

SECTION '2' – Applications meriting special consideration

Application No : 18/05112/FULL1

Ward:
**Bromley Common And
Keston**

Address : Land Rear Of 15 - 21 Commonside
Keston

Objections: Yes

OS Grid Ref: E: 541364 N: 164662

Applicant : Mr P Beckingham

Description of Development:

Erection of a detached two storey five bedroom dwellinghouse, vehicular access, refuse store, means of enclosure and associated landscaping on land at the rear of 15-21 Commonside.

Key designations:

Conservation Area: Keston Village
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

Planning permission is sought for the erection of a detached two storey five bedroom dwellinghouse, vehicular access, refuse store, means of enclosure and associated landscaping on land at the rear of 15-21 Commonside.

The dwelling will be two storey in format with an approximate width of 12.1m and depth of 11m at its maximum extents. The main roof is hipped to the elevations with a central flat section behind at 7.8m ridge height and 5m to the eaves. The front elevation has gabled design features either side of a central front entrance.

The dwelling will be set centrally within the site with an approximate average distance from the flank elevations of the dwelling of 6m to the rear boundaries of properties at 15-21 Commonside and 7m to the rear boundaries of 9 and 10 Keston Gardens. A rear garden curtilage at 11-12m depth is proposed. A front curtilage depth of an average 8-9m to the boundary with the access way is proposed.

The dwelling will be finished in facing brickwork indicated to match local stock at ground level and render at upper level with clay roof tiles. Detailing of black painted oak timber is indicated to front gables. A rooflight is indicated to the central main roof.

Access to the site will be gained via an existing access way to be widened to 2.7m width leading to an on site parking area with a vehicle charging point.

The application was supported by the following documents:

- Design and Access Statement
- Planning and Heritage Statement
- Transport Statement
- Part M Compliance Statement
- Energy Statement
- Preliminary Ecological Appraisal
- Arboricultural Survey
- Arboricultural Impact Assessment
- Arboricultural Method Statement

Location and Key Constraints

The site is located on the east side of Commonsides and comprises an area of land hitherto undeveloped enclosed by other built development on all sides. The site is accessed via an access way, registered as Public Footpath 297 which also provides access both vehicular and pedestrian to a property known as Willow Grange to the east of the site. The public footpath connects further to the east to Keston Gardens.

The site is located in Keston Village Conservation area. A Tree Preservation Order relates to two Lime Trees on the northern boundary of the site. The site is not within the Green Belt.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received. Many subject areas have been repeated amongst commentators which can be summarised as follows:

Objections:

- Concerns with expected loss of light to property and garden.
- Loss of line of sight and outlook to a green space.
- Overbearing aspect to neighbours.
- Concerns regarding impact of construction process in terms of noise, disturbance and use of the public footpath during works for heavy plant.
- Concerns regarding grass strip and silver birch trees adjacent to Commonsides and how construction vehicles might damage this.
- Dwelling is too large for the site and of a disproportionate size and not sensitive to the surrounding area. Preference to see a bungalow built.
- Inappropriate and totally out of keeping development for the area.
- Destruction of wildlife habitat on the land.
- Will overlook to neighbouring property.
- Will cause loss of privacy
- Will block light to properties on Commonsides.

- Concerns regarding traffic increase using the footpath also used by school children.
- Detrimental impact on wildlife. Area contains important species. Mitigation proposed not considered suitable.
- Concerns regarding the removal of trees on site.
- Concerns regarding overshadowing and loss of privacy.
- Concerns regarding the provision of boundary fencing.
- Comments made regarding alternative designs of dwellings considered more suitable.
- Comments regarding the utility service connection that will need to be made.
- Concerns the footpath will be become a road.
- Concerns regarding the method of access from Commons side to the access way itself.
- No light to the access way for safe access.
- Site is wild woodland not wasteland.
- Proposal will devalue all the neighbouring properties.
- Similar property to north was built prior to surrounding properties. Proposal is therefore backland development and not acceptable.
- Concerns have been raised regarding a disputed strip of land along the access way and ownership therein.

Note: Following clarification, the LPA is content that the red lined boundary of the application site detailed in the submitted drawings accurately reflects the sites demarcation.

Support:

- Development could enhance the area and make good an area which has become a wasteland. Commentator has made suggestion with respect to vehicular access width and arrangements and the management of the construction process.

Local Groups:

- Keston Village Residents Association has commented in respect of the adequacy of the access, the usage of the footpath by residents and potential damage to protected trees. It asked that strict conditions be placed such that no obstructions are to be allowed on the footpath and tree protection measures be put in place to be approved and monitored by the LBB Tree Officer.
- Friends of Keston Common have submitted general comments relating to trees.

Comments from Consultees

APCA:

No objection in principle. Detailed materials to be approved by officers. Preference should be given to timber windows, rather than grey aluminium, in accordance with the guidance in the SPG. We consider that this new building is not likely to harm the SPG.

Conservation Officer:

The origin of this small plot is unclear but historic OS maps show it as part of a larger self-contained plot going back to 1868 but at this current time it is best considered as a remnant of plot subdivisions over the years. Given its secluded location and unkempt nature I find it makes little or no contribution to the conservation area and its development would not cause any harm in principle.

The scale and design of the proposed house is acceptable and it will essentially be out of view for most observers. APCA have suggested the use of timber windows but given its lack of prominence in the conservation area I find this would be an overly onerous demand and I suggest a standard materials condition would suffice. The significance of the nearby locally listed building at the Rectory would not be impacted. In conclusion the proposal accords with the aspirations of Policy 41 and the Keston Village Conservation Area SPG.

Environmental Health Pollution Officer:

No objections.

Drainage Engineer:

There is no public surface water sewer near the site. As such the applicant is required to explore the option of disposing surface water run-off in a soakaway.

Highways:

Footpath FP 297 links Commons side to Keston Gardens and on its way it passes between No 21 and Sunabon and then No 10 and No 11 Keston Gardens.

Whilst the applicant may own the subsoil of the right of way, as indicated on drawing title Proposed Site Layout drawing number 18012-P-200 Rev E, the public pedestrian right over the land is paramount and the land owner must not interfere or obstruct this right in any way.

The applicant has now satisfied the Council as Highway Authority that (s)he has vehicular right to access the site however this development must not encroach on the footpath or damage it during construction. Any such damage must be rectified to the Council's standards as soon as possible and thereafter the footpath must not be subject to any further damage.

As we are now satisfied that a suitable private right exists, once the applicant is aware of the commencement of construction he must notify the Council in order that arrangements can be made for the suspension of the public pedestrian rights

over FP 297 and the cost of any formal proceedings to secure such suspension would be charged to the applicant.

Tree Officer:

The application is supported with tree survey details, an impact assessment and method statement. The proposed development will require the loss of various C category trees within the site and a mature B category lime tree. Two lime trees on the front boundary are subject to Tree Preservation Order (TPO) 1789 and are shown for retention on the Tree Protection Plan (TPP).

The current condition of the site with multiple self-seeded trees suggest past clearance. The removal of C category trees is not opposed on the basis of British Standard 5837 principles. The B category lime tree proposed for removal is a key requirement to facilitate access. Mitigation efforts have been outlined in the impact assessment and are acceptable to enable conditional consent to be recommended. A planning condition will relate to tree planting to ensure satisfactory mitigation is achieved. A replacement tree of specimen size will be requested under condition. The tree constraints have been addressed to an acceptable degree. The most significant trees are shown for retention and ensure a continued public contribution. I would recommend permission be granted subject to conditions.

External Consultees

Ramblers Association:

No response received at time of writing.

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 24th July 2018. According to paragraph 48 of the NPPF decision takers 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 development plan for Bromley comprises the London Plan (March 2016) and the Local Plan (January 2019). 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
- 3.8 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
- 6.13 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

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
41	Conservation Areas
43	Trees in Conservation Areas
70	Wildlife Features
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
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

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

SPG Keston Village Conservation Area.

Planning History

There is no relevant planning history relating to the application site itself. The site has been hitherto undeveloped as detailed above.

Considerations

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

- Principle
- Design and Conservation

- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees and Ecology
- Other (drainage/flooding/noise/pollution)
- CIL

Principle

The NPPF (2018) 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 an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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.

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

Policy 3 of the Local Plan, Backland and Garden Land Development states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.

The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good

standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.

In this case residential dwellings of all forms surround the site in a primarily residential area. It is acknowledged that the proposal would alter the pattern of development with a new built form where none currently exists. However, this is considered unavoidable if better use is to be made of the currently vacant site which also needs to be considered against the strong support in principle for making efficient use of land in sustainable urban locations. The site appears as an anomaly in the local development pattern and is self contained but with direct access to the public realm currently. There are no designations relating to the land preventing its development for housing.

Therefore the provision of a residential use on the land in the form of a single dwellinghouse appears acceptable in principle only. This is subject to an assessment of the impact of the proposal on the appearance/character of the surrounding conservation 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.

Design and Conservation

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.

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. 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 directly or indirectly affect 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

Within or adjacent to a Conservation Area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

London Plan and Local Plan 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 of the London Plan 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 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policies 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;

is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.

Policy 7.6 of the London Plan states that buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Policy 7.8 of the London Plan states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.

Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect

the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

Policy 41 of the Local Plan details that proposals for new development within a conservation area will need to preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces and respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.

The Keston Village Conservation SPG states in relation to new development that the Council will need to ensure that any development proposals preserve or enhance the character of the area.

It is noted that the undeveloped and open natural state of the site in relation to residences bordering and adjacent to the application site in the locality forms the general character and setting of the site and its environs within the locality and as such it is this character that it is desirable to preserve and enhance.

The proposed building would be of a comparable footprint, size and scale to other detached properties locally to the north, east and south. To the west this would be of a larger nature due to the terraced format of the Commonsides houses. However, it is considered that the resultant building will adopt a scale, footprint and form and use of materials generally characteristic of the locality and the immediately adjacent properties. The square shaped footprint will provide a complimentary massing form and a full pitched characteristic roof as viewed from ground level will be similar to adjacent property.

The spatial separation proposed is also well above 1m at between 6 to 7m on either flank of the building with a relatively deep and wide rear garden which will maintain the open spatial characteristics of the site to its boundaries.

In terms of the design approach, the replacement dwelling is of a high quality traditional design and is similar in character to the area generally. This approach is considered to maintain the character and appearance of the conservation area.

The Council's Conservation Officer has not raised any objections to the proposals. On balance, it is considered that the proposal retains the character and appearance of the conservation area to public areas and the wider streetscene. The individual contribution that the proposed property has will also add to and enhance that character.

Standard of residential 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 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. 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 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.

A Part M compliance statement has been submitted in respect of this.

The floor space size of the house is approximately 231.5m². The nationally described space standard requires a Gross Internal Area of 128m² for a 5 bedroom 8 person dwelling house on two levels. On this basis the floorspace provision is considered acceptable.

The shape, room size and layout of the rooms in the proposed building is considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms are considered to have satisfactory levels of light and outlook.

In terms of amenity space, the depth and good proportions to the garden space provide a substantial quality space for the purposes of the potential number of occupiers of a five bedroom family dwellinghouse.

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

Two adequately sized parking spaces including an electric vehicle charging point are provided on the property. The Council's Highways Officer has not raised objection in this regard.

Concerns have been expressed by neighbouring residents regarding the impact of the dwelling on conditions of safety, including that of pedestrians along the registered footpath FP297, should planning permission be granted. The width of the access and the surfacing of it are noted. The applicant has also submitted legal confirmation to the LPA that they have a legal vehicular access right over the land forming the access.

Given this subsequent confirmation, it is not considered that the proposed development would be likely to have a significantly greater impact on road safety and the free flow of pedestrian and vehicular traffic by having an additional dwelling other than Willow Grange using it for access that would warrant refusal of the application for this particular reason.

Furthermore, in view of the provision of an adequate level of on-site parking, concerns expressed regarding the potential that unneighbourly parking could impede the access beyond the site for emergency vehicles, are not considered to represent defensible grounds for the refusal of planning permission.

Therefore, due to the relatively minor impact of the additional residential unit on parking issues in the vicinity it is considered the proposal would accord with Local Plan Policies 30 and 32 and Policy 6.13 of the London Plan.

Cycle parking

Cycle parking is required to be two spaces for the dwellings proposed. The applicant has provided details of a location for lockable cycle storage within a garden shed/store. Due to the reclusive location of the plot an implementation condition is requisite in this regard.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a location for refuse storage for the unit. Further details regarding this can be conditioned as necessary regarding a containment structure.

Construction methodology.

Concerns have been raised by residents regarding the construction process due to the restricted width of the access way to the site. A Construction Management Plan is recommended in this regard to be sought by condition. This can also be required to have specific regard to the nuances of the access to the site and comments made by the Highway officer regarding construction when submitted to the LPA and reviewed for discharge.

Neighbouring amenity

Policy 37 of the Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Concerns have been raised regarding loss of light and outlook caused by the new dwelling. However, given the separation distances to neighbouring dwellings closest elevations at a minimum average of 25m or more, the side space retained between the property boundaries and the good level of screening, which decreases the impact of the building, it is considered that there will be minimal impact in terms of outlook and daylighting to adjacent property. On balance, it is considered that the building will not be detrimental to neighbouring residential amenity.

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 energy Statement has been submitted with the application that states that the development will achieve a 35.9% reduction in site-wide regulated CO2 emissions beyond the requirements of the Building Regulations Part L (2013) baseline.

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

Trees

Policy 73 of the Local Plan 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.

Policy 77 of the Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

Policy 43 of the Local Plan states that development will not be permitted if it will damage or lead to the loss of one or more significant and/ or important trees in a Conservation Area, unless removal of the tree/s is necessary in the interest of good arboriculture practice, or the benefit of the development outweighs the amenity value of the tree/s. In granting permission for the development, one or more appropriate replacement trees of a native species will be sought on site through the use of conditions or planning obligations.

An indicative landscaping layout has been submitted as shown on the proposed site layout plan drawing that details the areas given over to landscaping. The site also contains a Tree Preservation Order relating to two lime trees towards the northern boundary of the site. A number of trees are also indicated to be removed on site to facilitate the development.

The Council's Arboricultural Officer has reviewed the scheme as detailed above and not raised objections in this respect with regard to the tree constraints of the site being addressed to an acceptable degree. Further details and compliance with the proposals can be secured by condition.

Ecology

London Plan Policy 7.21 states that development proposals should wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. Policies 70 and 72 of the Local Plan state similarly.

A preliminary ecology appraisal has been submitted in relation to a number of ecological subject areas. In particular the report has concluded that there are no badger setts or badger activity on the site or evidence of bats roosting. Officers are satisfied that there is no ecological harm in these respects. It is however recommended that further details of the recommendations of the report at Section 4.5 are secured prior to commencement of any works on site. A planning condition is recommended in this regard.

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 proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality or conservation area. 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 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: To comply with Section 91 of the Town and Country Planning Act 1990

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

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 (i) Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority.**

(ii) The following British Standards should be referred to:

BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

(iii) The development thereafter shall be implemented in strict accordance with the approved details.

(iiii) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in Part (i) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition

may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies 37, 73 and 74 of the Bromley Local Plan

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 and Policies 115, 116 and 117 of the Bromley Local Plan

5 (a) Prior to commencement of the development hereby approved (excluding demolition) details of turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority.

(b) The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate arrangements can be secured in order to enable vehicles to enter and leave the site in a forward direction,

in the interest of pedestrian and vehicular safety and to comply with Policies 30 and 32 of the Bromley Local Plan

6 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

7 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 37 of the Bromley Local Plan

8 (a) Notwithstanding the submitted Preliminary Ecological Appraisal hereby approved, further details regarding the implementation on site of the recommendations at Section 4.5 shall be submitted to and approved by the local planning authority prior to the commencement of any works on site.

(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 protect biodiversity and protected species in accordance with Policies 70 and 72 of the Bromley Local Plan and Policy 7.19 of the London Plan.

9 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:

1. 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

2. Proposed hardstanding and boundary treatment

3. A schedule detailing sizes and numbers of all proposed trees/plants

4. 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 Policies 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

10 (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 development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area

11 (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 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects

12 (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 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.

13 (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 Policies 30 and 37 of the Bromley Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

14 (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works 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.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan

15 (i) Prior to commencement of above ground works; full details of all proposed tree planting including a specimen lime tree (container grown), shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

(ii) All trees planting shall be carried out in accordance with those details and at those times.

(iii) Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies 37, 43, 73 and 74 of the Bromley Local Plan

16 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 details as set out in this planning permission 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 30 of the Bromley Local 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.

17 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 32 Bromley Local Plan.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy 37 of the Bromley Local Plan

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

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

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

Reason: In order to comply with Policy 32 of the Bromley Local Plan and in the interest of pedestrian and vehicular safety.

- 21 The development shall be implemented in accordance with the details set out in the Arboricultural Method Statement (4914/18-03) dated 30th October 2018, approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.**

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with 37, 43, 73 and 74 of the Bromley Local 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 regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at 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
- 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** Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 8** 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.
- 9** The applicant is advised that a grant of planning permission does not entitle applicants to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way.