

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

Application No : 19/00202/FULL1

Ward:
Crystal Palace

Address : Century House 37 Church Road
Anerley London SE19 2TE

Objections: Yes

OS Grid Ref: E: 533643 N: 170604

Applicant : Mr F Macklin

Description of Development:

Demolition of existing A1 use ex car showroom, erection of 4 storey building with underground car parking for 9 cars to form 8no 2 bedroom flats and 1no 3 bedroom flat with amenity spaces and refuse and cycle storage and new Commercial unit for A1, A2 or A3 use

Key designations:

Conservation Area: Crystal Palace Park
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 6

Proposal

Planning permission is sought for the demolition of the existing A1 use ex car showroom, erection of 4 storey building with underground car parking for 9 cars to form 8no 2 bedroom flats and 1no 3 bedroom flat with amenity spaces and refuse and cycle storage and a new commercial unit for A1, A2 or A3 use.

A contemporary design approach is opted for within the scheme. The proposed building will have a footprint of approximately 27m width by 24m at its maximum extents and takes a part four storey, part three storey format which steps up in its massing arrangement between No45 and the adjacent cinema building to the north. At first and second floor the footprint layout is 'L' shaped forming a communal raised terrace area with screening and raised planters.

The third floor is located to the north side of the building set back from the front elevation. The second floor south section is similarly set back. Both areas contain external terraces. Two flat roofs are shown over each level of the building respectively.

The proposed parking spaces would be located in the basement level accessed via new crossover leading to an internal ramped access located to the southern end of the front elevation adjacent to No45 Church Road.

The ground floor will comprise a commercial unit of 170m² for a mixed A1/A2/A3 use to the northern section of the site adjoining the cinema building. The southern ground floor section will incorporate a single residential unit to the rear of the ground floor and a pedestrian/vehicular access, cycle and refuse storage to the front.

An area of landscaped front curtilage is indicated at approximately 6m width comprising a curtilage area for the commercial unit and separate curtilage area for the residential entrance that aligns between the corner of the cinema building and the front elevation of No45.

The application was supported by the following documents:

- Design and Access Statement
- Energy Statement

Location and Key Constraints

No's 37 to 41 Church Road comprises a part single and part two storey building located on the eastern side of Church Road. The existing building footprint covers the entire site measuring approximately 28.5m by 28m. The property was last occupied as a garage (Use Class - sui-generis) and there is an unmade vehicular access to the basement level off Milestone Road via a shared and unmade drive to the rear of the site. The property has been vacant for a long period of time in excess of 10 years. The property is not a listed building and is not considered to have any special architectural merits.

The site is located within the Crystal Palace Park Conservation Area. Opposite the site is Upper Norwood Triangle Conservation Area which is under the administrative area of London Borough of Croydon. The site is in a close proximity to the boundaries of Westow Hill Conservation Area which falls under the administrative area of London Borough of Lambeth.

The site is predominately surrounded by a mixture of residential and commercial properties ranging between 2 storey and 6 storey in height. Along part of Church Road many of the commercial units are interspersed with residential buildings including larger residential blocks and to a lesser degree semi-detached housing.

The site is bounded to the north by a large building occupied as a recently restored cinema, to the south the building is bounded by a pair of semi-detached houses. The site is located on a slope and the ground level of the site is elevated against the houses on Patterson Road by approximately 5 metres.

The site is located within Crystal Palace Renewal Area (Upper Norwood/Crystal Palace District Centre in the London Plan) and forms part of the proposed secondary shopping frontage in the Council's Draft Local Plan.

The public transport accessibility of the site is excellent and rated at 6a, on a scale between 0 to 6b where 0 is worst and 6b is best. There are on-street marked

parking bays and an on-street loading bay outside the site. The site is located within flood zone 1 and has a low probability of flooding.

Comments from Local Residents and Groups

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

Objections

- Concerns for pedestrian safety with cars having to cross on to the pavement to access the garage.
- Height of the side wall is significantly higher than the existing building.
- No alterations of any significance to the new plans. Plans are virtually identical to the previous ones.
- Inaccuracies in D&A statement.
- Design falls short of standard of Everyman Cinema with none of the traditional design elements appropriate for the design and period of the host building. Proposed design is not harmonious with area.
- Harm to historic and sensitive heritage location at this part of Church Road.
- Scale, style, inappropriate articulation does not reflect the immediate area and its heritage setting and its linear views.
- Concerns raised over harm to character and appearance of both conservation areas.
- Sound proofing is required adjacent to the cinema.

Support

- Welcome the investment in the building and the commercial element which will partially plug the gap between commercial parades on this side of Church Road.

Local Groups

- Crystal Palace Triangle Planning Group has commented in respect of poor design in relation to the conservation area status of the locality, poor regard to updated policies on the town centre, excessive parking at the site which should be zero provision and the location of vehicle access to the car park area, landscaping on Church Road and sound proofing in relation to the adjacent cinema.

Adjoining Borough Consultation

London Borough of Croydon:

The Council as adjoining Local Planning Authority wishes to raise no objection to the application.

Comments from Consultees

Advisory Panel for Conservation Areas:

No objection.

Conservation Officer:

The general bulk and scale of the proposal is acceptable and similar to that on previous proposals. However the detail has greatly improved from the refused scheme (18/01970/FULL1) insofar as we now have details of the ground floor shopfronts which seem acceptable. They have also provided slightly more active frontage and the fenestration has been improved in terms of additional openings and detailing. The proposal is in accordance with Policy 41.

Secure by Design:

This development should achieve Secured by Design accreditation, but feel that the proposed development has a number of areas which need to be addressed and would benefit from consultation with a design out crime officer. Primarily, controlled access to building and parking area, defensible space for the ground floor dwellings, the use of tested and accredited doors and windows, secure cycle and waste storage and the visitor and mail delivery strategies, and all the associated security problems which these can present. It is imperative that residential premises such as this, in a high crime area should be built according to the principles and measures of Secured By Design.

Thames Water:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains and have contacted the developer in an attempt to agree how the, asset will be diverted / development will be aligned. We have been unable to agree a position in the time available. A planning condition is recommended in this regard.

The proposed development is located within 15m of a strategic water main. A planning condition is recommended in this regard.

Environmental Health Pollution Officer:

No objections within the grounds of consideration, subject to safeguarding measures to safeguard the amenity of residents and restrict cooking odours, whilst giving flexibility for an A3 use such as a coffee shop which may not require a full extract system.

The commercial unit shall not be used for A3 until either (a) a planning application has been made and approved for a kitchen extract system and works have been completed and approved in writing by the local planning authority OR (b) the local planning authority have been consulted and confirmed in writing that no kitchen extract system is required.

In my opinion the Condition is necessary in order to safeguard the amenity of residents and restrict cooking odours, whilst giving flexibility for an A3 use such as a coffee shop which may not require a full extract system.

The application site is within an Air Quality Management Area declared for NO_x. Therefore, in order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh. This is to minimise the effect of the development on local air quality within an Air Quality Management Area.

A construction management plan condition and informative relating to contamination if discovered during works are also recommended.

Drainage Engineer:

The applicant is required to maximise the use of SUDS to attenuate for surface water run-off.

Highways:

The site is located in an area with high PTAL rate of 6 (on a scale of 1-6, where 6 is the most accessible). Parking on Church Road and surrounding area is limited. However there are a number of on street parking spaces on opposite side.

The vehicular access is from the front of the development via a new vehicular crossover leading to the basement car park. This is acceptable in principle. All redundant crossovers should be reinstated to the footway level at the applicant's expense. Nine car parking spaces are indicated on the submitted plans. This is satisfactory. Eighteen secure cycle parking spaces would be provided which is acceptable.

Energy Officer:

I've reviewed the Century House energy statement and everything looks in order from a carbon/energy point of view. I'm satisfied that a suitable number and variety of measures have been considered for this particular development.

As the application currently stands, the Carbon Offsetting payment-in-lieu figure for the residential areas breaks down as follows:

- On site regulated carbon dioxide emissions (Building Regs 2013 Compliant Development) = 14.95 tCO₂ per annum
- Proposed on site reduction of carbon emissions from energy demand/CHP/renewables = 5.42 tCO₂ per annum
- On site shortfall = 9.53 tCO₂ per annum
- Payment-in-lieu amount calculated as 9.53 (tCO₂) x £60 (per tCO₂) x 30 (years) = £17,154

Policy Context

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

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

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

The National Planning Policy Framework was published on 19th February 2019. The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 2.6 Outer London: vision and strategy
- 2.7 Outer London: Economy
- 2.8 Outer London: Transport
- 2.14 Areas for regeneration
- 2.15 Town Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 4.1 Developing London's Economy
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services

- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

Bromley Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 13 Renewal Areas
- 14 Development Affecting Renewal Areas
- 15 Crystal Palace, Penge and Anerley Renewal Area
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 41 Conservation Areas
- 73 Development and Trees

77	Landscape Quality and Character
79	Biodiversity and Access to Nature
94	District Centres
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon reduction, decentralised energy networks and renewable energy
125	Delivery and implementation of the Local Plan

Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance
Housing: Supplementary Planning Guidance. (March 2016)
Technical housing standards - Nationally Described Space Standard (March 2015)
Crystal Palace Park Conservation Area SPG

Planning History

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

02/00134/FULL1: Demolition of existing building and erection of three/four storey building comprising 1 one bedroom, 9 two bedroom and 1 three bedroom flats and 10 basement car parking spaces (37-41 Church Road). Approved 27.03.2003.

02/00132/CAC: Demolition of existing buildings (37 - 41 Church Road) (Conservation Area Consent). Approved 26.03.2003

Prior to the introduction by the Government for the formal discharge of planning conditions, letters were issued by the Council to discharge the following conditions of planning permission ref 02/00134 FULL1:

- Condition 7 approved 28 November 2003
- Condition 13 approved 9 January 2004
- Conditions 11 & 12 approved 9 January 2004
- Conditions 3, 4, 5, 6 and 17 approved 4 October 2004

08/00620/FULL1: Demolition of existing building and erection of three/four storey building comprising 1 one bedroom/ 9 two bedroom/ 1 three bedroom flats and 10 basement car parking spaces at 37-41 Church Road (amendment to planning permission granted under reference 02/00134). Approved 12.05.2008.

17/01699/PLUD: Confirmation of commencement of development of planning application ref 02/00134/FULL1 for demolition of existing building and erection of three/four storey building comprising 1 one bedroom, 9 two bedroom and 1 three bedroom flats and 10 basement car parking spaces (37-41 Church Road). Lawful Development Certificate (Proposed). Refused 29.6.2016

The refusal reason stated that insufficient information had been submitted to enable the local planning authority to establish that the development had commenced within 5 years from the date of the grant of planning permission on 27th March 2003. The proposal did not therefore comply with the provisions of the Town and Country Planning Act 1990 Part III Section 56 (as amended).

17/05395: Confirmation of commencement of development of planning application ref 02/00134/FULL1 for demolition of existing building and erection of three/four storey building comprising 1 one bedroom, 9 two bedroom and 1 three bedroom flats and 10 basement car parking spaces (37-41 Church Road). Lawful Development Certificate (Proposed). Refused 26.01.2018

The refusal reason stated again that insufficient information has been submitted to enable the local planning authority to establish that the development had commenced within 5 years from the date of the grant of planning permission on 27th March 2003. The proposal does not therefore comply with the provisions of the Town and Country Planning Act 1990 Part III Section 56 (as amended).

18/01970/FULL1 Demolition of existing ex car showroom (Use Class: Sui Generis), erection of 4 storey building with underground car parking for 9 cars to form 8no 2 bedroom flats and 1no 3 bedroom flat with amenity spaces and refuse and cycle storage and new commercial unit for A1, A2 or A3 use. Refused 20.08.2018.

The refusal reasons stated that the proposed development which relates to the Crystal Palace, Penge and Anerley Renewal Area did not seek to maximise the opportunities for enhancement and improvement within this Renewal Area or make the maximum positive contribution to the vitality of the centre within Crystal Palace District Centre consistent with its heritage values and significance and for the benefit of the wider area.

The design of the development, its prominent siting on Church Road and its relationship to the existing and adjacent buildings was not considered compatible with the character of the surrounding development failing to preserve or enhance the character of the conservation area and representing an inappropriate and visually obtrusive development detrimental to the character and visual amenities of the locality.

Insufficient information was submitted to enable the local planning authority to establish that the car park access ramp to and from the site would not be liable to prejudice the free flow of traffic and conditions of general safety along the adjacent highway.

The development also failed to achieve the targets for carbon dioxide emissions reduction for new residential and non domestic buildings.

Considerations

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

- Resubmission
- Principle
- Design, Scale and Layout
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees and biodiversity
- Other (drainage/flooding/noise/pollution)
- CIL and Planning Obligations

Resubmission

The application is a resubmission of a previously refused application. The applicant has stated the following main amendments to the scheme:

- Redesign of the frontage to be more sympathetic to the road and give a better, active frontage.
- Vehicle access ramp and energy technical issues are addressed.
- The façade has a revised articulation to pick up on window proportions, styles and surrounds, to reflect local building character.
- Paved forecourt dining/sales area proposed.

Principle

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Policy 4.7 of the London Plan details that in taking planning decisions on proposed retail and town centre development the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment and that retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport.

Policy 94 of the Bromley Local Plan states that in secondary frontages within Crystal Palace, the Council consider a change of use away from Class A1 where the proposal would provide a service that complements the shopping function of the centre; not harm the retail character, attractiveness, vitality and viability of the centre, including unreasonably reducing the number of Class A1 units; retain an appearance which is compatible with the adjoining shops/premises and provide an active frontage at ground floor level.

The site is within the Crystal Palace District Centre (shared between Lambeth, Croydon and Bromley boroughs). Sections of Church Road including the site are identified as secondary shopping frontage. Church Road marks the boundary between Bromley and Croydon Boroughs. Croydon Borough's side is designated as a "primary shopping area" and contains sections of secondary frontage. On Bromley Borough's side, there are two sections of secondary frontage separated by a residential area. The site lies at the southern edge of the northern section of secondary frontage. The site has been vacant and derelict for many years but was previously occupied by a car showroom (sui generis).

The site is also located within a broader Renewal Area designation, in the Bromley Local Plan, covering Crystal Palace, Penge and Anerley areas. Bromley Local Plan Policy 15 relates to Crystal Palace, Penge and Anerley Renewal Area. The policy states that proposals within this Renewal Area will be expected to take advantage of opportunities to contribute to, and benefit from, the thriving cultural and leisure economy which has evolved in the Crystal Palace District Centre. Policy 13 also states that proposals will be expected to make a positive contribution to the vitality of centres, having regard for their importance as providers of both local facilities and local employment.

It is acknowledged that the site has been vacant for some time and the proposed mixed use scheme will contribute positively to the vitality and viability of the town centre. The active frontage now proposed has been improved from the previously refused scheme. On balance the proposal now appears to be consistent with the intentions of Policies 13, 15 and 94 and the spirit of London Plan Policies 2.14, 2.15, 4.7 and 4.8.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a high PTAL rating of 6 and is within an urban setting. In accordance with Table 3.2, the recommended density range for the site would be 55-225 dwellings per hectare.

The proposed development would have a density of 119 dwellings per hectare within the suggested ranges in relation to unit density. This may be considered an acceptable amount of development at this location given the available site area.

However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

Design

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

Paragraph 124 of the NPPF (2019) 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 (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

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

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

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

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

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

Policies 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.

Policy 7.6 of the London Plan states that buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise

details and materials that complement, not necessarily replicate, the local architectural character; not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

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

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

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

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

Policy 41 of the Local Plan details that proposals for new development within a conservation area will need to preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces and respecting and incorporating in the design

existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.

It is noted that the application is a revised submission with modification to the design which has been detailed above.

The site needs to be considered within its urban context in relation to its location on Church Road within the District Centre. However, regard must also be had to the fact that the town centre boundary runs along the southern flank boundary of the site where it adjoins No45, which is a semi-detached interwar property. The transition between the two areas is therefore important to achieve in an appropriate townscape relationship.

Overall, the bulk and scale of the scheme is generally considered acceptable and the set back of the replacement building footprint to the streetscene is welcomed. It is noted that there is no gap to either flank elevation as existing. However, the lower height of the building adjacent to No45, albeit higher than existing is considered to create an appropriate step up in building scales along Church Road as the context of the locality changes to a more urban public realm. As the building moves north the second step up provides a further transition to allow the massing form of the building to address the greater scale of the adjacent cinema building. The southern flank wall of the building has also been provided with some design relief via brick banding that helps reduce the impact of the flank wall to streetscene views.

In terms of the general design approach, Paragraph 7.21 of the London Plan states that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.

In the previous scheme some concerns were raised with the clean and simple styling of the proposal not being in keeping with the character of the surrounding area and the proposed street level elevation not providing a fully active frontage. Opposite the site are period buildings with traditionally designed shop fronts. The revised elevation designs now proposed have resulted in more articulate elevations facing the streetscene on Church Road. The active frontage has also been extended in width and a design put forward for a commercial frontage.

On balance, the more articulated styling and revised design approach of the contemporary design along with the commercial frontage proposed now responds positively to local context and is considered to be an appropriate design response to the mixed character of the neighbouring sites and appears as a balanced addition to the streetscene and the local character and appearance of the Crystal Palace conservation areas within Bromley Borough and Croydon Borough.

Standard of residential accommodation

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

Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

The floor space size of each of the units ranges between 71.2m² and 108.4m² respectively. The nationally described space standards require a GIA of 70m² for a two bedroom four person unit and 86m² for three bedroom five person unit in relation to the number of persons, floors and bedrooms mix. On this basis, the floorspace size provision for all of the units is compliant with the required standards and is considered acceptable.

The shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use. A number of the units are single aspect, however a good level of outlook is achieved within these units and on balance they are considered to provide a suitable level of accommodation.

In terms of amenity space a mix of private and communal spaces are provided and are of a depth and width of sufficient proportion to provide a usable space for the purposes of each unit.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

Car parking

The Council's Highway Officer has reviewed the current application from a technical point of view and not raised any objection to the level of parking provided off road at the site and the use of the vehicular access to Church Road. Previous concerns raised regarding the access ramp gradient have also been provided and are now considered satisfactory.

Cycle parking

Cycle parking is required to be 2 spaces for the units as proposed. Twenty spaces are indicated in two locations in the basement car parking area which is acceptable.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of an integral refuse storage area adjacent to the front vehicle and pedestrian entrance to the building. The location is considered acceptable and landscaping has improved how the facility has been separated from the commercial frontage. On balance the revisions in this regard are considered acceptable.

Neighbouring amenity

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

Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed building is indicated to be constructed adjacent to the boundary with No45 in the same manner as the existing building on site. It is noted that the flank wall of the proposed building is higher to the front section of the elevation closer to Church Road and adjacent to the flank wall of the house at No45. However the rear section of the proposed flank boundary wall will be of lesser height due to the L shaped layout of the upper sections of the building creating a massing set back at the upper level away from No45. On balance the massing relationship to No45 is not considered to be overbearing to any greater extent than the current situation on site. Given the local context this relationship is considered acceptable.

In terms of outlook, the fenestration arrangement will provide front, rear and flank elevation outlook. Windows to the flank elevation will be from the inner flank elevation facing south into the communal terrace area. There are no windows indicated in the flank elevation facing No45.

The buildings upper inner flank elevation will sit approximately 18m facing distance to the boundary with the rear garden at No45 Church Road. To the rear the main rear elevation will be approximately 23m from the rear elevations of buildings fronting Paterson Road at a raised level due to site level differences. The communal terrace area will be closer and also at a raised level. Solid screening has been provided around the communal terraces to mitigate overlooking. Juliet balconies with full height windows are indicated to living room windows to the flats at the rear and also to flats at the front overlooking the street. In terms of loss of privacy and overlooking it is considered that at the distances proposed and where windows overlook the streetscene the proposed building would not be detrimental to neighbouring amenity.

Sustainability and Energy

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.

London Plan Policy 5.2B sets a "zero carbon" target residential development - that is, the residential element of a major development scheme should achieve at least a 35% reduction in regulated carbon dioxide emissions (beyond Part L 2013) on site. Where developments are not able to achieve the carbon dioxide targets, the developer can install a carbon saving project off-site or make a contribution to the local off-setting fund.

The Energy statement details that a payment-in-lieu amount calculated as £17,154 is to be paid to satisfy the policy requirement. The Councils Energy Officer has reviewed the calculation and is satisfied in respect of the offset payment.

Trees and Landscaping.

Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

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

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to landscaping and external amenity for future occupiers. Further details for landscaping are recommended to be obtained by condition.

CIL

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

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development.

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with. This is supported by Bromley Local Plan Policy 125 and the Council's Planning Obligations SPD.

The identified Head of Terms are as follows:

- Carbon offsetting - £17,154.

Conclusion

The revised proposed development maximises opportunities for enhancement and improvement within the Crystal Palace Renewal Area. The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and unit type of the proposed scheme is acceptable on balance and that the development would not be detrimental to the character and appearance of the conservation area and locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

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: To comply with Section 91 of the Town and Country Planning Act 1990

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

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

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

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

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

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

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

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan

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

(a) Dust mitigation and management measures.

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

(c) Measure to reduce demolition and construction noise

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

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

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

(iii) Measures to deal with safe pedestrian movement.

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

(v) Parking for operatives during construction period

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

(e) Hours of operation

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

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

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

- 5 Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy 37 of the Bromley Local Plan

- 6 The demolition of the existing building hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site under the planning permission hereby granted, has been made for the redevelopment for which the contract provides.

Reason: Required prior to commencement of development and in order to comply with Policy 41 of the Bromley Local Plan and to prevent premature demolition of the building which would be unacceptable.

- 7 No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure and to comply with Policies 5.14 and 5.15 of the London Plan.

- 8** No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure and to comply with Policies 5.14 and 5.15 of the London Plan.

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

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

2. Proposed hardstanding and boundary treatment

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

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

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

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

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

- 10** (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.

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

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

11 (i) 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 shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority.

(ii) 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: In the interest of security and crime prevention and to accord with Policies 4 and 37 of the Bromley Local Plan

12 (i) The ceilings and walls between the and the upper floors of the premises and the adjacent properties shall be so adapted as to achieve a reasonable resistance to airborne sound and heat transference as far as is practical having regard to existing construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to construction of above ground works.

(ii) The development shall be constructed in full accordance with details approved under part (i) before the use hereby permitted commences and shall be permanently retained thereafter.

Reason: In order to comply with Policies 37 and 119 of the Bromley Local Plan and to ensure a satisfactory standard of amenity for adjacent properties

13 Details of the means of privacy screening for all balconies and terrace areas shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.

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.

14 (a) Notwithstanding the details hereby approved, no above ground works shall commence until detailed plans at a scale of 1:20 showing the shopfront indicated on drawing 17796 PL108 has been 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 that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 37 and 41 of the Bromley Local Plan.

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

Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 16** The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such and the footway/verge reinstated as appropriate.

Reason: In order to comply with Policy 34 of the Bromley Local Plan and in the interest of pedestrian and vehicular safety.

- 17** Notwithstanding the information indicated on Drawing PL106, before the development hereby permitted is first occupied electric car charging point(s) shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces.

Reasons: To minimise the effect of the development on local air quality within an Air Quality Management Area and to comply with Policy 120 of the Bromley Local Plan and Policies 6.13 and 7.14 of the London Plan.

- 18** The commercial unit shall not be used for A3 until either (a) a planning application has been made and approved for a kitchen extract system and works have been completed and approved in writing by the local planning authority or (b) the local planning authority have been consulted and confirmed in writing that no kitchen extract system is required.

Reason: Required prior to the use of the commercial unit as an A3 use in order to ensure that satisfactory arrangements can be secured in the interest of protecting residential amenity for adjacent properties and to comply with Policy 119 of the Bromley Local Plan.

- 19** No plumbing, pipes or other services other than those shown on the approved drawings shall be located on the exterior of the building(s)

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the architectural interest of the building.

- 20 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the drawings hereby approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable in respect of residential and visual amenity impact.

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

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

- 22 No structure, plant, equipment or machinery shall be placed erected or installed on or above the roof or on external walls without the prior approval in writing by the Local Planning Authority.

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.

- 23 The flat roof areas of the building and flat roof indicated as 'no access' on the proposed second floor shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of the adjacent properties.

- 24 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh

Reasons: To minimise the effect of the development on local air quality within an Air Quality Management Area and to comply with Policy 120 of the Bromley Local Plan and 7.14 of the London Plan.

- 25 Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for A1, A2 or A3 use and for no other purpose (including any other purpose in Use Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To safeguard the amenities of adjacent premises and maintain retail character to comply with Policies 13, 15 and 37 of the Bromley Local Plan.

You are further informed that:

- 1** The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 2** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 3** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 4** Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 5** 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.
- 6** With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2
- 7** Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

- 8** Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 9** The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 10** A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 11** If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- 12** 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.