

SECTION '2' – Applications meriting special consideration

Application No : 18/00142/FULL1

Ward:
**Chelsfield And Pratts
Bottom**

Address : Borkwood Court Sevenoaks Road
Orpington BR6 9LA

Objections: Yes

OS Grid Ref: E: 545660 N: 164762

Applicant : Deco Design and Build Co Ltd

Description of Development:

Demolition of existing dwellings and outbuildings and erection of 5x4 bedroom houses and 6x2 bedroom flats, car and cycle parking, raised walkway with pedestrian access to Dryland Avenue and Sevenoaks Road, landscaping and associated works.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 14
Smoke Control SCA 28

Proposal

Planning permission is sought for the demolition of the existing buildings on this 0.23ha site and the erection of a block of 6 x 2 bedroom flats on the frontage of the site with a row of 3 x 4 bedroom terraced houses behind the flats in the middle of the site and 2 x 4 bedroom detached houses at the rear of the site. This provides a total of 11 residential units.

All of the houses will be 3 storeys high with pitched roofs above and accommodation in the roofspace. The block of flats will be 3 storeys to Sevenoaks Road and 4 storeys at the rear. The central 3 houses will be perpendicular to the boundary with the front elevation facing Kings Road and the rear facing Lichlade Close. The houses to the rear will face forwards to Sevenoaks Road. In all cases there are no habitable rooms provided at lower ground floor level which will be used for entrance halls, refuse and recycling storage and car and cycle parking.

Private rear gardens are provided for each house and each flat has a private balcony.

Vehicle access to the site will be via the existing access to Sevenoaks Road with an improved junction layout.

A total of 16 car parking spaces will be provided for 12 units; 1 each for the 6 flats and 2 each for the 5 houses. For the houses, the parking spaces will be provided within the curtilage and for the flats there are 2 spaces at lower ground floor level of the building and 5 spaces in a small courtyard at the rear of the block. One extra space is provided in the courtyard as the second space for one of the houses.

Cycle parking spaces for the flats will be provided at lower ground floor level and for the houses within the curtilage. Refuse and recycling facilities for the flats and houses are also provided at this level.

A total of 25 trees and groups of trees have been identified both on the site and in adjacent properties. None of the trees on adjacent land are shown to be adversely affected by the development. Five groups of trees and 5 individual trees are shown to be removed.

Due to the unusual topography of this site, the site sits in a 'hollow' which is prone to groundwater and surface water flooding events. This is likely to recur in the future. In order to provide continuous access for residents in the event of a flood event, a 'dry escape' first floor access to and from the houses to their closest, accessible boundary is proposed. This is provided in the form of a shallow balcony at the rear which leads to a walkway that takes residents to either Dryland Avenue or Lichlade Close. For the flats, a slightly elevated walkway is provided from the front entrance door to the back edge of pavement on Sevenoaks Road.

To provide free flow of any future flood water, the front and rear of the undercroft parking spaces for both the flats and houses will be enclosed with fixed railings or gates made of railings rather than solid walls.

The following documents have been submitted by the applicant in support of the application:

- Report on Inspection of Trees and Arboricultural Implications Assessment by Broad Oak Tree Consultants

This report includes a detailed survey of existing trees on site and considers the impact of the proposed development upon those trees. Tree protection measures and construction methods are identified.

A total of 25 trees or groups of trees have been identified on the site and on adjacent land; 3 individual trees are Category B where retention is desirable and the remaining 22 trees and groups of trees are Category C or U which are low quality trees or dead, dying or dangerous trees.

On the site, 2 trees will be removed due to their poor condition and 5 trees and 5 groups of Category C trees are shown to be removed to enable development.

The report concludes that a limited number of trees are to be removed but replacement planting will mitigate the impact of this. A Tree Protection Plan is recommended with measures to protect trees during construction

- Daylight, Sunlight and Overshadowing report by RSK dated 11.1.2018

The applicant has submitted a Daylight, Sunlight and Overshadowing report which assesses the impact of the development on identified sensitive receptors in Dryland Avenue, Adcock Walk and Sevenoaks Road which are closest to the proposed buildings.

The report shows that the development will have minimal impact on existing potential receptors in the surrounding area in terms of the daylight and sunlight and overshadowing and the development meets the guidelines set out in the BRE Guidance

- Design and Access Statement by db architects (as amended)

This statement sets out the applicants assessment of the site and surrounding area and the rationale for the proposal having regard to relevant development plan policies. The statement confirms the amount of development proposed, parking strategy, refuse and sustainability strategy. The statement discusses the approach to access, landscaping and appearance of the development.

- Extended Phase 1 Habitat Survey and Bat Building Survey and Badger Survey Report by Corylus Ecology

The Habitat and Bat Building Survey report undertakes a site investigation which reveals the following:

- Badgers snuffle holes were noted across the north western half of the rear lawn.
- Signs of badger exploratory paths recorded through this part of the garden pushing through the hedge to gardens to the south.
- 2 badger holes were recorded in the rear garden area.
- There is no evidence or suitable habitat for reptiles, amphibians, dormice or breeding birds
- No rare or nationally scarce botanical species were identified on the site.
- The Bat Building survey concluded that the houses and garages have 'Negligible' potential to support bat roosts and no evidence of bats was found.

In the light of the finding of badger activity on the site a separate Badger Survey Report by Corylus Ecology has been carried out, including badger activity recording, and finds that the 2 badger holes are actively used by at least 2 badgers, They did not enter and leave the holes but they did investigate them. No cubs were recorded and no latrine was recorded. The report considers that the holes are used by a small population and are likely to be part of a main or outlier urban sett. There is a mammal path between the NW and SW boundaries across the lawned area at the rear of the sit which could cause tunnels and chambers to collapse. A licence will be required to close the sett which can be applied for once planning permission has been granted.

Regular monitoring of the site will be required up to commencement of development to assess whether there are any changes in the use of the badger

holes and a condition requiring the submission of a follow up badger report prior to the commencement of development is recommended. This information will inform the detailed mitigation strategy which will be required for the licensing process.

- Energy and Sustainability Assessment

This application was accompanied an Energy Strategy Statement which follows the Mayor of London's 'Energy Hierarchy' set out in the London Plan. The development achieves:

- 4.6% reduction in residential regulated CO2 emissions through high thermal performance with a u-value exceeding minimum Building Regulation targets.
- The use of CHP is not considered feasible for the development and heating and hot water will be supplied through individual gas systems
- 32.6% reduction in residential regulated CO2 emission through the installation of solar PV panels on flat roofs.
- 35.8% reduction in residential regulated CO2 emission from combined energy hierarchy
- A carbon offset estimated at 14.3 tonnes of residual CO2 emissions
- Financial Viability Assessment (FVA) by Turner Morum

The applicant has submitted a FVA which concludes that the proposed development is not able to support S106 contributions usually required to mitigate the impact of a scheme of 11 units.

- Flood Risk Assessment by Water Environment

This Flood Risk Assessment dated November 2017 confirms that the site is located within Flood Zone 1 (an area with low probability of fluvial flooding) but identifies high probability of flood events from rising surface water and ground water.

Two further reports namely FRA Addendum 1 dated 04th May 2018 and FRA Addendum 2 dated October 2018 provide additional information relating to the impact of the flood events on the site and adjacent residential properties and identifies a range of mitigation measures to minimise this impact and enable the water to be removed from the site. Details of these conclusions and mitigation measures are discussed in the Drainage Section below.

- Noise Assessment by Grant Acoustics

The report assesses the noise levels affecting the proposed residential units. The main noise source is found to be road traffic along Sevenoaks Road with intermittent aircraft noise at altitude.

The assessment finds that dwellings directly facing Sevenoaks Road will require acoustic ventilation and enhanced glazing to daytime habitable rooms. The proposed layout shows bedrooms located at the rear of these units and therefore are screened from the road with quieter noise levels predicted.

The plots in the centre of the site are side on to the road and will need to have windows closed to achieve internal criteria and standard glazing and trickle ventilation will be adequate for all habitable rooms. The plots at the rear will also be adequate with standard glazing and trickle ventilation for all habitable rooms.

- Phase 1 Desk Study by Lustre Consulting

This report comprises a Phase 1 Desk Study the purpose of which is to identify potentially current or historic contaminative activities on site and any sensitive receptors in the vicinity. A ground investigation report has been undertaken to guide the design of foundations for the new buildings. The report concludes that the site has a moderate/low risk of contamination for future residents and for groundwater contamination. The contamination status is not considered to be prohibitive to the development of the site. However further work in a Stage 2 submission is required to fully understand the contamination risk and develop measures to mitigate and impact of human health and groundwater. It is considered that this work can be carried out as part of a pre-commencement conditions attached to any permission granted.

- Transport Statement by dha transport

This statement sets out the policy requirements in respect of transport and highway impact, identifies the baseline conditions in respect of public transport, accessibility and traffic surveys and then assesses the impact of the proposal. The report covers access, parking standards, traffic generation and measures to promote sustainable transport modes. The assessment concludes that the site is well connected providing easy access to public transport and local facilities. Car and cycle parking will be provided in accordance with Bromley standards and a residential travel plan will be secured.

- Planning Statement by dha planning

This statement seeks to describe the site and surrounding area and sets out the applicant's case in support of the proposal explaining how it addresses the previous reasons for refusal and development plan policy requirements.

Location and Key Constraints

The site is located on the western side of Sevenoaks Road between Kings Road to the north and Borkwood Park to the south.

The area is predominantly residential in character with a mix of dwelling types. To the south of the site are 3 storey blocks of flats fronting Sevenoaks Road with 2 storey detached houses behind. This area is at a higher level than the application site.

To the north and west there are 2 storey terraced houses fronting Sevenoaks Road, in Kings Road and in Dryland Avenue respectively. Opposite the site to the east, there are terraced townhouses and semi-detached houses behind a wide landscaped verge. All of the houses are on land higher than the site.

The site lies within Flood Zone 1 for the purposes of fluvial flooding and in a Localised Flooding Area 21 in the Bromley Strategic Flood Risk Assessment (equivalent to Flood Zone 3) due to surface water and ground water history of flooding with flooding events in 2001 and 2014. The site is also within a Groundwater Protection Zone.

The site does not contain any statutory or locally listed buildings and is not in a conservation area and there are no other such designations in the locality. The site is not subject to any tree preservation orders.

Sevenoaks Road (A223) is a classified road and a London Distributor Road and has a Public Transport Accessibility Level (PTAL) of 2 (where 1 is the lowest and 6b is the highest).

Consultations

Comments from Local Residents

Nearby properties were notified of the development in January 2018 and again in December 2018 following the receipt of revised plans and 12 representations in total objecting to the proposal have been received at the time of writing this report. The comments received are summarised below:

- Severe impact of car parking displaced from the site during flood risk events on local roads that are already congested. Pedestrian access via the 'dry escape route' will make this worse.
- Insufficient car parking spaces to avoid overspill - number of spaces on site should be doubled.
- Provide permit only parking in surrounding roads for residents of those roads only.
- Congestion on local roads from construction workers vehicles.
- Additional cars will add to congestion from drop off/pick up parking for Warren Road Primary School.
- Need more details on flood risk. No details of how future flood water will be dispersed.
- Flooding will be made worse by increasing impermeable surfaces on the site.
- Impact on existing waste and sewage systems.
- Need confirmation that the flood risk to adjacent properties will not be adversely affected by the development.
- Revised details of flood risk do not reassure residents that their properties will not be at risk of flooding.
- Design appearance and height of proposed houses is out of keeping with the surrounding houses and an overdevelopment of the site.
- Adverse impact on residents especially in Kings Road by reason of loss of privacy, overlooking, daylight and sunlight, shadowing and outlook and detract from enjoyment of homes and amenity space.
- No demolition plan provided.
- Impact on local schools from additional children on the site.
- Impact of construction dirt and dust on local school pupils.
- Appears to be no community gains from the development.
- Loss of wildlife habitat provided in the rear garden area.
- Loss of up to 20 trees is unacceptable and will add to problems of surface water flooding.

- Impact of badgers displaced from the allotment site that became Dryland Avenue in the past has caused local gardens to be damaged. Development of the site will make this worse.
- Responsibility for maintenance of fence at rear of Kings Road properties is unclear.
- Loss of property values

Comments from Consultees

- Highways Officer

Comments received 12.12.2018

- There are existing 6 x houses in Borkwood Court, Sevenoaks Road in Orpington, which are prone to flooding as a result of high groundwater levels. The proposal is to demolish the existing houses and construct new, flood-resilient dwellings, with floodable, sacrificial garages at ground floor.
- The application is to erect 5 x 4 bedroom houses and 6 x 2 bedroom flats so the number of residential units on the site will increase to 11 in total.
- Sevenoaks Road is a classified road, a London Distributor Route, and part of the A223. The site has a Public Transport Accessibility Level (PTAL) of 2 and is therefore considered to have a "Poor" level of accessibility to local public transport links (out of a possible 6, where 6 represents very high levels of public transport accessibility).
- The applicant is now providing 16 spaces in total for the development which is acceptable.
- The site is at high risk of flooding from surface water according to the latest long-term flood risk mapping. There is a history of flooding at the site, believed to result from high groundwater levels. The site was flooded in 2001 from February to July which lasted 6 months and again in 8th February to 25th April 2014 lasting 11 weeks. On the recent flood the Council ended up spending tens of thousands pounds to drain the water. The Council has now resolved not to intervene in subsequent ground water flooding events. My concern is where the residents will park in the event of a flood for a period of 3 to 6 months.
- I have now seen drawing number T-03 Rev P5 for (DB32 Pantehnicon) and Drawing No. T-04 Rev P2 for vehicle used for refuse collection in the Borough (10.3m) in length. The refuse vehicle is not touching the corner of the flats or running over the parking bay. So this is now satisfactory.

Please include the following with any permission:

- OC03 (Satisfactory Parking)
- OC11 (Sight lines of 43m x 2.4m x 43m)
- H12 Pedestrian Visibility....3.3 x 2.4 x 3.3m visibility splays and no obstruction to visibility in access of 1m in height...
- ND16 (Hardstanding for wash-down facilities)
- AG11 (Refuse storage)
- AG12 (Cycle parking)
- H28 Car Park Management

- AG13 (Lighting scheme for access/parking)
- PC17 (Construction Management Plan)
- AG24 (Highway Drainage)
- Non Standard Condition: No loose materials shall be used for surfacing of the parking and turning area hereby permitted
- Informative: DI16 (Crossover)
- Non standard informative
- 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."
- The London Plan policy 6.13 also requests that 20% active and a further 20% passive Electric Vehicle Charging Points (EVCP) is provided for all spaces.
- Additional Comments received 26.2.2019

Further to my comments dated 12 December 2018

- Transport Assessment: I agree to the conclusion on trip generation in para 6.4.3 of the Transport Assessment.
- Road Safety Audit: I have seen the Road Safety Audit on page 13 and Appendix F of Transport Assessment; however I would still like to see an RSA Stage 2 to cover the information required in the Designers response.
- Sight Lines: The sight lines shown on the plan in Appendix E of the Transport Assessment is acceptable. Please include a condition saying the development should be in accordance with this plan.
- Flooding: The revised upper ground floor plan shows 2 gates for residents to leave/enter the site if there is a flood event - one to Dryland Avenue and the other to Lichlade Close. Residents from the flats will walk to the front of the site on a raised walkway from the front door. There should be a condition within the Car Parking Management to trigger when the Dryland Avenue gate can be opened and at what level when water recede it has to be closed i.e a Flood Water Depth Sensor. Details of the location, design, operation and management of a monitoring borehole for ground water and a Flood Water Depth Sensor for surface water shall be submitted to and approved by the Local Planning Authority prior to the first use of the site and shall be permanently maintained in good operational working order in accordance with the manufactures instruction at all times.
- In case of a flood around 12 cars will need to be accommodated off site. There is no room to accommodate these many cars on Dryland Avenue or Kings Road but as other roads such as Cloonmore Avenue or Gleeson Drive have space so I don't see we can support a reason for refusal on this particular matter.
- Drainage Officer

Comments dated 2.3.2018 –

The main outstanding issues are:

- Design Flood Levels for mitigation - The use of only surface water mapping to set finish floor levels is not sufficient because flooding, groundwater and surface water happened at the same time and by proposing 67.3 m AOD as a dry level during past events is not correct because pumping kept the level down.
- It is not clear from the submitted plans/cross-sections whether the floodable area is all open or garages with doors will be constructed.
- Ask to demonstrate that the new foundations won't have an adverse effect (water displacement) onto neighbouring properties.
- The need to take the full responsibility of pumping during flood events and provide consent from TW to use their assets to discharge the water.
- Flood resilience measures.
- Surface Water run-off disposal.
- Monitoring borehole to trigger levels.

Additional Comments dated 4.2.2018

It has been agreed that in order to ensure that the development does not increase risk elsewhere, it is proposed not to increase the built footprint on the development site compared to the existing scenario, reduce the size of buried foundations and allow garages at lower level to store flood water.

Reviewing your comments and considering the constraints presented, we accept in principle the proposed openings at the front and rear on the terraced units as well as the openings at the front and rear walls for the detached units.

Please note that we won't accept any further reduction to the floodable areas in the lower level.

Additional comments dated 31.7.2018

The main outstanding issues are

- Further assessment/modelling required into flooding interactions (groundwater, surface water) and its impact to neighbouring properties. We are asking for an accurate representation of the flood risk in relation to the site and third party during extreme event.
- Constant pumping during the two big flooding events (2001 & 2014) proved to be crucial to maintain water levels at a level that does not cause internal flooding, so a written agreement should be in place between the developer and Thames Water to allow overpumping.
- We asked for a detailed surface water strategy to be carried out at this stage to demonstrate that sufficient storage is provided to restrict surface water run-off to greenfield rate for all events including the 1 in 100 year plus climate change event. The proposed combination of green roof and blue roof to provide storage is in principle acceptable.

Additional comments dated 7.1.2019

I am confident to say that the layout of the proposed development with the associated proposed mitigations will be more resilient to the existing and won't increase flood risk to the neighbouring properties.

- Environmental Health Officer

Noise: I have looked at this application and in principle would have no objections to permission being granted. I would however recommend that the following Condition be imposed:

- (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed glazing and ventilation to the standard recommended in the Grant Acoustics Noise Assessment (ref GA-2017-0025-R1) have been submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

Contamination: I have looked at the Phase 1 Desk Study (contamination) prepared by Lustre Consulting (ref 2120_FP01.0- 2018) which concludes that due to the past use of the site a number of pollution linkages may exist. I would therefore recommend that the following Conditions be imposed:

Standard Condition for contamination (omit Part A)

Before demolition work commences the Applicant shall carry out a full intrusive predemolition asbestos survey and a Report of the findings shall be submitted to the Local Planning Authority for written approval. Should the Report conclude that asbestos removal is required prior to demolition an Application shall be made to the Health & Safety Executive (the enforcing authority) and a copy of the application, together with details of environmental monitoring shall also be provided to the Local Planning Authority at least seven days before asbestos removal commences.

I would further recommend that the following Informatives be attached:

1. 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.
2. 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.

- Tree Officer

A site visit was made to assess the trees across the site and the impact of the proposal on retained trees. Trees surrounding the site should not act as a constraint to the proposals. These trees are comprised of self-seed trees amongst conifer hedging. The trees are seen as replaceable, however, I note that only trees immediately affected by the proposals will be removed. The proposed footpath to the south of the site will result in the removal of boundary vegetation. There would be no arboricultural grounds to oppose such actions, but if screening is considered vital, this element of the proposal could be reviewed.

The protected sycamore to the rear of the site was assessed to confirm the tree survey comments. The tree was found with multiple defects that would justify the removal as prudent management.

The landscaping scheme is considered the focus and should be submitted to reflect more detailed proposals that have been outlined in the Design and Access Statement. Replacement tree planting should form part of the landscape plan along the western boundary.

I would recommend the following condition be applied:

- Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- Prior to the commencement of the development hereby approved (including demolition and all preparatory work), tree protection measures in accordance with the Tree Protection Plan (J54.46/02) hereby approved, shall be installed. Such measures shall not be moved or removed, but shall be retained in situ until completion of the development and all materials and machinery have been removed from the site, unless otherwise agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details and recommendations within the submitted Arboricultural Method Statement (J54.46 27th November 2017) or any variation as may subsequently be agreed in writing by the LPA.
- West Kent Badger Group

A site visit was made on Wednesday 5th September 2018 to Borkwood Court. The two badger setts in question on the north west end of the site are both disused. The setts show no sign of current or recent use.

If planning permission is granted, a further survey should be carried out prior to development taking place.

- Environment Agency (EA)

We have reviewed the 'Phase 1 Desk Study' report by Lustre Consulting (reference 2120_FP01.0-2018 dated March 2018). The report states that the site does not appear to have been subject to significant historic contaminative uses. Historic mapping is reported to show the site has been excavated for mineral extraction, however, the current topography would not indicate any significant subsequent backfilling/landfilling. We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below.

Condition 1: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Condition 2: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Condition 3: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

- Thames Water (TW) dated 14.6.2018

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

Waste: With regards to the item 'Pumping', Thames Water review every request for a groundwater discharge permit on its own merits, however, it is considered very unlikely that a groundwater discharge to the foul sewer(s) in Sevenoaks Road would be accepted on the basis that the likely proposed pumping/discharge rates

required to have any significant impact on the flood levels on site would exceed the capacity of the foul sewer(s).

During the previous groundwater flood event in 2013/14, the pumping carried out by Bromley Borough Council and Thames Water was discharged to the surface water sewer located in Sevenoaks Road. We do not formally accept groundwater discharge permits for discharge to a surface water sewer, only discharge to foul sewers would be considered. Should the developer wish to pursue a request to discharge groundwater to the surface water sewer, this would likely require joint agreement with the LLFA, Environment Agency and Thames Water to agree acceptability (need to balance risk of pollution to downstream watercourse vs flood alleviation).

With regards to the item 'Surface and foul water disposal', we acknowledge acceptance of a 'sealed' foul private network on site. We would like to draw attention to our previous response which stated that "A detailed investigation into the private sewer network should be carried out to confirm if it is combined or foul only". Thames Water is not in possession of any information on the private sewer network at Borkwood Court and cannot confirm if it is a combined or foul only sewer. We would expect any proposed connection to the public surface water sewer network to be restricted to a discharge rate agreed with both Thames Water and the LLFA. Discharges shall be attenuated to reduce the likelihood of flooding downstream of the point of connection as required by London Plan policy and to prevent (during periods of groundwater flooding) the unattenuated discharge of flood water from the site into the surface water network.

- Secure by Design

The Metropolitan Police Crime Prevention Design Adviser provides the following comments:

I have viewed the online plans and documentation and was pleased to note section 14 of the design and access statement with proposed security measures according to Secured By Design standards.

However on inspection two statements do not correspond with the supplied plans. I am therefore concerned that the proposed development may have a number of security areas which I feel should to be clarified with consultation between a design out crime officer and the architects, primarily: flood escape way gating, stair core access control, the use of tested and accredited doors is stated, but no mention of windows, secure cycle and waste storage and the mail and visitor strategies, and the associated security problems which these can present.

I believe that it is imperative that a residential premises such as this, in a moderately high crime area should be built according to the principles and measures of Secured By Design.

I have reviewed the reported crime figures for the previous four months within a mile radius of the proposed development which I present below:

Crime type	Dec	Nov	Oct	Sept 2017
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Anti-social behaviour	17	15	20	30
Burglary	22	32	13	13
Robbery	1	3	1	2
Vehicle crime	5	14	12	8
Violence and sexual Assaults	29	27	13	33

NPPF paragraphs 58 and 69 state:- Paragraph 58 of National Planning Policy Framework clearly states that local and neighbourhood policy should 'create safe and accessible environments where the fear of crime does not undermine quality of life or community cohesion.'

Paragraph 69 of this document 'promoting Healthy Communities' underlines this statement by encouraging the planning system to play an important part in facilitating 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.'

I feel that should this application proceed, it should be able to achieve the security requirements of Secured by Design with the assistance of the south-east Design out crime officers and Secured by Design document "New Homes 2016".

The adoption of these standards will help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment.

To assist the development in achieving Secured by Design accreditation, I would seek to have a 'Secured by Design' condition attached to any permission that may be granted in connection with this application and that the wording is such that the development will follow the principles and physical security requirements of Secured by Design and be awarded as such.

- Site-Wide Energy Policy comments

The site-wide energy statement is considered to be acceptable. A Carbon Offsetting payment-in-lieu has been calculated and amounts to £25,830.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in for this proposal includes the Bromley Local Plan (2019) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

1. The Bromley Local Plan (BLP)

Current Policies relevant to this application include:

Policy 1 Housing Supply
Policy 2 Affordable Housing
Policy 4 Housing Design
Policy 30 Parking
Policy 31 Relieving Congestion
Policy 32 Road Safety
Policy 33 Access for all
Policy 34 Highway Infrastructure Provision
Policy 37 General Design of Development
Policy 72 Protected Species
Policy 73 Development and Trees
Policy 74 Conservation and Management of Trees and Woodlands
Policy 77 Landscape Quality and Character
Policy 79 Biodiversity and Access to Nature
Policy 113 Waste Management in New Development
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems
Policy 118 Contaminated Land
Policy 119 Noise Pollution
Policy 122 Light Pollution
Policy 123 Sustainable Design and Construction
Policy 124 Carbon reduction, decentralised energy networks and renewable energy
Policy 125 Delivery and Implementation of the Local Plan

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD
- SPG1 Good Design Principles
- SPG2 Residential Design Guidance

2. In strategic terms the most relevant London Plan 2015 policies include:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.6 Outer London: vision and strategy
Policy 3.1 Ensuring equal life chances for all
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets
 Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 Policy 3.13 Affordable housing thresholds
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.5 Decentralised energy networks
 Policy 5.6 Decentralised energy in development proposals
 Policy 5.7 Renewable energy
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 5.14 Water quality and wastewater Infrastructure
 Policy 5.15 Water use and supplies
 Policy 5.16 Waste self-sufficiency
 Policy 5.17 Waste capacity
 Policy 5.18 Construction, excavation and demolition waste
 Policy 5.21 Contaminated land
 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.13 Parking
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.6 Architecture
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.19 Biodiversity and access to nature
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

The relevant London Plan SPG's are:

- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Housing Supplement Planning Guidance (2016)
- Energy GLA Energy Guidance 2018
- Mayors Affordable Housing and Viability Supplementary Guidance SPG 2017
- Shaping Neighbourhoods: Character and Context (2014)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)

Please note that the Draft London Plan has been issued for consultation. The policies are subject to examination and the weight attached to the draft policies increases as the Local Plan process advances as set out in the NPPF paragraph 216.

3. National Policy

The National Planning Policy Framework 2018 (NPPF) is relevant, particularly the paragraphs listed below

Paras 7-14: Achieving sustainable development

Paras 59-77: Delivering a wide choice of high quality homes

Paras 91-95: Promoting healthy and safe communities

Paras 102-111: Promoting sustainable transport

Paras 117-123: Making effective use of land

Paras 124-132: Requiring Good Design

Paras 148-165: Meeting the challenge of climate change & flooding

Paras 170-183: Conserving and enhancing the natural environment

Paras 212-217 Annex 1: Implementation

4. National Planning Practice Guidance (NPPG) is also relevant

Planning History

There is no relevant planning history for this site.

Conclusions

It is considered that the main planning issues relating to the proposed scheme are as follows:

- Principle of Development including land use, density, affordable housing
- Surface Water and Ground Water Drainage
- Design - layout, scale, massing and appearance.
- Standard of Accommodation and Amenity Space.
- Impact on Neighbour Amenity.
- Highways and Traffic Matters ((including Cycle Parking and Refuse).
- Trees, Landscaping and Ecology
- Other technical matters including planning obligations.

Principle of Development

The NPPF Paragraph 11 identifies the presumption in favour of sustainable development and that planning permission should be granted if in accordance with the development plan. Paragraph 38 of the NPPF states that decision makers should seek to approve applications for sustainable development where possible. In terms of housing provision, BLP Policy 1 requires the Borough to make provision for at least 641 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix.

BLP Policy 2 states that Boroughs should seek 35% affordable housing provision on housing development capable of providing 10 or more units, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision where priority should be accorded to the provision of affordable family housing. In terms of income thresholds, a report approved at Development Control Committee on 21.6.2018 sets out the local housing income thresholds for shared ownership housing.

London Plan Policies 3.10, 3.11 and 3.12 also states that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision where priority should be accorded to the provision of affordable family housing.

Additional detailed guidance regarding housing development is provided in the Mayors Housing Supplementary Planning Guidance.

BLP Policy 4 requires the Borough to make provision for at least 11,450 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix.

The site is located in a primarily residential area and is currently occupied by 6 dwellings. The provision of housing on site is acceptable in principle as this will accord with the prevailing development in the surrounding area.

The site is considered to fall within the small windfall allowance in the Council's 5 Year Housing Land Supply so the additional 5 units will make a positive contribution to meeting the Council's current housing of 641 units per year over the plan period.

In addition, the site is prone to flooding events and the details of this are discussed elsewhere in this report. Whilst it is clear that it is not possible to prevent future flooding events, the current proposal does present an opportunity to introduce building design techniques and mitigation measures that could improve the quality of residential occupation of the site and continue to use the land for beneficial purposes.

Taking account of the above it is considered that the principle of development of the site for residential purposes is acceptable.

- Density

As existing residential land, an increased density and housing provision could make a valuable contribution to the Boroughs housing supply. However, it is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations. It is noted that this proposal could potentially represent a contribution of the Council's required Housing Land Supply. Density standards based on the number of habitable rooms, the Public Transport Accessibility Level of the site and the setting of the site are set out in London Plan Policy 3.4.

The density of the proposed development is 208 habitable rooms per hectare and 48 units per hectare. The London Plan standard for a suburban development with a PTAL of 2 is between 150-250 habitable rooms per hectare and 48-80 units per hectare. This development sits comfortably within this range and, as such, the density of the development is acceptable.

- Viability and Affordable Housing

Bromley Local Plan Policy 2 states that the Council should seek the provision of 35% affordable housing units on development capable of providing 11 or more units; 60% of provision should be for affordable rent housing and 40% should be for intermediate/shared ownership provision where priority should be accorded to the provision of affordable family housing. The policy that where the proposed level is less than 35% the Council will require evidence within a Financial Viability Assessment (FVA) that will be independently assessed.

In this case, the planning application has been accompanied by a FVA which advises as follows;

"You will note from the table above and the appraisal included as Appendix 2 that the 0% affordable housing scenario that I have modelled shows a deficit of some 380,000.

Where certain deficits are incurred in viability, the developer can take the 'commercial decision' to proceed with the scheme provided that the deficit does not increase any further.

In this instance, the applicant has confirmed that they are committed to delivering the scheme but will only be able to do so through removing the requirement to provide affordable housing contribution on this site.

The deficit incurred at this level is effectively the amount of developer profit that the developer is prepared to forego (in this instance) simply in order to see the scheme proceed. I believe that any requirements to provide additional affordable housing or additional S106 contributions would worsen the viability and place doubt over it proceeding."

In accordance with BLP Policy 2, the Council appointed an independent consultant to assess and verify the content of the applicants submission. The conclusion of this report is set out below.

"We have carried out a residual land valuation based on the assumptions above which includes the "benchmark land value" and profit as outlined above. The residual land appraisal we have carried out is on a scheme with 35% affordable housing. This appraisal shows a deficit of £877,666.

The approach taken in this study follows the well-recognised methodology of residual land valuation (RLV). Put simply the residual land value produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme.

It is our opinion that this appraisal demonstrates that the scheme cannot provide 35% affordable housing on site. We then carried out a further appraisal with 100% open market units. This appraisal shows a deficit of £331,778

Should the Council be minded to grant planning approval it is our opinion the

applicant should be not be required to provide an off-site affordable housing contribution."

Based on the advice of the Council's consultant it is concluded that the development cannot support the payment of S106 contributions to mitigate the impact of the development.

Surface Water and Ground Water Drainage

Unusually this site is the subject of ground water flooding and the future redevelopment of the site relies heavily on the approach to dealing with these events in the future. This is a separate section relating to this aspect of the scheme and it is brought forward in the report due to its impact on all other following aspects of the acceptability of the scheme.

In terms of policy context the relevant BLP policies relating to drainage include Policy 115 Flood Risk, Policy 116 Sustainable Urban Drainage Systems (SUDS) and Policy 117 Water and Wastewater Infrastructure Capacity. The policies seek to address existing flood risk and reduce the impact of new developments by working with the Environment Agency, landowners and developers to manage and reduce flood from all sources flooding, apply sequential and exception test to avoid inappropriate development in relation to flooding, implement sustainable drainage systems , engage with flood risk emergency planning as required, and implement measures to mitigate flood risk that are effective, viable, attractive and enhance the public realm and ensure residual risk can be managed. All development should seek to implement Sustainable Urban Drainage Systems (SUDS) to manage surface water and development should be within the existing capacity for water and waste infrastructure.

The site lies within Flood Zone 1 for the purposes of fluvial flooding and in a Localised Flooding Area 21 in the Bromley Strategic Flood Risk Assessment (equivalent to Flood Zone 3) due to surface water and ground water history of flooding. The site is also within a Groundwater Protection Zone.

In terms of supporting documentation the applicant has submitted a Flood Risk Assessment dated November 2017, a further supporting statement dated 4.5.2018 and an Addendum to the original FRA dated October 2018. The content of the reports is summarised below.

The initial FRA submitted with the application reviewed the risks and implications of flooding from the known groundwater and surface water flooding and implication from future flooding events, compiled a sustainable drainage system for the site taking account of climate change and provided advice on the site layout and design that will ensure safe operation in an extreme flood event.

The sources of flooding are identified as geological conditions that are present on the site that allow groundwater to easily rise to the surface combined with the topographical conditions where the surrounding land is higher than the site which create a 'hollow' in the centre and rear of the site. This can also lead to surface

water flooding that cannot easily dissipate during intense rainfall events (if these coincide with rising ground water).

The dominant risk of flooding is from groundwater. The site has flooded in February 2001 and February 2014 and required constant pumping for several months until the ground water abated. Flooding from ground water is likely to recur so management of flooding must focus on site design and building resilience. Flooding from surface water can be sudden and, given the topography of the site, can lead to higher depths of water.

The report considers the acceptability of redeveloping the site and concludes that the proposed development would improve the safety of residents and reduce the consequences of flooding at the site. The site already accommodates 6 flats which are at risk of future flooding. The provision of new dwellings will allow the introduction of measures to mitigate against future flood events including providing habitable accommodation above the expected flood levels, provision of sacrificial garages and services at the lower level of the buildings, provision of a permanent dry access to and from the site for residents in the event of a flood. In addition the redevelopment of the site will allow the provision of man-made impermeable surfaces on the site and a beam form of foundation which will reduce the amount of impermeable material on the site.

The Council's Drainage Officer raised concerns about the FRA to include: Further modelling into flooding interactions (Groundwater, Surface Water) to assess its impact on neighbouring properties, design of new foundations, the need for future owners of the site to take responsibility for the pumping of water off the site during future flood events (this had previously fallen to the local authority at considerable expense), flood resilience measures, surface water run-off disposal and monitoring boreholes to trigger levels.

As a result a further response was received from the applicant in May 2018 setting out the following:

- details of design flood levels that would be above the predicted flood levels,
- removal of garage doors to ensure that the floodable built footprint is not greater than the existing,
- details of new foundations showing ground beams that are significantly less volume than the existing foundation construction,
- details of pumping including provision of a permanent pump on site that will be maintained by a management company,
- confirmation from Thames Water that in the event of a flooding incident on the site, consent for pumping of groundwater to the surface water sewer would not be unreasonably withheld and a permit would be required to pump groundwater into a public sewer.
- Other flood resilience measures referred to above including sacrificial garages,
- Surface and foul water disposal will be separated and the provision of a 'sealed' foul water network to reduce surface and ground water infiltration,
- A monitoring borehole on the site installed with a remote trigger setting to alert future occupants that groundwater levels are high and rising.

The Council's Drainage Officer reviewed this document and continued to raise concerns regarding specific local modelling of flooding and its impact on neighbouring properties, written agreement from TW to pumping and detailed surface water strategy.

In addition Thames Water advise that every request for a permit for pumping ground water will be considered on its merits. Pumping into the foul sewer is unlikely to be acceptable as this is likely to exceed the capacity of the sewer in Sevenoaks Road. Permits to discharge into the surface water sewer are not formally accepted by TW but during the last event water was pumped off the site into the surface water sewer and any request from the developer to repeat this procedure will need to be agreed by TW, the Environment Agency and the Local Flood Authority (LB Bromley) (need to balance risk of pollution downstream watercourse vs flood alleviation).

In October 2018 the Council received a Flood Risk Addendum which provided further information in response to the concerns raised above.

The Council's Drainage Officer is able to advise that the layout of the proposed development with the associated proposed mitigations will be more resilient than the existing position and won't increase flood risk to the neighbouring properties. He recommends a condition requiring the development to be carried out in accordance with the original FRA dated November 2017, letter dated 4.5.2018 and the Addendum dated October 2018 (all from Water Environment Ltd) and associated mitigation measures and the submission of a Flood Response and Resilience Plan which requires details of the implementation of the mitigation measures.

In summary, the Council's Drainage Officer finds the submission documents acceptable in terms of the modelling of future surface and ground water flood events and its impact on future residents on the site and the occupants of adjacent properties. This is subject to a list of mitigation factors which are summarised in the list below. It should be noted that in the likely event of a future flood on the site, the current resilience of the site to deal with the event and the impact on existing residents is unchanged.

On this basis it is considered that the development is acceptable from a drainage point of view subject to the following mitigation measures:

- Raising finished floor levels for the first floor to 67.3AOD
- No sleeping accommodation at ground floor level.
- A continuous safe & dry access to be provided in a form of walkways from each unit to dry land outside the site in Dryland Avenue, Lichlade Close and Sevenoaks Way - these walkways and adjacent gates will only be used in the event of rising water and a trigger restricting the operation of the emergency gates will be recommended to ensure their use only for emergency purposes.
- The provision of ground beam foundations to replace the existing mass concrete strip foundation reducing the volume of the foundation material

from 1700 m³ to 275 m³. This reduces the impact of the foundations on the flow of water in the event of rising groundwater.

- Sacrificial garages - 2 sides would be open at the front and rear and this will allow water to flow across the site. This will also increase the site storage of water (compared to the existing). The front entrance for the houses and porch will remain enclosed. These will be enclosed with railings only and a condition to secure this is recommended.
- Installation of permeable surfaces with a 300mm deep porous sub-base for the access road and garage spaces propose to provide a total of 843 m³ of attenuation storage.
- Supplementary crated storage will be added beneath the porous sub-base of the road to provide a total of 46.6 m³ of attenuation storage.
- A 160sqm green roof on top of the flats is proposed.
- Surface water runoff will be attenuated and stored on site to limited rate of 5 litres/second for all events up to the 100 year event including an allowance of 40% for climate change.
- Surface and foul water runoff from the site will be disposed of separately which is an improvement on the current position where they are combined and discharge into the foul water sewer.
- The foul water network will be 'sealed' to reduce ground water and surface water infiltration into the foul sewer network.
- Monitoring borehole to be installed that has a remote trigger to alert future occupants that groundwater levels are high and rising, which will supplement the EA Flood Warning Service. The alert level on this and visible groundwater on site could be a trigger for using the pump and the emergency exit/entrance gates.
- Management Plan for future maintenance of all SUDS to be secured by S106 agreement.
- A pump will be installed and retained on the site - details of specification, location and physical enclosing structure, maintenance plan to be submitted.
- TW advise that temporary connections to discharge flood water into the public sewer may be acceptable and will be subject to a permit application at the time of the next flood event. This will need to be agreed in discussion with the LLFA.
- A management company, JL Managing Agents, has already been set up and will be tasked with maintaining the buildings and grounds and the proposed pump and a clause will be proposed in the s106 to secure the continued provision of a management company for the site in perpetuity. They should be linked to the FRRP and SUDS Maintenance Plan above.
- A Flood Response and Resilience Plan (FRRP) to be submitted to secure the above and will be secured by S106 agreement

Design - layout, scale, massing and appearance.

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.

BLP Policy 4 requires that new development is of a high standard of design and layout whilst enhancing the quality of local places. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

The application site is an unusually narrow, deep, linear site measuring 98m in length by 23.5m in width.

In addition the majority of the site is set below the ground level of the adjoining properties. The height difference is greatest where the southern boundary abuts Lichlade Close and Adcot Walk and where the western boundary abuts Dryland Avenue. In addition the site rises from the centre point up towards Sevenoaks Road and Kings Road. The central 'hollow' configuration proves to be a constraint for the layout of any development as it makes the site prone to flooding. There have been 2 flood events in the past 18 years due to rising groundwater. It is likely that there will be future events.

At present the site accommodates 3x2 storey linked structures in the centre of the site which provide 6 flats. There are also 6 garages on the site. These will be demolished.

Due to the narrow frontage of the site, the most prominent part of this development in terms of its impact on the streetscene is the frontage building. The remainder of the buildings will be mostly hidden from view and passers by will only catch a glimpse of the rear buildings from the highway and footpath.

The proposed layout provides a part 3/part 4 storey frontage building which will accommodate 6 flats. The rear of the building will be 4 storeys due to the lower land level within the site. The front of the block is placed on a strong building line that reflects the frontage of 92 Sevenoaks Road and more southerly buildings but sits forward of 88 Sevenoaks Road although there are buildings set in similar proximity to Sevenoaks Road at no 78 and further north that moderate the visual impact of the more forward setting of this building than at present.

In terms of its bulk and massing in the streetscene, the section plans show that the building is similar in height to the building at 92 Sevenoaks Road but it would be higher than No 88. However the new building and No 88 will be separated by the width of the driveway which provides a significant space around the new building at this point and mitigates the impact of the building in the street scene. To the south, the internal boundary separation is 3m and the buildings at 92 and 94 are set back a significant distance from the boundary with the site.

To help further mitigate the visual impact of the building a contemporary design for the building is proposed with a mansard roof partly set back from the front elevation. There is a mix of dwelling types in the area so this more modern building design would not be out of keeping with the area. The materials palette in the Design and Access Statement indicates the use of a red brick for the façade with zinc roof cladding and dark grey window frames. This would emphasise the modern design but the use of brick picks up on other local materials in the area.

As such it is considered that the positioning of the frontage block on the site and the bulk and massing of the building itself will not result in an overbearing structure that would be out of place in the street scene or have a significantly detrimental impact on the buildings on the adjoining sites.

The change in levels moving back into the site results in a lower ground floor for the rest of the buildings on the site.

The central building is set perpendicular to the front of the site and the front and rear elevations face Kings Road and Lichlade Close respectively and comprises 3 houses. This building will be a storey taller than the existing adjacent building at 6 Adcot Walk and will be set back 8m from the boundary. The building sits adjacent to the flank wall of No 6 and will extend forward towards Sevenoaks Road and will be visible from the front windows of this property.

In terms of bulk and massing the applicant has to tried to minimise the bulk of the building from the original submission by reducing the height of the roof and setting it behind a short parapet. The separation between the flank elevations of the existing and proposed buildings is a minimum of 10.3m. The extent of the proposed building will be prominent in this part of the site but the separation between the existing and proposed buildings and the position of the building along the gable of No 6 and not adjacent to the rear garden area will contribute significantly to minimising the impact of the bulk of the building on this neighbour.

The rear buildings are a similar height and bulk to the central buildings and the adjacent buildings are set back approximately 5.4m from the southern adjacent boundary and 3m from the northern adjacent boundary. To properties in Dryland Avenue the separation is approximately 30m.

In this case, the configuration is flank wall to flank wall. The new buildings are taller than the adjacent house at 5 Adcot Walk but the rear elevation does not project behind their existing rear elevation. In terms of the impact of the bulk and massing it is considered that, while the buildings are taller than adjacent houses, the separation to the north and south boundaries is sufficient to accommodate these buildings without them appearing over dominant on the site or to nearest neighbours.

The separation between the central and rear buildings and the houses in Kings Road is a minimum of 25m. It is considered that the bulk and scale of the new buildings from these properties will not appear so substantial as to have a significantly adverse impact of the setting of these buildings.

In summary, the proposed development will introduce buildings to the site that are larger than the existing buildings and the immediately adjacent neighbouring houses. Measures have been undertaken by the applicant to reduce the height and bulk of the buildings but they will be taller than existing local buildings. However it is considered that the design of the development in terms of height, scale, mass and appearance will not have a significant adverse impact on the streetscene, the character of the area or the amenities of existing and future residents.

Standard of Accommodation and Amenity Space

In terms of the provision of housing, BLP Policy 4 requires development to meet minimum standards for dwellings set out in London Plan Policy 3.5, Table 3.3 and the London Plan Housing SPG.

The London Plan Policy 3.9 seeks communities that are be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. Policy 3.4 encourages the optimising of housing potential and provides guidance as to the density of development through the density matrix. Policies 3.5 seeks to achieve the highest quality of design internally, externally and in relation to the context of the site to protect and enhance the residential environment and attractiveness as a place to live while Policy 3.8 seeks to provide a genuine choice of homes that they can afford and meet their requirements in terms of size and type of dwelling of the highest quality.

Part 2 of the London Plan Housing SPD (March 2016) sets out detailed guidance for achieving a high quality design for all new development that will ensure that the needs of all Londoners are met at different stages of life. The standards that development must meet relate to unit size and layout, private and communal open space, designing out crime, circulation within the building and within individual units, wheelchair units, car parking, cycle parking, refuse and recycling facilities, privacy and dual aspect units. Other London Plan policies also provide guidance on noise, daylight and sunlight, floor to ceiling heights, air quality, climate change and mitigation, water supply, flooding and ecology.

- Mix and Unit Size

New developments should provide a range of housing choices in terms of mix of housing sizes and types. The development proposes the provision of units with a mix of sizes namely 2 bed flats and 4 bed houses and this reflects the local mix of units and is acceptable for this site.

In terms of the size of the units Policy 3.5 of the London Plan requires 2 bed/4 person units to exceed 70 sqm. The accommodation schedule set out in the Design and Access Statement shows units ranging from 70 sqm to 86 sqm. The minimum standard for 4 bedroom houses is 112 sqm for 6 person and 103 for 8 person units; the schedule for accommodation shows units of 143sqm for 6 person and 176 sqm for 8 person units.

On this basis, it is considered that the unit sizes are acceptable.

- Dual Aspect

All of the units are dual aspect. This is particularly important for the flats facing Sevenoaks Road which a busy distributor road. In order to safeguard the amenities of the future residents the Council's Environmental Health Officer has recommended a condition requiring the submission of glazing and ventilation measures.

- Private outdoor space

Private outdoor space is provided for each of the houses with gardens measuring approximately 8m in length which is similar to other houses in the locality.

For the flats, each unit has a balcony and the submitted information shows that the size of the balcony meets the minimum size expected by the Mayors Housing SPD for 2 bed/4 person units.

- Accessible housing

All new housing will be required to meet the standards set out in Policy 3.8 which seeks 90% of all new housing to meet Building Regulations 2010 M4(2) and 10% to achieve Building Regulations 2010 M4(3)(2)(a) for wheelchair adaptable dwellings.

The floor plans show that 1 ground floor unit will be provided out of a total of 11 units. The unit is 86sqm and it is considered that this is of sufficient size to meet Part M (3) and a condition requiring the provision of unit 2 for a wheelchair adaptable unit is recommended. This meets the 10% threshold for wheelchair adapted units. There is also a lift in close proximity to the unit.

One dedicated disabled car parking space will be provided on the lower ground floor level of the building.

- Waste and recycling provision

BLP Policy 113 requires new development to provide adequate space to support recycling and efficient waste collection level of provision and access for collections.

The submitted plans show waste and recycling storage space in the garages of the houses. For the flats a binstore is provided on the lower ground floor of the building with sufficient storage space for bins to exceed the Council's requirements in this respect.

In addition a plan has been submitted showing that the internal road layout can accommodate a refuse vehicle with sufficient space for it to enter and exit the site forwards. The Council's Highways Officer advises that the layout is acceptable.

- Impact on noise sources on future residents

A Noise Assessment has been carried out and is summarised in the Proposals section above.

The assessment finds that the predicted internal noise levels for facades facing Sevenoaks Road and side on to the road in the centre of the site exceeds the relevant British Standards and WHO Guidelines for living rooms and windows will need to remain closed to enable the internal noise levels to be met. Mitigation measures including specialist external glazing and ventilation are recommended for these rooms. The bedrooms for the flats will not be adversely affected as they face away from Sevenoaks Road and will only require standard glazing and ventilation.

Plots to the rear of the site will be adequately protected with standard glazing and ventilation and can meet the required standard.

The Council's Environmental Health Officer has reviewed the report and accepts its findings and recommends a condition requiring the submission of a detailed sound insulation scheme prior to the commencement of development.

Impact on Neighbour Amenity

BLP 4 relates to the impact of development on the amenity of the residents of adjoining residential properties. In addition to the site coverage, height and massing, which have been discussed previously in this report, it is necessary to assess the impact of overlooking that may result in the loss of privacy, the potential

loss of daylight and sunlight and noise related issues to fully understand the impact of the proposed development on the amenity of occupants of adjoining residential properties.

In this case it is considered that the potential loss of privacy to neighbours from habitable rooms in the central terraced units and the proposed 'dry access' walkways and the impact on daylight and sunlight are relevant.

Loss of privacy for neighbours and future residents

The existing buildings on site are 2 storeys in height and the new buildings that form the central terrace of 3 houses will be positioned in a similar location on the site. The rear elevation of the closest existing dwelling is approximately 7m from the site elevation of 6 Adcot Walk (which is closer than the proposed separation) and there are first floor habitable rooms overlooking the flank of No 5 and the front elevation and garden area.

The proposed elevations of the terraced houses show habitable rooms at the first and second floor level and dormer windows in the roof slope facing south. As previously mentioned these rooms will be facing either the flank of 6 Adcot or will be in a position forward of the front elevation. It is not possible to completely avoid any overlooking of this property but it is considered that the proposed situation is not so significantly different to the current position in this respect to warrant refusal of permission on loss of privacy.

In terms of the walkway that will be provided to these particular properties, the purpose of the structure is to provide a 'dry access' route for future residents to Lichlade Close. The walkway shown on the original plans has been significantly reduced to minimise the visual impact of this necessary feature and to minimise the dimensions of the structure thereby restricting its use for amenity purposes. Juliette balconies to the patio doors are proposed for the central and eastern house as the walkway does not now extend to service these doors. A condition is recommended that requires details of the extent, design, appearance and materials of all of the dry route balconies and staircases to be submitted for detailed consideration to ensure that all steps are taken to provide safe access during flood events and minimise the impact of neighbouring residents.

Habitable rooms facing Kings Road are more than 25m away from the rear elevation of the existing properties and it is considered that this separation is acceptable, particularly given the current position where there is overlooking to rooms and gardens from the existing flats.

On this basis it is considered that there will be measures in place to deal with concerns of local residents in respect of loss of privacy from overlooking.

Loss of Daylight and Sunlight for existing neighbours

The applicant has submitted a Daylight, Sunlight and Overshadowing report which assesses the impact of the development on identified sensitive receptors in

Dryland Avenue, Adcock Walk and Sevenoaks Road which are closest to the proposed buildings.

In terms of daylight the report concludes that the vertical sky component with the development is reduced with the development in place but the new calculated values are still greater than 27% and so reduction in daylight should not be noticed.

For sunlight the report concludes that all receptors still meet the guidelines with the development in place, calculations show that there will be a slight reduction in probable sunlight hours but the reduction is negligible.

For overshadowing the report shows that none of the surrounding properties will experience any significant overshadowing and all areas will still receive 2 hrs of sunlight. The shadow falls on the site for most of the day and then over the gardens to the east causing no significant overshadowing to adjacent properties.

In conclusion the report shows that the development will have minimal impact on existing potential receptors in the surrounding area in terms of the daylight and sunlight and overshadowing and the development meets the guidelines set out in the BRE Guidance.

Highways and Traffic Matters (including Cycle Parking and Refuse)

In policy terms, the relevant BLP policies include 31 (relieving congestion) and 32 (road safety). BLP Policy 30 sets out car parking standards for residential development and all other development is required to be provided at levels set out in London Plan Tables 6.2 and 6.3. One in 5 spaces should have provision (both active and passive) for electric vehicle charging points and provision should be made for a car club if the development is above the minimum Transport for London thresholds.

London Plan policy 6.13 seeks provision for car parking and charging electric vehicles and policy 6.9 seeks suitable provision for cyclists. These policies seek to ensure that the projected level of traffic generation will not have an adverse impact on the surrounding road network, that the level of proposed car parking is sufficient to minimise any impact on nearby streets from off-site parking, that the provision of cycle parking is sufficient to meet the London Plan and that the layout of the vehicle access provides safe access to and from the site.

Sevenoaks Road (A223) is a classified road and a London Distributor Road and has a Public Transport Accessibility Level (PTAL) of 2 (where 1 is the lowest and 6b is the highest) and is considered to have a 'poor' level of accessibility to public transport.

Vehicle access to the site is via Sevenoaks Road and the existing pedestrian crossing will be upgraded to a priority junction. The revised layout is set out in Appendix E of the Transport Assessment and the Council's Highway Officer finds this acceptable in terms of visibility splays and access for refuse and delivery vehicles.

- Impact of the highway network

As assessment of the trip generation from the development has been undertaken and uses national TRICS database to demonstrate the existing and proposed trip generation for the site.

It is noted that the existing 6 maisonettes have the capacity to generate up to 2 vehicle movements in each of the peak hours with a total of 18 trips over a 12 hour weekday period. As there are 6 flats replacing 6 maisonettes it is considered that the proposed trip generation is the same as the existing.

For the houses the data finds that it could be expected that 4 vehicle trips could be expected in the AM peak with 5 in the PM peak which equates to 42 trips over a 12 hour weekday period.

Given the proximity of the site to the wider strategic network, the implications of this uplift in vehicles are unlikely to be significant or severe and the Council's Highways Officer agrees with this conclusion. In addition the site lies within walking distance of everyday service and facilities and there are bus and rail facilities nearby.

- Car Parking

A total of 16 car parking spaces are provided for the development which equates to 1 space for each flat and 2 spaces for each house. The Bromley Local Plan requires a minimum of 1 space be 2 bed unit and 2 spaces for a 4 bedroom house so it is considered that the provision of car parking spaces meets the BLP requirements.

- Impact of flood events on car parking on the site.

As previously discussed the site lies within an area prone to groundwater floor events. Previous events were in 2001 and 2014 and it is not possible to predict when the events will occur in the future. During these events and while there is flood water on the site it is unlikely that it will be possible for car parking for residents on the site.

The technical aspects of this unusual situation have been discussed in the section relating to drainage above and in this section the impact on the local highway network is considered in more detail.

To enable residents to be able to access their properties during these events, a series of first floor walkways will take residents from their upper floor levels to the nearest adjacent part of the site boundary where they will access the public highway on foot only. There will be no direct vehicle access.

For the 2 houses at the rear of the site, residents will leave the site into Dryland Avenue. Residents will leave the 3 centrally located houses via Lichlade Close. Residents of the flats will be able to use the front entrance to the building to access Sevenoaks Way.

It should be noted that the pedestrian access to these surrounding roads will be via a gate which will be locked and available for emergency use only. Residents have raised concerns that the gates will be used in non-flood event situations to access off-site car parking on a regular basis. The applicant has offered the following position to help mitigate against these concerns.

- The use of the gates will be managed by the management company for the site that is already in place and the S106 legal agreement will require the submission of details of a management plan to administer the use of the gates.
- A monitoring borehole that will show levels of groundwater on the site at any time. This will be installed as part of the drainage system for the site and will be a clear indicator of rising groundwater levels. Once the levels reach an agreed level and there is water visible on the site, this can be the trigger for the use of the emergency gates by residents.
- In addition a planning condition restricting the use of the gate to the time of flood events only is recommended.

It is considered that the proposed measures are reasonable, enforceable and directly relate to the development and will meet tests for enforcement of the measures in the future should the need arise.

The outcome of not being able to park on site is the displacement of potentially 12 vehicles, assuming that all of the houses have 2 cars and all of the flats have 1 car. This figure has been discounted from 18 cars by 6 vehicles to take account of the existing 6 units on the site that would be currently displaced by an event.

In terms of the length of time that the site would be unavailable for parking the most recent flood event involved pumping from the site for a period of 3 - 6 months.

The impact of this on the local road network will mean that an additional 12 cars could require off-site car parking for a period of 3 - 6 months once every 14 years, if the current pattern of events is repeated.

It is most likely that the closest roads will be affected by this demand, namely Borkwood Park, Lichlade Close, Dryland Avenue, Kings Road on the same side of Sevenoaks Road and the slip road of Gleeson Drive and Cloonmare Avenue opposite the site. Residents have raised significant concerns about the impact of the displaced parking on their access to on-street parking.

On this matter the Council's Highways Officer advises that in the case of a flood around 12 cars will need to be accommodated off site. There is no room to accommodate these many cars on Dryland Avenue or Kings Road but as other roads such as Cloonmore Avenue or Gleeson Drive have space it is considered that we (Highways) can support a reason for refusal on this particular matter.

It should be noted that with the exception of properties in Kings Road and the houses at Nos 82-88 Sevenoaks Road inclusive, the significant majority of

properties in the surrounding roads mentioned above have the opportunity to park 2 cars within their curtilage.

In summary, it is recognised that there is likely to be demand for infrequent and intermittent on-street parking for up to 12 additional vehicles resulting from a flood event. It is not possible to predict where residents will choose to park at these times but it appears that there is capacity within the local highways network to accommodate vehicles in the future. It is anticipated that residents with on-site car parking spaces will not choose to park off-site other than during flood events.

A condition restricting the use of the emergency gates to times of flood events only and a further condition requiring monitoring equipment on the site to establish the height of rising groundwater is recommended.

In addition it is recommended that a car park management plan is secured by S106 legal agreement to set out all of the necessary measures to provide parking for future residents and measures to protect existing residents.

On this basis, it is considered that the impact of overspill car parking in the event of a flood and access to off-site dry land can be reasonably provided without a significantly detrimental impact of the amenity of existing residents.

- Cycle parking

A total of 12 cycle parking spaces are provided for the flats within a secure facility which meets the requirements of Policy 6.9 of the London Plan. Cycles will be parked within the curtilage of the houses.

- Road Safety Audit

A Stage 1 Road Safety Audit of the existing proposed site access design and traffic calming scheme has been carried out which raised 5 issues relating to details of the construction of the proposed access, visibility splays, location of bollards and pedestrian crossing facilities. The applicant has provided an initial response that the Council's Highways Officer finds acceptable in principle and the submission of a Stage 2 Audit is recommended.

- Electric Vehicle Charging Points

A condition requiring 20% active and 20% passive electric vehicle charging points in accordance with the requirements of the London Plan is recommended .

- Construction Management

A condition requiring details of a Construction Management Plan and Dust Management Plan are recommended to minimise the impact of the works relating to demolition of the existing building and during the construction period.

In summary, the proposed development meets requirements for car and cycle parking and refuse and recycling facilities and will not have an adverse impact on the local highway network in terms of trip generation.

In addition it is considered that the impact of overspill car parking in the event of a flood and access to off-site dry land can be reasonably mitigated without a significantly detrimental impact of the amenity of existing residents by the use of appropriate conditions and measures secured by S106 agreement as discussed above.

Trees, Landscaping and Ecology

- Trees

BLP Policy 73 requires new development to take particular account of existing trees on the site and on adjoining land which, in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree Preservation Orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting of native species.

The Arboricultural Impact Assessment (AIA) submitted with the application advises that there are a total of 25 trees or groups of trees have been identified on the site and on adjacent land; 3 individual trees are Category B where retention is desirable and the remaining 22 trees and groups of trees are Category C or U which are low quality trees or dead, dying or dangerous trees.

On the site, 2 trees will be removed due to their poor condition and 5 trees and 5 groups of Category C trees are shown to be removed to enable development.

The report concludes that a limited number of trees are to be removed but replacement planting will mitigate the impact of this. A Tree Protection Plan is recommended with measures to protect trees during construction

The Council's Tree Officer raises no objection to the removal of the trees and groups of trees advising that there are no arboricultural grounds to oppose such actions. The sycamore to the rear of the site was assessed to confirm the tree survey comments. The tree was found with multiple defects that would justify the removal as prudent management. The removal of trees at the front of the site give an opportunity to consider more mature planting which would be more inkeeping with planting in this road.

A Site Layout Landscaping Plan has been submitted showing proposed shrub and tree planting and hard surface proposals. However this could be improved with more consultation so a condition is recommend requiring the submission of a landscaping and planting scheme.

On this basis the recommendations of the AIA are accepted and conditions relating to the submission of a conditions relating to landscaping and tree planting and protection are recommended.

- Ecology and Wildlife

BLP Policy 72 relates to Protected Species and advises that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

BLP Policy 79 requires the Council to enhance biodiversity across the borough, assist ecological restoration and address spatial deficiencies by using procedures in the Mayor's Biodiversity Strategy.

London Plan Policy 7.9 (Biodiversity and access to nature) states development proposal should wherever possible make a positive contribution to the protection, enhancement creation and management of biodiversity. When considering proposal that would affect a site of recognised nature conservation interest, the proposal should avoid adverse impact to the biodiversity interest; minimised impact and seek mitigation; only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.

The 3 reports relating to Habitat, Bat activity and badger activity that were submitted with the application have been summarised elsewhere in this report. In brief the report finds evidence of badger activity on the site but no evidence that the badger holes in the garden of the site are in use as a sett. There is no evidence or suitable habitat for reptiles, amphibians, dormice or breeding birds and No rare or nationally scarce botanical species were identified on the site. The Bat Building survey concluded that the houses and garages have 'Negligible' potential to support bat roosts and no evidence of bats was found

At the Council's request, the West Kent Badger Group visited the site and found that there was no evidence of use of badger setts.

The land occupied by houses in Dryland Avenue used to be allotments and when that site was redeveloped land at the rear of the gardens was retained for a known badger population. Residents report significant damage to local gardens from foraging badgers and concerns that this will worsen if the application site is redeveloped.

The applicants report advises that regular monitoring of the site will be required up to commencement of development to assess whether there are any changes in the use of the badger holes and a condition requiring the submission of a follow up badger report prior to the commencement of development is recommended. This information will inform the detailed mitigation strategy which will be required for the licensing process. A licence will be required to close the sett which can be applied for once planning permission has been granted.

On the basis of the above advice, it is concluded that the site is not inhabited by badgers but they do use the site to access other gardens in the locality for foraging. A condition is recommended to carry out further survey work to ensure that the findings of the original report remain accurate. If this is found to be the

case it is expected that a licence permit to close the setts will be sought. The submitted plans show that a lawn area will remain at the rear of the site which will enable badgers to continue to move through the site.

Other Technical Matters

- Planning Obligations

As previously discussed in the Principle of Development section above, the applicant has submitted a FVA, which has been independently checked, and found that the site will generate a deficit and cannot support the payment of any financial contributions to mitigate against the impact of the development.

As discussed in the Highways Section, it is proposed to secure a Car Park Management Plan and Flood Resource and Resilience Management Plan to ensure that the impact of displaced cars during a flood event is minimised.

- Sustainability and Energy

The applicant has submitted an Energy Statement which sets out measures to meet BLP Policy 124 and London Plan policies 5.2: Minimising carbon dioxide emissions and Policy 5.7: Renewable energy.

The report advises that the building can be constructed to exceed minimum Building Regulations for thermal performance and meet the requirements for the use of renewable energy by the provision of solar PV panels on the flat roof of the development.

In terms of carbon offset, the Mayors Energy Policies requires 'zero carbon' emissions for new development. The proposed scheme cannot meet this target through the design of the building alone and a financial contribution of £25,830 is required to make up the shortfall. This would be used to secure the delivery of carbon dioxide savings elsewhere.

However the applicant has submitted a Financial Viability Assessment that states that the proposed scheme is not able to support any financial contributions to mitigate against the development, including the carbon offset payment. As discussed above, the FVA has been independently assessed for the Council and found to that the development would result in a deficit and, as such, the carbon offset payment will not be sought.

- Contaminated Land

BLP Policy 118 requires the submission of desktop and detailed site investigation reports to include a proposed remediation strategy and closure report. Land should be remediated to a standard such that there is no appreciable risk to end users or other receptors once the development is complete. London Plan Policy 5.21 reiterates the requirements of the BLP.

A Phase 1 Desk Study to identify potentially current or historic contaminative activities on site and any sensitive receptors in the vicinity has been carried out and concludes that the site has a moderate/low risk of contamination for future residents and for groundwater contamination. The contamination status is not considered to be prohibitive to the development of the site. However further work in a Stage 2 submission is required to fully understand the contamination risk and develop measures to mitigate and impact of human health and groundwater. The report considers that this work can be carried out as part of pre-commencement conditions attached to any permission granted.

The Environment Agency initially objected to the proposed development because there is insufficient information to demonstrate that the risk of pollution to Controlled Waters is acceptable.

By letter dated 22.1.2019, the EA have raised their objection and advised that they have reviewed the 'Phase 1 Desk Study' report by Lustre Consulting (reference 2120_FP01.0-2018 dated March 2018). The report states that the site does not appear to have been subject to significant historic contaminative uses. Historic mapping is reported to show the site has been excavated for mineral extraction, however, the current topography would not indicate any significant subsequent backfilling/landfilling. We consider that planning permission could be granted to the proposed development as submitted subject to relevant planning conditions.

In addition the Council's Environmental Health Officer (EHO) has reviewed the Phase 1 Desk Study prepared by Lustre Consulting (ref 2120_FP01.0- 2018) and he also concludes that due to the past use of the site a number of pollution linkages may exist. He recommends conditions requiring the submission of further information prior to the commencement of development.

The conditions recommended by the EHO and the EA are included in the list of recommended conditions.

- Secured by Design

The Metropolitan Police Designing Out Crime Officer has viewed the application and notes the unusual proposals for providing future residents access and egress from the site in the case of a flood event. He has advised that from the information submitted it will be possible for the development to achieve a Designing Out Crime Accreditation and recommends a condition seeking this accreditation should permission be granted. He has also requested to be consulted on the final design of the proposed dry access walkways to ensure that they are robust from a security point of view.

- Community Infrastructure Levy

The Council does not have its own CIL but consultation of the boroughs proposed CIL Preliminary Draft Charging Schedule is underway and responses are being invited by 6.3.2018.

- Mayoral Community Infrastructure Levy

The development will be liable for the payment of the Mayoral CIL.

Conclusion

As discussed in detail above, this site is unique with an unusual topography creating a 'hollow' in the centre of the site in an area that is geologically prone to ground water flooding. Due to this combination the site has been subject to 2 flood events in the last 18 years which have resulted in properties that have been uninhabitable for several months on each occasion.

In designing a redevelopment scheme for this site, the developer has taken into consideration the need to improve the current position for future residents on the site and to mitigate against a situation that could be made worse for existing residents.

In drainage terms sufficient information and a list of mitigation measures have been submitted over a lengthy period of time to accommodate both these requirements and the scheme presented to members is considered to meet the requirements in this respect. In addition the impact of the displaced cars into the surrounding streets during the flood events is likely to be dissipated around the local streets and not have an undue impact on the ability of existing residents to conveniently park their own cars.

The principle of development for residential purposes is considered to be acceptable. The design of the individual buildings mean that they relate well to each other and surrounding buildings, taking account of the impact of the existing buildings on the site. The scheme meets policy requirements in terms of the technical standard of the development, density, car and cycle parking and refuse and recycling provision, the impact on trees and wildlife and contamination

The scheme does not deliver affordable housing or other financial contributions relating to health and education and the lack of contributions has been verified by independently appointed consultants.

In conclusion it is considered that, subject to the recommended conditions and clauses in a S106 to secure a Car Park Management Plan and Flood Response and Flood Response and Resilience Plan, the proposed development is acceptable.

Background papers referred to during the production of this report comprise all correspondence on file ref: 18/00142/FULL1, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT (relating to the provision of a Car Park Management Plan and Flood Response and Flood Response and Resilience Plan)

and 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 only be carried out in complete accordance with the details shown on the submitted plans and documents, as follows:

Plans

- Plan 0330 001 Rev 5 Site Location Plan
- Plan 0330 002 Rev 1 Existing Site Plan
- Plan 0330 025 Rev 1 Demolition Plan
- Plan 0330-010 Rev 6 Site Layout - Proposed Lower Ground Floor Plan
- Plan 0330-011 Rev 6 Site Layout - Proposed Upper Ground Floor Plan
- Plan 0330-030 Rev 5 Site Layout - Proposed Sections A-A, 1-1 and 2-2
- Plan 0330-031 Rev 6 Site Layout - Proposed Sections B-B and 3-3
- Plan 0330-032 Rev 2 Site Layout - Proposed Sections 1-1 and 2-2
- Plan 0330-050 Rev 4 Front Block - Proposed Plans
- Plan 0330-051 Rev 5 Site Layout - Front Block - Proposed Elevations and Sections
- Plan 0330-060 Rev 7 Terraced House - Proposals change to Rev 7
- Plan 0330-070 Rev 6 Type B (Detached) - Proposals

Documents

- Design and Access Statement (as amended)
- Planning Statement (as amended)
- FRA carried out by Water Environment Limited with Project Number 15034 dated November 2017
- FRA Addendum 1 with Reference No. 15034/GL dated 04th May 2018
- FRA Addendum 2 with Project Number 15034 dated October 2018
- Transport Assessment by dha transport dated January 2018 (as amended)
- Revised Appendix G plans of Transport Assessment
- 12560 -T- 01 Rev P4 Proposed Site Access
- 12560 -T- 02 Rev P5 Estate Tracking
- 12560 -T- 03 Rev P5 Fire Tender and Pantehnicon Tracking
- 12560 -T- 04 Rev P5 Refuse Tracking
- Noise Assessment for Proposed Residential Development by Grant Acoustics dated 16.10.2017 Ref GA-2017-0025-R1
- Daylight and Sunlight and Overshadowing Report by Deco Design and build Co Ltd dated 11.1.2018 Ref 712713R(01)
- Report on Inspection of Trees dated 20.10.2017 Ref J54.46 and Arboricultural Implications Assessment dated 27.11.2017 Ref J54.46 by Broad Oak Tree Consultants
- Extended Phase 1 Habitat Survey and Bat Building Survey and Badger Survey Report by Corylus Ecology dated November 2017
- Badger Survey Report by Corylus Ecology dated 30.7.2018 Ref 17149
- Energy and Sustainability Assessment by SRS Partnership dated Jan 2018 vs01 ref 17-087-01-ES
- Viability Study by Turner Morum dated January 2018

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with Policy 37 of the Bromley Local Plan.

- 3** 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 37 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties.

- 4** No part of the development hereby permitted shall be commenced prior to the submission and approval in writing by the Local Planning Authority of a contaminated land assessment and associated remedial strategy, together with a timetable of works including the following:
- a) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.
 - b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

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

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

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

Reason: In order to comply with Policy 118 of the Bromley Local Plan and to prevent harm to human health and pollution of the environment.

- 5 In accordance with the recommendations of the Badger Survey Report by Corylus Ecology, a follow up badger survey to assess any changes to the finding of the previous report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. A detailed mitigation strategy to deal with the badger holes on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved documents.

Reason: In order to comply with Policy 79 of the Bromley Local Plan and in order to preserve and enhance the biodiversity value of the site.

- 6 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), tree protection measures in accordance with the Tree Protection Plan (J54.46/02) hereby approved, shall be installed. Such measures shall not be moved or removed, but shall be retained in situ until completion of the development and all materials and machinery have been removed from the site, unless otherwise agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details and recommendations within the submitted Arboricultural Method Statement (J54.46 27th November 2017) or any variation as may subsequently be agreed in writing by the LPA.

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

- 7 Prior to the commencement of above ground works a Stage 2 Road Safety Audit shall be submitted to and approved in writing by the Local Planning authority and development shall be carried out in accordance with the approved document Prior to first occupation of any of the units and associated works permanently retained thereafter.

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

- 8**
- (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 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 32 and 37 of the Bromley Local Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 9**
- (a)** Details of an emergency pump, including technical details relating to the capacity, operation and maintenance of the pump, the location of the pump and any necessary means of enclosure, shall be submitted to and approved in writing by the local planning authority in conjunction with the Environment Agency, Thames Water and the Lead Local Flood Authority prior to the commencement of above ground works and implemented in accordance with the approved details prior to the occupation of any of the units hereby approved and shall be permanently maintained in good operational working order in accordance with the manufactures instruction at all times.
 - (b)** Details of the all aspects of a monitoring borehole for ground water and surface water levels including location, design, means of enclosure, operation, management and maintenance shall be submitted to and approved by the Local Planning Authority prior to the commencement of above ground works and implemented in accordance with the approved details prior to the occupation of any of the units hereby approved and shall be permanently maintained in good operational working order in accordance with the manufactures instruction at all times.

Reason: To provide an early monitoring system for rising ground and/or surface water in the interests of the amenities of existing and future residents and in accordance with Policies 37, 115, 116 and 117 of the Bromley Local Plan.

- 10**
- (a)** The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
 - (b)** Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.

(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: In order to comply with Policies 37 and 119 of the Bromley Local Plan and to prevent harm to human health and pollution of the environment.

- 11 Details of a scheme of landscaping, which shall include details of replacement tree planting, the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above ground works hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

Reason: In order to comply with Policies 37 and 73 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

- 12 Prior to commencement of above ground works 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 Policy 79 of the Bromley Local Plan and in order to preserve and enhance the biodiversity value of the site.

- 13 Details of the proposed boundary treatment including gates, walls or fences shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above ground works. The submitted plans shall take into consideration the impact of future flood events in the design of the boundary treatments, The approved treatments shall be implemented prior to the first occupation of the buildings and retained in perpetuity.**

Reason: In the interest of visual appearance of the development and the flow of flood waterer and the amenities of adjacent neighbours and to comply with Policies 27 and 11 and 116 of the Bromley Local Plan.

- 14 a) The proposed emergency gates to provide 'dry access' between the site and Lichlade Close and Dryland Avenue shown on plan 0330/011 Rev 6 hereby approved shall be used for emergency use only in the event of a flood event on the site and shall not be used at any other time. The flood event will be determined by the monitoring borehole secured by a separate condition elsewhere in this decision notice.**
b) Details of the extent, design, appearance and materials for the dry route staircases and associated balconies identified on Plan 0330/011 Rev 6 shall be submitted to and approved by the Local Planning Authority, in conjunction with the Metropolitan Police Design Out Crime Officer, prior to

the commencement of above ground works and they shall be erected in accordance with the approved details and permanently retained in good order thereafter.

Reason: In order to provide safe access for residents to and from approved dwellings in the event of a flood event and to minimise the impact on the privacy of occupants of existing properties and to comply with Policy 37 and 115 and 116 of the Bromley Local Plan.

- 15 Details of the design and materials for the proposed balconies, to minimise overlooking and loss of privacy, shall be submitted to and approved by the Local Planning Authority prior to the commencement of above ground works and the development shall be carried out in accordance with the approved plans.

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 and to protect the privacy of existing neighbours.

- 16 (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.

- 17 (a) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. No above ground construction works shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority.
(b) The approved measures shall be implemented before the development is occupied and the security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.

Reason: To ensure In the interest of security and crime prevention and to accord with Policy 37 of the Bromley Local Plan.

- 18 Prior to first occupation of any of the units hereby permitted a minimum of 20% of car parking spaces will be provided with active electric vehicle charging points and a minimum of 20% car parking spaces will be provided with passive electric vehicle charging points and these shall be permanently retained thereafter. Details of the location of the spaces fitted with EVCP shall be submitted to and approved prior to the installation of the EVCP units.

Reason: To minimise the effect of the development on local air quality in the vicinity of an Air Quality Management Area and to accord with National

Planning Policy Framework paragraph 124 and Policies 6.13 and 7.14 of the London Plan 2015.

- 19 Prior to first occupation of any of the units 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.

- 20 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m which can be accommodated within the site shall be provided in both directions at 2.4m; and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 1m; in height in advance of this sight line, which shall be permanently retained as such.

Reason: In order to comply with Policy 32 of the Bromley Local Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway

- 21 Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3m x 2.4m pedestrian visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

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

- 22 The refuse and recycling facilities hereby approved shall be completed in accordance with the approved drawings prior to the first use of the dwellings 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

- 23 The bicycle parking (including covered storage facilities where appropriate) shall be completed in accordance with the approved drawings prior to the first use of the dwellings 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.

- 24 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 of the Bromley Local Plan.

- 25 No loose materials shall be used for the surfacing of the parking and turning areas hereby permitted.

Reason: In the interests of highways safety and to accord with Policy 32 of the Bromley Local Plan.

- 26 (a) The development shall be completed in accordance with the submitted FRA carried out by Water Environment Limited with Project Number 15034 dated November 2017, FRA Addendum 1 with Reference No. 15034/GL dated 04th May 2018 and FRA Addendum 2 with Project Number 15034 dated October 2018 and the following mitigating measures set out below shall be implemented prior to the first use of any part of the approved development and subsequently permanently retained in operational working order.

- o Finished Floor Levels to be no lower than 67.3m AOD.
- o Surface water strategy to be implemented at the detailed stage to limit discharge rate to 5litres/second for all events up to the 1 in 100 plus 40% climate change.

(b) The front and rear elevation of the garages for the proposed houses and the side elevation adjacent to the 2 car parking spaces in the proposed front block of flats shall remain open and unencumbered from solid enclosure measures at all times in accordance with the approved plans and permanently retained as such thereafter.

Reason: To ensure the free flow of water through the site during flood events and to minimise the impact of flood water on the site and the surrounding areas and to comply with Policies 37, 115 116 and 117 of the Bromley Local Plan.

- 27 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

28 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

29 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

30 The development shall be carried out in accordance with the details set out in the Energy Statement by SRS Partnership dated Jan 2018 Ref 17-087-01-ES and the approved plant and equipment shall be installed in accordance with the manufacturer's instruction and permanently maintained in operational working order to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2015 and 124 of the Bromley Local Plan.

31 (a) The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations 2010 M4(2): Accessible and Adaptable Dwellings for the residential phase (with the exception of wheelchair units for market, social rented and affordable rent properties) and shall be permanently retained thereafter.

(b) The market wheelchair unit identified as Flat 2 on Plan 0330/050 Rev 4 hereby approved shall be built in accordance with the criteria set out in Building Regulations M4(3)(2a): Wheelchair user dwellings.

Reason: To comply with Policy 37 of the Bromley Local Plan, 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.

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

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

(b) No windows or doors other than those shown on elevation plans hereby approved shall at any time be inserted in the south-west and north-east elevations of the block of flats and the south-west and north-east elevations of the houses at the rear of the site and the south east and north west elevations of the houses in the centre of the site and hereby permitted

(c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Order) 2015, or any future re-enactment of that Order, no satellite dishes, telecommunications masts or equipment or associated structures, shall be installed on the building without the prior written approval of the local planning authority.

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties and to minimise the impact of flood water events on the site in accordance with Policies 37 and 116 of the Bromley Local Plan.