent to which they may be affected cannot be assessed. In the absence of such information consent for the removal of the main building at Phoenix Lodge through the grant of outline planning permission could have an adverse effect on bats or their habitat. Adequate mitigation may not be able to be provided through the scope of a condition or Habitat Regulation License as the appellant suggests. Consequently, I am not satisfied that exceptional circumstances exist that justify dealing with this matter by a condition.

### Character and Appearance

Although the appeal proposal would contain 9 apartments, its external appearance would be very similar to that of a large dwelling. The scale and spacing of fenestration and use of external materials are all reflective of those seen on other dwellings in the area. Overall, its external appearance would not appear out of character in the area. No policies that restrict the type of housing provision in the area have been drawn to my attention. In light of this, I consider that the flatted nature of the appeal proposal would not be harmful to the character of the area.

The appeal site forms a corner plot and is significantly larger than many other plots in the area. Phoenix Lodge is also set back further from Woodlands Road than many other properties in the area. It is partly screened by trees and vegetation and Rosemullion when viewed from Woodlands Road. Consequently, Phoenix Lodge is not as highly visible from Woodland Road as many other nearby properties that are sited closer to it. The appeal proposal would be sited further back from Woodlands Road than Phoenix Lodge. It would be of a similar height to Phoenix Lodge and present a similar width of front elevation to Woodlands Road. In light of this I consider that the main building forming part of the appeal proposal would have a very similar visual effect on the appearance of the area as Phoenix Lodge. This would not be harmful to the appearance of the area.

Phoenix Lodge has a large area of hardstanding to its frontage to Woodlands Road. This is visible from the driveway linking it to Woodlands Road. The appeal proposal would have a similar area of hardstanding to its frontage, linked by a driveway to Woodlands Road. This would therefore have a similar effect on the appearance of the area. The appeal proposal would also include a driveway to the side of the apartment building leading to a parking area behind it. Whilst this would create more hard surfacing than currently exists, it would not be highly visible when viewed from Woodland Road or any nearby properties. The main proposed parking area to the rear of the appeal site would be screened by the proposed apartment building itself. Existing trees and vegetation already provide significant screening to other boundaries. If I were minded to allow the appeal further landscaping could be required by condition.

In light of the above I conclude that the appeal proposal would accord with Policies BE1, H7 and H10 of the UDP. These require development proposals to be of a high standard and take account of local character and appearance with particular regard to density, design and Areas of Special Residential Character.

### Parking

Policy T3 of the UDP and its associated Appendix II contain maximum parking standards. The Council consider that the appeal proposal would meet these standards but would not meet the standards of Policy 30 of the emerging DLP. As I have

explained above, I can afford the emerging DLP only limited weight. There is insufficient evidence before me to demonstrate that the appeal proposal should not be determined in accordance with the adopted development plan. The evidence before me leads me to conclude that the appeal proposal would be acceptable and unlikely to lead to additional to additional on-street parking. As such it would accord with the road safety aims of Policy T18 of the UDP.

## **Conclusion**

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

- Resubmission
- Design
- Density and Standard of Residential Accommodation
- Impact on Neighbouring Amenities
- Flood Risk and Drainage
- Highways and Traffic Issues
- Ecology and Trees
- Sustainability
- CIL

### Resubmission

Following the dismissed appeal under ref. 17/00843, the current application is identical to that previously considered. The application is however supported by a Bat Building Assessment and Emergence Survey that was carried out on 28<sup>th</sup> August 2018. The report concludes that no bats were recorded within the building.

### Design

Policy H1 (Housing) aims to provide 11,450 additional dwellings over the plan period and this provision will be facilitated by the development or redevelopment of windfall sites. The suitability of windfall sites for housing purposes will be assessed against criteria: whether the site comprises previously developed land; the location of the site; the capacity of existing and potential infrastructure; physical and environmental constraints on the development site and the need to retain the existing land use on the site.

The NPPF sets out in paragraph 11 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.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

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

The site is located within an Area of Special Residential Character. In this case it is considered that the principle of development is acceptable in light of the Inspector's decision. The Inspector considered that the building would have the appearance of a large house and concluded that flatted development in this part of the ASRC could not be precluded. The visual effect of the building was considered to be similar to the existing dwelling at Phoenix Lodge and therefore it was concluded that the development would be acceptable in principle.

The site falls within the Bickley Area of Special Residential Character (ASRC) where the Council will seek to preserve the special character and spatial qualities of the area. Woodlands Road is characterised by detached residential properties with only one nearby block of flats at No. 2 Denbridge Road, which was converted from a care home. The principle of a flatted scheme was previously objected to, however the Inspector's decision raised no concern in regards to the character of the area.

#### Density and Standard of Accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area

is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Governments National Technical 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.

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 30 dwellings per hectare with the table giving a suggested level of between 35-65 dwellings per hectare in suburban areas with a PTAL rating of 2. The proposals would therefore result in a density marginally lower than the recommended density for the site, however this figure should not be applied mechanistically and should take account of the character and density of the general area. In light of the site's location within a spacious ASRC, this minor shortfall in density is not considered an under-development in terms of the efficiency of the use of the site.

The London Plan suggests that the minimum size of a two bedroom four person flat should be 70 sq.m and a three bedroom five person flat should be 86 sq m. (93 sq m when over two floors). The submitted plans indicate a floor area of between 102 sq.m and 149 sq.m for each flat and therefore the dwellings are considered to comply with the requirements of the Technical Space Standards.

The proposal will provide suitable bedroom sizes, living areas, natural light and a mix of private and communal amenity/play space in the form of balconies, private and communal gardens. It is considered that the standard of accommodation provided for future occupants would be suitable.

The proposed development will be sited in close proximity to the railway track to the north of the site. This will impact on the amenities of the future occupants. The application has been submitted with a Sound Insulation Testing Report. No objections raised subject to a condition that the recommendations of the Acoustic Assessment prepared by Falcon Energy Ltd (Report Ref 13896) are implemented.

#### Impact on Neighbouring Amenities

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 site is located to the north of the nearest residential house at Rosemullion. Due to the siting and orientation of Rosemullion, it is not considered that there would be a harmful impact on the amenities of this property. Rosemullion is sited on higher ground than Phoenix Lodge and the proposed balconies are not considered to result in a loss of privacy. A landscaping condition could be imposed to ensure adequate additional boundary vegetation where necessary. To the west of the site, Skogly is separated from the site of the proposed block by a considerable distance. The provision of 9 flats, utilising the existing vehicle access to the site, would introduce additional noise and disturbance as a result of vehicle traffic, however this is not considered to be significantly harmful.

### Flood Risk and Drainage

Policy 5.12 of the London Plan requires development proposals to comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development. Policy 115 of the Emerging Plan requires developers to work with the Environment Agency to deliver a reduction in flood risk compared with the existing situation.

The site lies within Flood Zone 2 and 3 and the Kyd Brook runs through the western part of the site. The application has been submitted accompanied by a Flood Risk Assessment.

The Environment Agency has previously commented that the existing building footprint is partly within Flood Zone 3 and within Flood Zone 2. The closest distance to the River Kyd Brook is approximately 3m. As a residential dwelling the development is classed as 'more vulnerable'. Floor plans show ground floor sleeping, which is advised against. Wherever possible, floor levels should be situated a minimum of 0.3m above the 1% with climate change flood level, determined as an outcome of the site-based FRA. If no climate change data is available then a precautionary freeboard of 600 mm above the 1% annual probability peak flood level should be used as outlined within the Bromley SFRA. Since November 2016 when the Product 4 used within the submitted FRA was produced, the climate change levels have been updated and the proposed development would be situated within the new Climate Change 35% flood outline. Therefore the EA would require a new P4, a revised FRA and Finished Floor Levels (FFL) to be raised accordingly, in line with the new modelled levels. On the basis of this advice, a revised FRA was submitted and reviewed by the Environment Agency, however the revisions did not address the principle concerns in terms of proximity to the Kyd Brook and FFLs being raised using the incorrect policy. A design change had been provided that creates a larger buffer to the Kyd Brook and this is considered acceptable subject to a condition to retain this buffer.

### Impact on Highway Safety

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

In light of the recent appeal decision, it is considered that the car parking provision, access arrangements and on site turning areas are acceptable. Conditions have been recommended by the highways engineer in regards to cycle and refuse storage.

### Ecology and Trees

The application is accompanied by a Preliminary Ecological Appraisal and Bat Building Assessment and emergence survey. These documents conclude that the site has a moderate ecological value with the development likely to have some potential impact on badgers, birds and bats. It is recommended that the brook and woodland area at the site is protected and further biodiversity enhancement measures are also recommended. The surveys conclude that the main building at Phoenix Lodge may have potential for bat roosting and an emergence survey should be carried out prior to commencement of the development.

Following the Inspector's decision, a re-entry survey was carried out prior to dawn on the 28<sup>th</sup> August in fair weather by two qualified surveyors on opposite sides of the building. Pipistelle bats were recorded foraging and commuting in the area, however no re-entry into Phoenix Lodge was recorded. Whilst ideally the site would be surveyed at dawn and dusk on several consecutive days, when adding this evidence to the previously recorded lack of evidence of bats using the building and the lack of evidence recorded internally or externally, it may be reasonably concluded that the building is not being used by bats for roosting in the summer months. It is therefore considered that the demolition of the building would not impact on protected species habitat.

The Preliminary Ecological Appraisal outlines a list of recommendations for biodiversity enhancements. In light of the moderate ecological value of the site as a whole, coupled with the recording of foraging and commuting bats at the site, it is considered reasonable to impose a condition for such details to be submitted for Council approval and implementation thereafter.

### 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.

## CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this outline application and the applicant has completed the relevant form.

### **Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character and appearance of this part of the Bickley Area of Special Residential Character in light of the Inspector's decision. The proposal would provide a suitable number of car parking spaces to serve the development, would not impact detrimentally on the amenities of neighbouring properties and would not impact detrimentally on trees or ecology subject to appropriate conditions.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

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

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

- 2 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 UDP and in the interests of visual and residential amenity.**

- 3 (i) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:**

**A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;**

**Proposed hardstanding and boundary treatment;**

**A schedule detailing sizes and numbers of all proposed trees/plants;**

**Sufficient specification to endure successful establishment and survival of new planting.**

**(ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.**

**(iii) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details**

**Reason: In order to comply with BE1, NE7 and NE8 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.**

**4 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.**

**(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.**

**(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:**

**i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water**

**(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved**

**Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.**

**5 Prior to commencement of development (excluding demolition) 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 . The development shall be completed strictly in accordance with the approved levels.**

**Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy BE1 of the Unitary Development Plan.**

- 6 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include 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.**

**(b) The works shall be carried out in accordance with the approved details.**

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

- 7 (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works**

**(b) The arrangements as approved under part (a) 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.**

- 8 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works**

**(b) The arrangements as approved under part (a) 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 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 (a) 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 prior to the commencement of above ground works.

(b) The approved scheme shall be self-certified to accord with BS 5489 - 1:2003

(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) 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.

10 (a) Details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority.

(b) Such provision as approved under part (a) 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.

(c) 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.

11 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

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

12 Prior to 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.**

- 13 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.**

- 14 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.**

- 15 The recommendations outlined within the Preliminary Ecological Appraisal, including the suggested biodiversity enhancements including bat boxes, shall be incorporated into the permission hereby granted. Details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning authority and shall be included within construction works and permanently retained at the site thereafter.**

**Reason: In order to comply with Policies NE5 and NE7 of the Unitary Development Plan and in order to preserve and enhance the biodiversity value of the site.**