

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

Application No : 18/05517/FULL1

Ward:
Clock House

Address : Westbury Court 252 Croydon Road
Beckenham BR3 4DA

Objections: Yes

OS Grid Ref: E: 536490 N: 168750

Applicant : Mr J Dayani

Description of Development:

Demolition of existing residential block of 6 flats and erection of new 3 storey building with rooms in roof space containing 10 two bedroom flats with 10 car parking spaces, cycle and refuse storage and amenity area

Key designations:

Smoke Control SCA 15

Proposal

Full planning permission is sought for the demolition of the existing block of 6 flats and construction of a new three storey building with a fourth storey of accommodation in the roof space to provide a total of 10 two bedroom flats.

Summary of works:

- The new building is located to be line in at the front with the existing buildings to maintain the building line
- At the rear the building would be set back by around 7m further than the existing building bringing it closer to the rear boundary of the site
- Towards the front the building is set in from the flank boundaries of the site between 1.5m and 2.45m
- Towards its rear the building steps away from the side boundaries providing a separation distance of between 3.4m and 4.4m
- The building measures approximately 12.4m in height to the roof ridge lowering to approximately 12.2m towards the rear and is approximately 8.2m in height to the eaves
- Vehicular access is from Croydon Road, via a new consolidated single vehicular crossover to replace the 2 existing crossover arrangements, leading to 8 car parking spaces at the front of the site
- The existing mature tree to the front will be retained
- Cycle parking is proposed to the side of the building in a secure store
- Pedestrian access will be via the front entrance to Croydon Road

- The proposed new building is of traditional design with feature gable elevations to the front
- Communal amenity space is provided to the rear
- Each apartment also benefits from a private balcony or patio area
- Refuse/recycling is to be stored to the north eastern side of the building, at a distance of approximately 17m back from the highway
- A covered cycle storage area is provided further towards the rear of the site adjacent to the north eastern side of the building.

The application was supported by the following documents:

- Design and Access Statement
- Planning statement
- Tree Survey and Arboricultural Integration Report:

The proposal will involve the removal of two category C trees. The report finds that this would not have an adverse impact on the character or appearance of the area and, furthermore, the retained trees would not be effected by construction activities. The retained trees will be protected in accordance with current standards and guidelines. Subject to the implementation of tree protection measures, the report concludes that none of the retained trees would be harmed by the proposals.

- Sustainability & Energy Statement (January 2019):

The Statement includes an energy strategy showing how selected energy efficiency, low carbon and renewable energy technologies have been considered and those, which have been included into the scheme.

It is proposed to enhance the fabric insulation standards of the apartments above the minimum required by the Building Regulations. Various technologies are also considered and whilst wind turbines, combined heat and power, ground source heat pumps, solar hot water heating panels and air source heat pumps are not considered appropriate the use of photovoltaic panels and flue-gas heat recovery systems are feasible. It is proposed to install a photovoltaic array of 6.6 kW. This will be comprised of 22 x 300W Panels.

Overall, the reduction in carbon dioxide emissions as a result of the energy efficient design and renewable technologies would be 35.15% over the Target Emissions in the 2013 Building Regulations.

The residual carbon emissions from the site are 6,936 kg per annum or 6.936 Tonnes. Therefore the carbon offset payment (based upon £1,800 per tonne) should be £12,485.

- Transport Statement V3 (April 2019):

This provides a description of the existing site and its surroundings, and its accessibility in relation to public transport. It estimates the average number of vehicle trips that the development would generate. 8 car parking spaces would be provided for the 10 flats, which the applicant considers would strike a balance between providing too much parking so as to discourage unsustainable travel and

ensure sufficient parking is provided on site. Electric vehicle charging spaces will also be provided.

The report concludes that the proposal would accord with the relevant national and local policies and the proposals will result in a negligible impact on traffic flow on Croydon Road and the surrounding highway network when compared to the existing residential use.

Location and Key Constraints

The site is located on the northern side of Croydon Road. The existing site comprises, to the front, a three storey double fronted building containing 6 flats built in the 1950s.

Car parking is located to the front and to the rear of the site via a side access drive. The remainder of the rear of the site is amenity space for the occupiers of the flats.

The site is adjoined to the west by a four storey block of flats known as Duke Court, whilst further to the west at the junction of Westbury Road is a recent development of four storey townhouses. To the east the site is adjoined by a three storey Victorian villa, No.254 Croydon Road.

The character of the northern side of Croydon Road is predominantly three/four storey apartment buildings while the southern side is characterised by semi-detached two storey residential dwellings.

At the front of the site is a Horse Chestnut Tree which is subject to a Tree Preservation Order (TPO) No.553 and which provides significant public amenity value.

The site is in an Air Quality Management Area.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the development in writing, a site notice was posted and a press advert was published. 4 letters of objection were received which can be summarised as follows:

- Overcrowding/overdevelopment
- Larger and higher than existing
- Overlooking from balconies
- Insufficient parking
- Noise and disturbance during construction
- Danger from Construction vehicles
- Highways safety
- Emergency service's access
- Over-spilling of refuse onto footpath
- Bins sited directly by windows of flats
- Better to refurbish existing building

Comments from consultees

Tree Officer:

Two small low value trees are proposed for removal from the rear of the existing building. Since this would have little to no impact on the character and appearance of the area, there is no objection.

With regard to any impact on the retained trees G1, T1, T2, T3, T4 and T5, this is either relatively minor or sufficiently well mitigated.

With regard to T6 Horse Chestnut, the potential impact on roots of the proposed parking spaces within the RPA would be mitigated to an extent through the use of a cellular confinement system sub-base and permeable surfacing.

However, of greater concern in this case is the future pressure to prune/fell T6 due to the creation of parking spaces immediately under the canopy. T6 was protected by TPO 553 in 1988 to preserve the public amenity provided by this large canopy tree that is a prominent feature in the street scene. Whilst the proposed development would not have an immediate effect on the tree's appearance, the nature of risk assessments would fundamentally change through the introduction of a target with near constant occupancy. This could elevate the overall risk arising from a likelihood of branch failure that is only categorised as 'possible' from low to moderate. In addition, the nuisance experienced by users of the car park from falling debris, as well as their perception of a risk of damage to their cars is likely to result in more frequent and/or more extensive requests for pruning (or even felling) than would otherwise have been the case. Given the change in the risk rating described above, such requests could be difficult for the Council to refuse, thereby potentially allowing a gradual (or sudden) diminution in the tree's landscape value and physiological health and a likely reduction in retention span.

Therefore, I would object to the proposal on the grounds that it would create an unacceptable degree of future pressure on a tree with high public amenity value and would be contrary to policy 73 of the Bromley Local Plan and the purpose of TPO 553.

By way of recommendation or advice, I would have no objection to parking proposed to the front of building that was a reasonable distance outside the line of the canopy of T6 and no objection parking in the area to the rear of the building.

Updated Tree comments following the amended parking layout (revision F):

Revision F of the proposed layout removes another parking space from what is indicated as the canopy spread of the TPO tree. As before, this should further reduce future conflict with the tree and result in an even smaller increase in future pressure to prune/fell the tree.

Nonetheless a small increase in future pressure is still predicted since parking spaces 7 and 8 still represent the introduction of targets close enough to be

relevant to tree risk assessments. It would still be preferable that parking spaces 7 and 8 be located further from the TPO tree.

However, as before I recognise the constraints of the proposed site layout and the limited scope for the relocation of spaces 7 and 8. Therefore, the small increase in risk to the TPO tree's longevity (as a result of future pressure) should be weighed against any social and economic benefits of the development in its current form and the viability of alternatives that could avoid conflict with the TPO tree altogether. In the event that approval is granted I would recommend the use of an informative and conditions for an updated TPP and AMS.

Highways:

The development is in an area with PTAL rate of 2 on a scale of 0 – 6b, where 6b is the most accessible.

Vehicular access- the site is accessed from Croydon Road, via a new vehicular crossover leading to the car parking area. The existing vehicular access points should be reinstated to footway level at the applicant's cost.

Car parking- Eight car parking spaces indicated (previously nine spaces) on the submitted plans which are satisfactory, as it accords with LB Bromley's Parking Standard.

Cycle parking – twenty cycle parking spaces would be provided which is acceptable.

Refuse store- indicated; however please also consult Waste Management team.

No objections subject to conditions.

Environmental Health:

The application site is within an Air Quality Management Area declared for NOx. I would therefore recommend conditions requiring electric vehicle charging points and in relation to gas boilers and a construction management plan.

Ideally this application should have been accompanied by an acoustic report to fully consider road traffic noise. As the development is set back 20m from the road it is less of a concern. I have looked at a previous application on this road which places levels around 70dB which with this level of spatial propagation and normal attenuation through a window should meet BS8233 levels.

Drainage:

The attenuation tank shown in the proposed site plan is only indicative which is in principle acceptable but need to be detailed at the later stage. Surface water drainage condition recommended.

Thames Water:

No objection with regards to waste water network, waste water process infrastructure capacity and surface water drainage. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Secure by Design:

I have reviewed the documents provided with this application, and believe this development could achieve Secured by Design (SBD).

However there are several points which for building security and resident safety I believe need clarification or modification, these include the inclusion of defensible space, standard of internal division walls, a secure mail delivery and a visitor strategy, secure parking arrangements, and the use of tested and accredited doors and windows.

I also note in the design and access statement secure storage is provided for cycles and refuse, which does not appear to be the case on the attached plans.

In order to assist with addressing these concerns, and to ensure current guidelines are implemented, I would request a Secured by design condition be 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 and achieve Secured by Design prior to occupation.

At this time I do not believe our offices have been contacted regarding this development, and would ask that my contact details be passed to the applicant for security consultation.

I feel that should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of the south east Design out Crime office and the Secured by Design guidance 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.

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.

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 2016).

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.

Current Policies relevant to this application include:

London Plan (2016)

- 2.18 Green Infrastructure: the multi-functional network of green and open spaces
- 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
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 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
- 7.13 Safety, security and resilience to emergency
- 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
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Bromley Local Plan (2019)

1 Housing Supply
2 Affordable Housing
4 Housing Design
30 Parking
31 Relieving Congestion
32 Road Safety
33 Access for all
37 General Design of Development
42 Development adjacent to Conservation Areas
55 Urban Open Space
69 Development and Nature Conservation Area Sites (LNR & SINCC)
70 Wildlife Features
72 Protected Species
73 Development and Trees
77 Landscape Quality and Character
79 Biodiversity and Access to Nature
113 Waste Management in New Development
115 Reducing Flood Risk
116 Sustainable Urban Drainage Systems
117 Water and Wastewater Infrastructure Capacity
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:

London Plan:

Housing (March 2016)

Accessible London: Achieving an Inclusive Environment (2014)

Sustainable Design and Construction (2014)

Shaping Neighbourhoods: Character and Context (2014)

Providing for Children and Young People's Play and Informal Recreation (2012)

London Borough Bromley:

Planning Obligations (2010)

SPG1 General Design Principles

SPG 2 Residential Design Guidance

Relevant Planning History

01/01562/FULL1: Roof extension to provide fourth floor comprising 2 two bedroom flats; 2 three storey rear extensions to provide shower rooms to existing 6 flats. Elevational alterations including replacement windows; 3 additional car parking spaces:

Refused on 18th September 2001 on the following ground:

The proposed roof extension would be out of character and out of scale with adjacent development, detrimental to the appearance of the street scene, contrary to Policies E.1 and H.2 of the Unitary Development Plan and policies BE1 and H6 of the first deposit draft Unitary Development Plan (March 2001).

01/03003/FULL1: 2 three storey rear extensions to provide shower rooms to existing flats, elevational alterations including replacement windows and removal of rear balconies and staircase. Single storey extension to garages to provide 2 additional garages:

Permitted on 29th November 2001.

05/04203/TPO: Fell horse chestnut tree in front garden SUBJECT TO TPO 553

Refused on 2nd February 2006 on the following ground:

The horse chestnut tree is considered to make an important contribution to the visual amenities of the street scene and the loss of the ash would be seriously detrimental to the amenities of this part of Croydon Road, contrary to Policy G.26 of the adopted Unitary Development Plan and Policy NE6 of the second deposit draft Unitary Development Plan (September 2002).

Considerations

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

- Land use/Principle of development
- Design
- Landscaping, Trees and Ecology
- Neighbouring amenity and response to representations
- Housing and accommodation standards
- Highways
- Other

Land use/Principle of development

The existing site is a flatted development comprising 6 residential units. The proposal is for a replacement block of 10 residential units. There are numerous examples of purpose built flats/apartment blocks in this part of Croydon Road and, overall, the principle of the proposed development is acceptable.

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 (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Bromley Local Plan (BLP) policy 37 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Developments will be expected to meet all of the following criteria where they are relevant:

- a -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;
- b -Positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features;
- c -Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity);
- d -The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings;
- e - 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;
- f -The development should address sustainable design and construction and include where appropriate on-site energy generation;
- g - Suitable access should be provided for people with impaired mobility and meet the principles of inclusive design. Where necessary and relevant to the development, contributions may be sought to improve accessibility around the development;
- h -Security and crime prevention measures should be included in the design and layout of building and public areas;
- i - Recycling and waste storage facilities are incorporated within the design layout;
- j -Respect non-designated heritage assets. Applications should be accompanied by a written statement setting out design principles and illustrative material showing the relationship of the development to the wider context.

BLP policy 4 requires all new housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places. Housing schemes will also need to respect local character, spatial standards, physical context and density. The Council will expect all of the following requirements to be demonstrated:

- a - The site layout, buildings and space around buildings are designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas;
- b - Minimum space standards for dwellings as set out in Policy 3.5 and Table 3.3 of the London Plan and the London Plan Housing Supplementary Planning Guidance (as updated);
- c - The provision of sufficient external, private amenity space that is accessible and practical;
- d - The provision of appropriate play space in accordance with the Mayor's Play and Informal Recreation SPG;
- e - Off-street parking that is well integrated within the overall design of the development;
- f - Density that has regard to the London Plan density matrix whilst respecting local character, including heritage;
- g - Layout that is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles;
- h - Safety and security measures are included in the design and layout of buildings and public areas;
- i - Ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings; and
- j - Ten percent of new housing meets 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 footprint of the building itself is fairly compact, largely utilising the area of the existing building's footprint. The new building line is located to line at the front with the existing buildings to maintain the front building line along the street, with balcony bays projecting out as per adjacent buildings. The main change would be the rear addition, which measures approximately 6.5m deep x 12m wide. However, at three storeys with a fourth storey of accommodation in the roof slope, the development would not be dissimilar to the scale of the existing building which is three storeys or the adjacent developments which are 3 storeys with a fourth storey of accommodation in the roof.

A pitched roof is proposed which helps to reduce the overall massing of the development. Furthermore, the street scene elevations provided demonstrate that the ridge height of the building would not exceed the height of the adjacent buildings and the eaves line would also be on a similar level to those of its two neighbours.

It is also noted that the adjacent development at No.254 has a significantly greater depth of rearward projection than Westbury Court or Dukes Court with the main part of the building projecting approximately 6.5m behind Westbury Court and a later addition on the rear eastern side projecting back a further 11m (approx.). As such the proposed scale and massing of the development would not appear out of character with the existing pattern of development in the area and there would be

adequate space retained about the building for a communal garden, landscaping, car and bicycle parking and a refuse store.

The proposed layout provides vehicle and separate pedestrian access directly from Croydon Road. The main entrance at the front of the building is accessed via a step-free approach route. Inside this leads to a communal corridor, stairs and a lift for the upper floor flats. Externally, step-free, gated paths are provided on either side of the building leading to the communal garden and the refuse and bicycle stores. One accessible car parking bay is provided close to the main entrance. Overall, the development would be easily accessible for all and would appear to meet BLP policy 4 and London Plan policy 3.8 with regards to 'accessible and adaptable dwellings' and 'wheelchair user dwellings'.

In terms of appearance and materiality, the proposal features a main pitched roof, gabled elements to reflect the style of older buildings in the road and front balconies which are also featured at Dukes Court. The entrance to the building is clearly demarcated within a projecting bay and a gable roof feature. At the rear, the building steps in at the sides and steps down in height and the rear roof is pitched. Materials will be red brick and lighter red feature soldier courses, plain tiled red/brown roof and white windows, fascias and soffits. The balconies include glazed screens/safety enclosures.

The subservient 'extension' section at the rear, the pitched roof design and various architectural features and varied materials of this development all provide suitable articulation and a breaking down of massing. Overall the development would make an attractive addition to the street scene.

London Plan Policy 5.11 also requires that Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible. The pitched roof of the main building would not be suitable for a green roof in this instance; however, the applicant has proposed a living roof over the proposed bicycle store.

Conditions are recommended to secure details and samples of the materials and the design of the bin and bicycle enclosures, including living roof details.

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 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).

In this setting and taking into account the Public Transport Accessibility Level (PTAL) of the site, the maximum density which the 2016 London Plan, at policy 3.4, advises is 170 units/hectare and 450 habitable rooms/ha, provided the site is well designed, providing a high quality living environment for future occupier's whilst respecting the spatial characteristics of the surrounding area. The density of the

proposed development equates to 109 units/hectare and 327 habitable rooms/hectare which is within the recommended density ranges in the London Plan.

Overall, the proposed development would relate well to the existing character and context in which it is to be located, would respect the rhythm and proportions of the surrounding built-up area, whilst providing an adequate site layout and a form of development which optimises the residential density of the site.

Landscaping, Trees and Ecology

London Plan policies 2.18 and 7.19 highlight the importance of green infrastructure. Green infrastructure is an overarching term for a number of discrete elements (parks, street trees, green roofs etc.) that go to make up a functional network of green spaces and green features. New development should improve existing or create new habitats or use design (green roofs, living walls) to enhance biodiversity and provide for its on-going management (para 7.61).

The applicant is proposing a landscaped communal amenity area at the rear which will replace the existing hard surfacing. Planting is also proposed at the front of the building and in the car parking area adjacent to the highway frontage and along the south western boundary.

Policy 73 of the BLP 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. Tree preservation orders will be used to protect trees of environmental importance and visual amenity.

The Horse Chestnut tree at the front of the site is subject to a TPO. As set out in the Tree Officer's comments above, the initial plans submitted proposed car parking spaces immediately under the tree's canopy which gave rise to significant concerns over future pressure to prune/fell the tree. Given the increase in the perceived risk of branches and debris damaging resident's cars, it could be difficult for the Council to refuse future applications to prune or fell the tree, thereby potentially allowing a gradual (or sudden) diminution in the tree's landscape value and physiological health and a likely reduction in retention span.

To address these concerns the applicant has reduced the number of car parking spaces to 8. While this could still give rise to a small increase in future pruning pressure since parking spaces 7 and 8 still represent the introduction of targets close enough to be relevant to tree risk assessments, it is recognised that the constraints of the proposed site layout means there is limited scope for the relocation of these spaces. Furthermore, the introduction of a communal amenity area and site wide landscaping is seen as a significant benefit of the scheme.

The development would positively contribute to the existing street scene while at the same time enhancing and respecting existing landscape features. On balance, the proposal is acceptable from a trees and ecology perspective.

Tree conditions are recommended. Furthermore, full details of all boundary treatments and details of the hard and soft landscaping throughout the site should also be secured via condition.

Neighbouring amenity and response to representations

BLP policy 37 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 development would position the building closer to Dukes Court than the existing building. At its widest and closest point, there would be approximately 3m separation between the neighbouring blocks and the development would have a rearward projection of around 3.3m beyond the rear elevation of Dukes Court. Directly adjacent to this, there are a number of windows at the rear of Dukes Court. However, these appear to serve kitchens as opposed to main habitable rooms and, given the 3m separation; the development would not prejudice the amenities of the occupants of the adjacent flats as a result of its siting and depth of rearward projection.

Further towards the rear, the proposed building steps away from its neighbours on both sides, as does Dukes Court. While the rearward projection of the narrower part of the building behind Dukes Court, at around 5m, would be substantial, the separation distances would ensure that the outlook from any of the habitable room windows at the rear of Dukes Court would not be significantly prejudiced.

Furthermore, given the siting and orientation of the two buildings, with Dukes Court located to the south west of the application site, there would be no significant loss of light or overshadowing from the proposed development.

There are 3 flank windows proposed (on ground, first and second floors) which would face onto the side of Dukes Court. These are all secondary windows to the living/kitchen/dining areas of three of the flats. It is recommended and considered reasonable that these windows are obscure glazed and non-opening below 1.7m from finished floor level in order to not prejudice the future re-development potential of the adjacent site (although there are currently no known plans for this). A condition is recommended accordingly.

Turning to the impact on 254 Croydon Road, the proposed building would extend back around 6.5m further than the existing building at the application site, however, it would have a similar alignment to the rear of No.254. The proposed building would also be positioned further away from the flank boundary with the neighbouring site compared to existing, providing a separation distance of between 5m and 7.5m (approx.) to the side of No.254.

There are a number of existing windows in the south western elevation of 254 which already face onto the existing building and there are no additional windows either to the side or rear of 254 which are likely to be affected by this proposal. Given the existing relationship between Westbury Court and No.254, the outlook

and visual impact of the proposed development on occupiers of 254 is therefore considered acceptable.

Six flank windows are proposed in the north-east elevation facing No.254 and the proposal also includes front and rear balconies which would be in close proximity to the site boundary with No.254. Again, it is recommended that a condition is imposed to ensure that these windows are obscure glazed and non-opening. As they are all secondary windows this is acceptable and the rooms which they serve would still be well lit. A condition is also recommended requiring details of balcony screening for the balconies either side of the building to be provided, in order to prevent overlooking to the adjacent sites.

The overall height and scale of the proposed building would not significantly exceed that of the existing building which is being replaced and the proposal would also incorporate a pitched roof. Together with the stepping-in of the building at the rear, this would all help to ensure that there would not be any significant overshadowing to No.254 as a result of the proposed development.

To its rear (north-west) elevation, the building would maintain around 10.5m separation to the site boundary with 2 Westbury Road, with proposed rear balconies positioned around 9m from this neighbouring site boundary. The separation distance between the proposed rear habitable room windows in the new building and the rear corner of the neighbouring dwelling itself would be approximately 15.5m. The separation between the proposed balconies and the rear corner of the neighbouring dwelling would be around 20m. The relationship and orientation of the two buildings, together with the 15-20m separation provided would prevent any direct overlooking into the rear or side windows at No.2.

Furthermore, the proposed building would be predominantly 3 storeys high, the same as the existing building, albeit with a fourth storey which would be set well back from the main rear elevation. Therefore, while it would be closer to neighbouring sites compared to the existing building, it would not appear unduly overbearing.

It is also important to note that this is a built-up urban area and the pattern of development in the vicinity means that a degree of overlooking from the upper floors of dwellings into neighbouring sites is already prevalent. Therefore, while the building would be perceivably closer to its neighbours at the rear, it would not result in an unduly harmful relationship.

Overall, subject to conditions to control the obscurity of the glazing and to secure balcony screening where necessary, the development in the manner proposed would not have a significantly detrimental impact on the amenities of neighbouring occupiers.

In addition to the above issues, local residents have also raised concerns regarding insufficient refuse storage facilities. The layout proposed allows space for the storage of 2no 1100ltr bins and 5no 240ltr bins for refuse and recycling which is adequate for a residential development of this size. Furthermore, the proposed enclosure would be within 18 metres of the nearest accessible point from

the highway and would be provided with a path not less than 1.4 metres wide and free of steps, kerbs and ramps. This would be convenient and accessible for collection purposes and visually unobtrusive in the street scene. A condition is recommended to secure a suitable enclosure for the bins which would not only mitigate their visual impact but also any odour impacts which could harm the amenities of neighbouring residents and future occupiers of the proposed flats.

In order to mitigate disturbance to nearby residents, demolition and construction hours will need to be restricted to 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays. No noisy works will be permitted on Sundays or Public Holidays. Separate enforcement powers are available in this regard under the provisions of section 60 and 61 of the Control of Pollution Act 1974. A demolition/construction methodology will also need to be secured via condition.

In terms of overdevelopment/overcrowding, design and density has been discussed earlier in the report and is considered acceptable. Highways impacts are discussed below.

Housing and accommodation standards

New development is expected to provide mixed and balanced communities. Policies within the Bromley Local Plan do not set a prescriptive breakdown in terms of unit sizes. Individual sites will be considered on a case by case basis.

In accordance with the London Plan Policy 3.8 90% 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)(a or b) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

With regard to affordable housing, BLP policy 2 states that the Council will seek affordable housing on all housing development capable of providing 11 residential units or more or where the residential floorspace is more than 1000sqm, irrespective of the number of dwellings.

The proposal is for 10 x two bedroom units with a total residential floorspace (GIA) of 668.7sqm in the following arrangement:

Ground Floor:

Flat 1: 2 bedroom/3 person flat 61m²

Flat 2: 2 bedroom/3 person flat 75m² (wheelchair accessible/Part M4(3))

Flat 3: 2 bedroom/3 person flat 61m²

First Floor:

Flat 4: 2 bedroom/3 person flat 61m²

Flat 5: 2 bedroom/4 person flat 74m²

Flat 6: 2 bedroom/3 person flat 61m²

Second Floor:

Flat 7: 2 bedroom/3 person flat 61m²

Flat 8: 2 bedroom/4 person flat 74m²

Flat 9: 2 bedroom/3 person flat 61m²

Third Floor:

Flat 10: 2 bedroom/4 person flat 79.7m²

While ideally the development would provide a better mixture of one and two bedroom units and potentially some affordable units; as discussed above, the development as proposed takes into account local context and character while at the same time optimising the residential density of the site within the recommended density ranges in the London Plan.

Flat 2 is proposed to be part M4(3) compliant and the applicant has confirmed that the remaining units are designed to all comply with Part M4(2). Conditions are recommended to ensure that all of the units meet the relevant standard of Part M4.

While the submitted drawings and accommodation schedule demonstrate that floor space in some dwellings would exceed the minimum standards set out in the Government's Technical housing standards - nationally described space standard, the wheelchair accessible unit requires additional floorspace to comply with Building Regulation requirement M4(3). Furthermore, Flat 10, whose balcony is constrained by the roof pitch, has been provided with an enlarged living room to make up for the lack of external amenity space.

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 submitted drawings demonstrate that all dwellings would be dual aspect, will accommodate the furniture, access and activity space requirements relating to the proposed number of occupants and would have minimum ceiling heights of 2.5m for at least 75% of the gross internal area. Although bedroom 1 of Flat 10 (situated in the roof space) would only be provided with a 'Velux' style roof window, the drawings demonstrate that the window sill would be at a low enough height to enable an acceptable outlook for future occupiers. All of the other habitable rooms in Flat 10 would benefit from gable windows or glazed balcony doors which are acceptable. This meets London Plan standards.

Turning to an assessment of the internal noise environment of the proposed flats, BLP policy 119 states that the design and layout of new development should ensure that noise sensitive areas and rooms are located away from parts of the site most exposed to noise wherever practicable. *"External amenity areas should incorporate acoustic mitigation measures such as barriers and sound absorption where this is necessary and will assist in achieving a reasonable external noise environment"*.

The proposed building itself will be set back from Croydon Road by a minimum of 17m and there are habitable room windows and external amenity areas proposed at the front of the building. The applicant has set out a commitment within their Design and Access Statement to provide double glazed windows to the flats to help minimise noise from the adjacent London Distributor Road. It is also acknowledged that the site is within an established residential area and there is already a residential development on the site, which has the same aspect as the proposed development.

At this stage no details have been provided by the applicant of the specific windows to be installed. It is therefore recommended that a condition requiring acoustically rated glazing for the windows, balconies and ventilation is attached to any grant of planning permission. Subject to the above and in view of the set-back of the building from the road, it is not anticipated that future residents would be exposed to unduly harmful levels of noise.

Furthermore, the floor plans and layouts submitted demonstrate that the majority of flats are arranged with living/dining/kitchen areas stacked over living/dining/kitchen areas of the flats below and bedrooms are positioned over other bedrooms which would help to minimise the transfer of noise between flats.

Concerns have also been raised over the potential noise, disturbance and odour impacts arising from the positioning of the bin and cycle stores directly outside windows serving living/kitchen/dining rooms of the ground floor flats. There is also a potential privacy issue for occupiers of flats 2 and 3 as a result of these areas being frequently accessed by other residents. Consequently, the applicant has confirmed that the windows to the sides of dining rooms and kitchens of flats 2 and 3 are for daylighting only and will be obscured glass to the lower panes to avoid disturbance and invasion of privacy. This can be secured via condition, as suggested above. Furthermore, occupants of the flats will still be able to be open windows and adequately ventilate the flats without being subjected to undue odour impacts. On balance, residents of the proposed development are therefore unlikely to be subjected to harmful levels of noise or odour impacts and no further acoustic investigation or other information is required at this stage.

The Housing SPG states that 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The dwellings all benefit from private balconies or terraces/patios which meet the minimum standard for private amenity space, apart from Flat 10 which, due to the roof configuration, has instead been provided with 8sqm of additional internal living space. This is considered acceptable and accords with the Housing SPG.

0.9m high walls are proposed around the edge of the ground floor patios in order to provide a better sense of privacy and defensible space for occupiers of the ground floor flats. This is considered acceptable. Details of the walls will need to be secured through the landscaping condition.

Development proposals that include housing should also make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. For all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) suitable play space should be provided as part of the development scheme. Given the scale of this development, play space does not need to be provided on site, however, the applicant is proposing a communal amenity area which will be secure and well-overlooked and is considered acceptable to meet the needs of future occupiers.

Overall the proposal is acceptable in terms of housing provision and housing quality and, in this instance, affordable housing is not being sought in accordance with the terms of BLP policy 2.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. All developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people.

The NPPF clearly states in Paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

The proposed site plan moves all car parking for the development to the front of the site, to enable the creation of a landscaped communal amenity area at the rear, whereas currently the development lacks useable amenity space and/or soft landscaping and is extensively hard surfaced.

The parking standards in the BLP for two bed flats in a PTAL 2 location is 0.7 (min) - 1 (max). Accordingly this development would require a minimum of 7 and a maximum of 10 spaces. Eight car parking spaces are proposed at the front of the site which accords with the BLP standards. It is also noted that there are a number of railway stations nearby (Elmers End is 950m away) and the nearest bus stop on Croydon Road is circa 200m from the site.

The Transport Statement confirms that the proposals will result in a negligible impact on traffic flow on Croydon Road and the surrounding highway network when compared to the existing residential use and the proposed development is unlikely to result in any significant adverse impact on the safety or performance of the existing highway and transport network.

The Council's highways officers have confirmed that 8 parking spaces is acceptable.

To conclude, the proposed number of car parking spaces provided at the site would be in accordance with the recently adopted Bromley Local Plan Parking standards and would help to ensure the future health and long-term retention of the protected tree at the front of the site which is a significant benefit.

Conditions are recommended in relation to visibility splays, a drainage scheme for the parking area, electric vehicle charging points, reinstatement of redundant crossovers, refuse/recycling and bicycle storage and construction management plan.

Other Matters

Pollution and contamination:

The site is within an Air Quality Management Area (AQMA). BLP policy 120 and London Plan policy 7.14, require that development proposals within these areas should address local problems of air quality, promote sustainable design and construction to reduce emissions from the construction of buildings and be at least 'air quality neutral' so as not to lead to further deterioration of existing poor air quality.

In order to reduce the potential impact that the development will have on air quality, conditions are recommended to ensure that the development incorporates Ultra Low NOx boilers, electric vehicle charging points and cycle storage to promote sustainable travel modes. Furthermore, a construction management plan will also need to be secured via condition. This would make the development acceptable in planning terms.

Drainage:

Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13. The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS.

The applicant has indicated the use of an attenuation tank which is acceptable in principle, however, full details are required and a condition is recommended accordingly.

Energy and Sustainability:

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

BLP policy 123 requires that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into

account alongside the principles set out in the general design policy. In addition, policy 124 states that Major developments should aim to reduce their carbon dioxide emissions in accordance with the levels set out in the London plan.

The applicant's submitted Energy Strategy demonstrates that, after following the Mayor of London's energy hierarchy, a 35.15% carbon saving over 2013 building regulations can be achieved, fulfilling the requirements of London Plan policy 5.2.

Overall, the reduction in carbon dioxide emissions as a result of the energy efficient design and renewable technologies would be 35.15% over the Target Emissions in the 2013 Building Regulations.

As the development does not achieve the London Plan target of 100% zero carbon onsite, the applicant has agreed to pay a Carbon Offset Payment of £12,485 towards energy saving projects which will need to be secured through a S106 legal agreement. A condition requiring the final design of the carbon saving measures including the location and design of the proposed PVs on the roof of the building is also recommended.

S106 and CIL:

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.

BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

The development, as proposed, would give rise to the following contributions which the applicant has agreed, in principle, to pay:

Health: £7,150.00
Education: £30,796.01
Carbon off-setting: £12,485

Therefore a legally binding planning obligation will be required to secure the above contributions.

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

Conclusions

The application has been assessed against the adopted development plan and all other material considerations.

While the increase in the number of residential dwelling from 6 to 10 would result in some intensification of the use of this site compared to existing, the development in the form proposed is not found to result in highways or transport impacts so severe as to warrant its refusal on highway grounds.

Furthermore, the development is found to accord with the design and housing policies of the development plan and would complement the scale, proportion, form, layout and materials of adjacent buildings and areas while at the same time respecting the significant tree which positively contributes to the street scene and enhancing the landscaped setting of the site.

The proposal would also respect the amenities of occupiers of neighbouring buildings and those of future occupants.

Consequently, there are no material planning considerations which signify that the application should be refused. The application is recommended for permission, subject to conditions and the prior completion of a S106 legal agreement.

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 and documents listed in this condition unless previously agreed in writing by the Local Planning Authority: 18845-PL-101, 18854-PL-103 F, 18854-PL-104 D and 18854-PL-105 C and 18845-PL-106.

Reason: To prevent any unacceptable deviation from the approved plans.

- 3** Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an updated Tree Protection Plan and Arboricultural Method Statement shall be submitted for approval to the Local Planning Authority. Once approved and prior to the commencement of the development hereby approved (including demolition and all preparatory work) tree protection measures shall be installed in accordance with the approved Tree Protection Plan. 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 approved Arboricultural Method Statement 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.

- 4** No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall be in accordance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 (available on the Bromley web site) and, 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 including, where applicable, noise trigger levels & monitoring
 - (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 and in order to comply with Policies 30, 31, 32, 119, 120 and 123 of the Bromley Local Plan.

5 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage and to prevent the discharge of surface water from private land on to the highway 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 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 (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water;

(d) The approved drainage scheme 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

6 (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 and landscape features 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) location, type and materials to be used for hard landscaping including specifications, where applicable for:

a) permeable paving

b) tree pit design

c) underground modular systems

d) Sustainable urban drainage integration

e) use within tree Root Protection Areas (RPAs);

3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;

4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and

5) Full details of retained and proposed boundary treatments

(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) Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting.

(iiii) 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.

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

8 (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.

9 (a) A scheme for protecting the proposed dwellings from traffic noise from Croydon Road, which shall include double glazing in windows and acoustically attenuated ventilation and balcony screening, shall be submitted to and approved in writing by or on behalf of the Local Planning Authority prior to construction of above ground works.

(b) The scheme shall be fully implemented before any of the dwellings are occupied and permanently retained as such thereafter.

Reason: In order to comply with Policy 119 of the Bromley Local Plan and to ensure a satisfactory standard of residential amenity.

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

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy 31 of the Bromley Local Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

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

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

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

12 Details of construction method, layout, species and a maintenance regime relating to the green/living roofs shall be submitted to and approved in writing by the Local Planning Authority before works are commenced on the relevant part of the development hereby permitted. The approved details shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter. Details should include:

- i) Fully detailed plans (to scale showing and stating the area of the roof. This should include any contoured information depicting the extensive substrate build up and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings;**
- ii) A scaled section through the actual roof (i.e. not a generic section of a living roof) showing the details of the extensive substrate base and living roof components;**
- iii) Details of the proposed plug planting and seed composition and planting methodology;**
- iv) A statement outlining a management strategy detailing how the living roof would be maintained and monitored for a period of at least 5 years post installation.**

Reason: To support sustainable urban drainage, enhance biodiversity, improve appearance of the development and to accord with policy 5.11 of the London Plan.

- 13 (a) Details of the measures outlined in the Sustainability and Energy Statement by Bluesky dated 08/01/19, including detailed drawings showing the installation of 22 x 300W Solar Photovoltaic panels, on the roof of the Development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above-ground works.**

(b) The approved details, which should provide a reduction in expected carbon dioxide emissions of at least 35% above that required by the 2013 Building Regulations, shall be incorporated into the final design of the development and implemented prior to first occupation and shall be retained thereafter in operational working order.

Reason: In order to seek to achieve compliance with the Mayor of London's Climate Change Mitigation and Energy Strategy and to comply with policies 123 and 124 of the Bromley Local Plan.

- 14 Before any part of the development hereby permitted is first occupied, detailed drawings indicating the means of privacy screening for the north-eastern sides of the balconies for Flats 5, 6, 8, 9 and 10 and for the south-western sides of the balconies at Flats 4 and 7, as shown in the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and to protect the amenities and privacy of the adjoining properties.

- 15 Before the development hereby permitted is first occupied the proposed windows in the north-eastern and south-western elevations of the building shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained as such.**

Reason: In the interests of protecting residential amenity in accordance with Policy 37 of the Bromley Local Plan.

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

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

17 Before any part of the development hereby permitted is first occupied the access shall be provided with 3.3m x 2.4m x 3.3m 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.

18 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 first 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.

19 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.

Reason: 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 Policy 7.14 of the London Plan.

20 An electric car charging point 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. The EVCPs shall be installed prior to occupation and shall be permanently maintained thereafter.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area and to comply with policy 30 of the Bromley Local Plan and Policies 6.13 and 7.14 of the London Plan.

21 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(3) 'wheelchair user dwellings'

i.e. designed to be accessible, or easily adaptable, for residents who are wheelchair users, for the unit identified in the application as an AD M4(3) compliant flat, and shall be permanently retained as such thereafter.

Reason: To comply with Policy 4 of the Bromley Local Plan and Policy 3.8 of the London Plan and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

- 22** Notwithstanding the requirements of condition 21 the approved residential units shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall permanently be retained as such thereafter.

Reason: To comply with Policy 4 of the Bromley Local Plan and Policy 3.8 of the London Plan and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that :

- 1** The proximity of T6 Horse Chestnut to parking spaces, shown as 7 and 8 on the plans hereby approved, may give rise to concerns for future occupants that prompt intentions to carry out tree works. Since T6 is protected by Tree Preservation Order 553, the Council's written permission must be gained prior to works being carried out. Please note that any future applications for works to abate nuisance that arise from the proximity of T6 to parking spaces 7 and 8 may be refused on the grounds of it being an issue that could have reasonably been foreseen.

- 2** You are advised that this application is considered to 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)). The Levy will appear as a Land Charge on the relevant land with immediate effect.

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.

- 3** Where a CEMP is required through the planning process it will relate to factors beyond just noise. For example, site waste management, air quality and emissions, dust management, site contamination and other issues. The above standard relates only to the noise aspects of a CEMP and is therefore not an exhaustive list of likely requirements.

Further information is available from the following sources:

**S61 of Control of Pollution Act 1974,
BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration,
BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
Relevant CIRIA practice notes, and
BRE practice notes.**

Whilst Best Practicable Means must be used at all times in the control of noise from construction sites it is recognised that construction sometimes involves high noise levels.

- 4 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.**
- 5 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.**
- 6 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.**
- 7 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email address.management@bromley.gov.uk regarding Street Naming and numbering.**
- 8 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.**