

SECTION '2' – Applications meriting special consideration

Application No : 19/01198/FULL1

Ward:
Copers Cope

Address : 28 Park Hill Road Shortlands Bromley
BR2 0LF

Objections: Yes

OS Grid Ref: E: 539154 N: 169229

Applicant : Mr S. Oxenbridge

Description of Development:

Erection of a part three storey/part four storey building comprising 9 two bedroom apartments with basement car parking and secure cycle storage, secure refuse storage, formation of vehicle crossover with access onto Park Hill Rd and associated landscaping and amenity space.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

Planning permission is sought for the erection of a part three/part four storey building comprising 9 x 2 bedroom units with basement car parking and secure cycle storage, refuse storage, formation of vehicular crossover with access onto Park Hill Road together with associated landscaping and amenity space. The proposal is similar to that allowed on appeal on 5th April 2017.

Nine car parking spaces are proposed along with secure cycle storage in the rear basement. Refuse provision is proposed to the front of the site.

The following documents accompany the application:-

- A Planning Statement
- Design & Access Statement
- Appendix 1
- Arboricultural Report
- CIL forms

Location and Key Constraints

The application site comprises a parcel of land located adjacent to No. 28 Park Hill Road, Bromley. The accompanying Design & Access statement states that the application site appears to have previously contained tennis courts or a level

playing area and was at one time linked to No.28 when it was in use as a single dwellinghouse.

The site comprises of differing levels and is quite steep, particularly towards the rear. A number of trees are located at the site, some of which are protected by a blanket Tree Preservation Order (TPO). The site is predominantly covered with mature shrubs, vegetation and landscaping, much of which is overgrown.

The site is not designated nor does it lie within a Flood Risk Area.

Comments Received

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

Objection

- The parking in this road is unbearable already. The dustbin carts sometimes have a hard task to get through. When cars drive towards each other it is a problem for one of them to back up.
- To remove the great area of trees and birds will be tragic.
- As the station is very near the road is very busy and not easy to drive out of my drive as you cannot see what is coming up or down the road because of heavy parking.
- Hard to park in the road already without more cars. The noise will be unbearable and with heavy vehicles parking to deal with this site is has just not been thought about properly.
- The siting and design of a 3/4 storey block in a small road would be out of place with regard to the existing set up of the road, and this would also bring into account things like lighting (loss for certain people) and privacy (large block looking into other existing homes/bungalows in future). Environmental - this area is a large wooded area with wildlife. This is carbon friendly and knocking this area down would take all this away.
- On highway safety, firstly, the existing road is not very wide as it is and the area is quiet. There is a weekly clearance of bins in the road which needs access to large council lorries who undertake this. I am not sure how they would continue to have proper access/exits to conduct their business with the nearby residents who obviously pay the council to remove refuse. Also our road does NOT have permits in place for cars, and as such anybody can park where (and when) they like. With Shortlands station very close by, the road is used every weekday by people parking their cars on their way to the station, and as a resident for many years, I know that after 7.30am (ish) this causes congestion. An example is that if you go out in your car after that time, you are lucky to find a space anywhere near where you live on your return until after the daily commute finishes. Any development with all the work, lorries, skips, etc involved for a period of months (maybe more?) would make this far worse for all car owners who live in the road who want to go about their daily business which is unjustified.
- Site plan; I am shocked that the original site plan was so badly wrong and only changed when my neighbour informed the planning department. The

amended site plan is more accurate and clearly shows a smaller plot than the original, thus making the building larger in terms of land to building ratio.

- Nature conservation; this woodland area has been neglected for at least 37 years despite letters being sent to the owner, trees have not been maintained which is a shame. Wildlife is currently abundant, foxes and bats currently residing in the woodland frequent my garden.
- Overlooking/loss of privacy; during the autumn/winter/spring months there are little/no leaves on the trees and the location of the building will have direct views into my windows and garden even with the proposed 'screening'.
- Unhappy about the loss of trees to create a garden area. The end of my garden at the bottom of the slope/rear of plot can become waterlogged, the loss of trees could potentially make this worse.
- Concerned there will be insufficient space for large lorries bringing building materials to the site as there road is narrowed so much by parked cars.
- Concerned that vibrations from the building works will damage supporting walls on my property which are only a short distance from the boundaries of number 28.

Shortlands Residents Association

- We do not object to the proposed development and we note that this is an alternative to that approved some three years ago.
- We recognise that there will be a significant loss of wildlife habitat so the imposition of maximum controls regarding landscaping and preservation of trees is essential.
- Our particular concern relates to car parking. There will be nine flats and there are nine proposed car parking spaces. There is therefore an assumption that there will be no more than one car per flat owner. More importantly in respect of other visitors including deliveries there will be significant pressure on this area where there was none previously.
- There are no parking controls in Park Hill Road. This is a narrow road and for anybody exiting from any property it is dangerous to turn right or left in particular where there is a car parked on the opposite side of the road.
- It is essential for Traffic Management to take the closest possible look at where vehicles will enter and exit from the proposed site in order to limit the inevitable dangers which this will pose.
- As others have said this road is fully parked by commuters from one end to the other by about 7am.
- Traffic levels are unacceptable and detrimental already to the amenity value of the area. This is a perfect opportunity to establish a controlled parking zone in Park Hill Road in order to manage and churn traffic during the day. This must apply to the whole of the road.
- At present this road is one big commuter car park and that is no help to the commercial life of the Village.
- So, we have no objection to the proposed development that we say it is essential to create a controlled parking zone and this development should be the trigger to getting the parking in this road under control.

Comments from Consultees

Drainage Officer - Please impose PC06.

Thames Water - no objections, subject to informatives.

Environmental Health Officer -

I have considered the above and have no objections within the grounds of consideration.

The application site is within an Air Quality Management Area declared for NOx. I would therefore recommend that the following conditions are attached:

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 (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan)

and

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. (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policies 6.13 and 7.14 of the London Plan)

I would recommend that the following informatives are attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.

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.

Highways –

Same comments as previous application 16/00218/OUT that was allowed on appeal APP/G5180/W/16/3164722.

The site is located in an area with medium PTAL rate of 3 (on a scale of 1 - 6, where 6 is the most accessible) just outside Bromley Town Centre Controlled Parking Zone (CPZ) It is therefore likely that future residents will own cars.

I did not add any conditions because previous application 16/00218/OUT was allowed on appeal APP/G5180/W/16/3164722. However please see my revised comments and add any missing conditions by the Inspector.

The applicant will need to apply to the Council's Highway section for the vehicle crossover, the guidance notes and application form are on the Council's website.

Please include the following with any permission:

Conditions

OC03 (Satisfactory Parking) 9 parking spaces

PC14 (Turning area)

ND15 Sight lines of 43m x 2.4m x 43m and Pedestrian Visibility....3.3 x 2.4 x 3.3m visibility splays and no obstruction to visibility in access of 1m in height...

ND16 (Hardstanding for wash-down facilities)

AG11 (Refuse storage)

AG12 (Cycle parking) 12 cycle spaces

AG13 (Lighting scheme for access/parking)

OC04 (Stopping up of access)

PC17 (Construction Management Plan)

AG24 (Highway Drainage)

Non Standard Condition

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

Informative

DI16 (Crossover)

Non standard informative

Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant." The London Plan policy 6.13 also requests that 20% active and a further 20% passive Electric Vehicle Charging Points (EVCP) is provided for all spaces.

RSPB -

The RSPB Bromley Local Group wishes to comment on the above planning application and requests that Bromley Council takes measures to ensure that swift nest bricks are incorporated into this new build project as a biodiversity enhancement.

If Bromley Council intends to grant permission for the above planning application, we urge you to make installation of nine [9] swift nest bricks a planning condition.

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, states: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

This is supported in Section 170(d) of the revised National Planning Policy Framework (NPPF), which states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."

Installing integral swift bricks would contribute to these objectives and demonstrate the commitment of Bromley Council to protecting and enhancing biodiversity.

Designing for and installing swift bricks into the fabric of the new building during the construction phase is easy, inexpensive, and will last the life-time of the building.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The development plan for Bromley comprises the Bromley Local Plan (January 2019), the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy

- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 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
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 73 Development and Trees
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

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

Planning History

Under planning application ref:- 16/00218/OUT outline planning permission was refused for 'erection of part 3 storey, part 4 storey building comprising 6 three bedroom and 3 two bedroom apartments, basement/lower ground floor vehicle and cycle parking, provision of bin store, access and associated landscaping. (Outline application for access layout and scale).

The reason for refusal reason for refusal read as follows:

*"The proposal by reason of its scale and design would constitute a cramped overdevelopment of the site and would create a bulky addition in the street scene, contrary to Policies BE1, H7 and H8 of the Unitary Development Plan".
The above mentioned application was granted on appeal on 5th April 2017.*

Under ref: 91/00747, outline planning permission was refused for 8 two storey terraced houses including roof accommodation with integral garages, 6 garages to serve adjacent property and access road for the following reasons;

"1 The proposal would be both poorly related to the contours and would be an overdevelopment of the site out of character with the locality and contrary to Policy H.2 of the Bromley Borough Plan.

2 The development would prejudice the retention and well being of a number of trees which are of public amenity value and area the subject of a Tree Preservation Order and would result in the removal of trees contrary to Policies H.2 and E.13 of the Bromley Borough Plan.

3 The proposal means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility from the access road along Park Hill Road and as such the proposal would be prejudicial to the free flow of traffic and conditions of general safety on the latter road.

4 The proposal would result in a cramped form of development lacking in adequate amenity area for the occupiers of the proposed houses which would be out of character with the surrounding area contrary to Policy E.1 of the draft Unitary Development Plan."

Under ref: 90/02358, planning permission was refused for a three storey block comprising 8 town houses with access road and 6 garages for the following reasons;

"1 The proposal would be both poorly related to the contours and would be an overdevelopment of the site out of character with the locality and contrary to Policy H.2 of the Bromley Borough Plan.

2 The development would prejudice the retention and well being of a number of trees which are of public amenity value and area the subject of a Tree Preservation Order and would result in the removal of trees contrary to Policies H.2 and E.13 of the Bromley Borough Plan.

3 The proposal means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility from the access road along Park Hill Road and as such the proposal would be prejudicial to the free flow of traffic and conditions of general safety on the latter road."

This application was subsequently dismissed at appeal with the Appeal Inspector concluding that the siting of the dwellings would be harmful to the appearance and residential character of Park Hill Road and lead to overlooking and unsatisfactory loss of trees.

Under ref: 80/02558, outline planning permission was refused for a detached bungalow and detached block of 3 garages for the following reasons;

"(i) on account of its siting on steeply sloping land adjacent to the rear boundary of the site the proposed dwelling would be detrimental to the amenities of the occupants of the adjoining dwellings to the east by reason of visual impact, overlooking and consequent loss of privacy.

(ii) in the absence of details to the contrary the proposed development would increase the flow of surface water drainage to the River Ravensbourne and thereby aggravate flooding and drainage problems in the locality."

Under ref: 76/00120, planning permission was granted for a detached 2 bedroom bungalow with integral garage and 1 garage attached.

Under ref: 73/03742, planning permission was granted for the erection of a detached two bedroom bungalow with 1 block of 4 garages at rear.

Under ref: 73/01157, outline planning permission was refused for a detached two bedroom bungalow with garage for the following reasons;

"(i) the proposal is an unsatisfactory sub-division of an existing site which should be redeveloped on a comprehensive basis to ensure the most satisfactory and beneficial use of the land;

(ii) the proposal is an unsatisfactory form of backland development in that it establishes an undesirably deep building line which would prejudice the satisfactory redevelopment of this and adjacent sites;

(iii) the proposed bungalow would have an unsatisfactory relationship to the existing properties fronting Mays Hill Road by reason of the loss of amenities and privacy to existing residents and the lack of privacy for the future occupants if the bungalow."

Considerations

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

- Appeal decision
- Design
- Density
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL

Appeal decision

An important material consideration in the determination of the application is the previous application which was refused by Members at planning committee held on 31st May 2016, but was allowed on appeal on 5th April 2017.

Under planning application ref:- 16/00218/OUT outline planning permission was refused for 'erection of part 3 storey, part 4 storey building comprising 6 three bedroom and 3 two bedroom apartments, basement/lower ground floor vehicle and cycle parking, provision of bin store, access and associated landscaping. (Outline application for access layout and scale).

The reason for refusal reason for refusal read as follows:

"The proposal by reason of its scale and design would constitute a cramped overdevelopment of the site and would create a bulky addition in the street scene, contrary to Policies BE1, H7 and H8 of the Unitary Development Plan".

At appeal the Inspector was not persuaded that the proposed building would appear cramped, dominant or excessively bulky. Rather he felt that the development appeared to sit comfortably within the site; forming a relatively inconspicuous addition to the streetscene. The Inspector concluded that the development not result in harm to the character and appearance of the street scene and would therefore be in keeping with Policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) insofar as they seek to promote a high standard of design and layout which complements its surroundings.

The current application before the Council is for full planning permission for a similar development with the overall scale, footprint and height of the proposed building having been reduced. This is illustrated on Drawing No. 4784-PD-121 (Proposed Front and Side Elevations).

Design

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing Housing Supply, Policy 3.4 Optimising Housing Potential and Policy 3.8 Housing Choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policy 3 (Backland and Garden Land Development) & Policy 4 (Housing Design) requires that the new residential development would have no impact upon the character, appearance or context of an area and that the design would be of a high quality and to recognise as well as complement the qualities of the surrounding areas. Density ranges should be compliant with the Technical Housing Standards and levels of residential amenity should be compliant with the London Plan.

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.

Policy 37 of the Local Plan requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties. Policy 4 requires the design of new residential development to be of a high quality and to recognise as well as

complement the qualities of the surrounding areas. Density ranges should be compliant with the Technical Housing Standards and levels of residential amenity should be compliant with the London Plan.

The submitted plans indicate that the design has been revised with the overall width and scale reduced in terms of the 'outline' scheme. The proposed building has been reduced in its overall width from what was approved at appeal with significant emphasis on providing more space to the north where the proposed access is located and the existing houses of 38-40 Park Hill Road.

The proposed building is to be divided into 9 apartments. The general vernacular of the street is blocks of flats mixed in with some detached properties. The introduction of a new block of flats would not be considered out of keeping with the style of properties in the road. The design of the property appears similar to that of the property at No.28 which also lies in the applicant's ownership. The building is made up of a part three/part four storey block with dormer window in the roof space.

The predominant part of this part of Park Hill Road is of large blocks of flats and large detached houses. No.28 (Glencoe) is a large detached house set within a substantial plot, in a mature landscape setting. No.28 Park Hill Road comprises a three storey detached building which has been separated into flats. To the north of the site the land shares a boundary with No.'s 38-42 Park Hill Road, to the west a four storey block of flats comprising Mont Arlington and to the south is the gardens of Nos 2-The Glen and 2-12 Shortlands Road.

The proposed apartment block proposes a traditional design which would appear to sit comfortably in the street scene between No.28 and No's 38-42 Park Hill Avenue. The building would sit in the centre of the plot and be located 5.85m to the boundary with No.28 and 8.5m to the boundary with No's 38-42 Park Hill Road. The surrounding area has no predominant character or uniformity other than being predominantly residential. The building is to be built of brick and traditional materials.

The scale of the building is 3/4 storeys with the building designed to step up from No's 38-42 Park Hill Road, before increasing to a maximum height of between 11.6-12.5m in height but not exceeding the ridge height of No.28 Park Hill Road. The street scene drawing shows the context of the building heights compared with that of the neighbouring properties located either side of the site.

The proposed lower ground floor comprises the undercroft parking area for 9 car parking spaces and 10 cycle storage spaces, a lift and communal entrance. The ground floor comprises Flats 1-3; the first floor Flats 4-6 and the second floor Flats 7,8 & 9.

Density

The proposed development consists of 9 flats comprising a mix of 9 x 2 bedroom apartments. The breakdown of flats is set out below:-

Unit 1 - Ground Floor - 2b4p - 92m²

Unit 2 - Ground Floor - 2b4p - 97m²

Unit 3 - Ground Floor - 2b4p - 93m²
Unit 4 - First Floor - 2b4p - 92m²
Unit 5 - First Floor - 2b4p - 97m²
Unit 6 - First Floor - 2b4p - 93m²
Unit 7 - Second Floor - 2b4p - 92m²
Unit 8 - Second Floor - 2b4p - 97m²
Unit 9 - Second Floor - 2b4p - 93m²

The density of the proposal would be 35 units per hectare. Table 3.2 of the London Plan sets out appropriate density ranges for the site with a PTAL of 3 in a suburban area as 35-65. The density is therefore considered acceptable.

Standard of residential accommodation

Policy 3.5 of the London Plan (2016) Table 3.3 sets out the minimum space standards for new development.

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 proposal is also M4(2) compliant making it an accessible and adaptable dwelling.

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

All nine apartments are afforded their own balcony or terrace area. The rear garden area extends to 20-33m deep and offers further amenity space.

All units will be afforded their own private balcony. Whilst a degree of overlooking may occur to neighbouring properties it is considered that the distances to the nearest houses on The Glen and Shortlands Road are sufficiently located far enough away to not cause direct overlooking into neighbouring gardens. Trees in the rear garden will also act to maintain a degree of privacy. The Planning Statement sets out that the balconies will have a privacy screen to prevent overlooking and offer a degree of privacy to future tenants/occupants.

It is considered that the proposed would provide residential accommodation of a satisfactory standard of amenity to serve the needs of prospective occupants. The amenity space to the side of the building would be of an acceptable size to have utility and to meet the needs of a dwelling of the size proposed.

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

A basement car park is provided for 9 cars together with secure cycle storage. The level of parking and cycle provision accords with the Council's standards. A new vehicular access will be incorporated into the development from Park Hill Road. The visibility out of the site has been vetted to accord with the required standards.

No technical objections points are raised from a highways perspective subject to standard conditions and informatives.

The appeal Inspector commented at paragraph 10 that there is a significant on-street demand for parking. A small number of spaces would be lost to the proposed access drive but that this would be negligible in the context of the street as a whole.

Neighbouring amenity

Policy 37 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of privacy, concerns were raised by a number of adjacent properties on Park Hill Road in terms of overlooking and loss of privacy. Officers have visited the site on several occasions and whilst the development does contain windows in every elevation the existing trees will offer a degree of screening to neighbouring amenity and are considered to be no different to the views afforded to neighbours all along the street which have been built to 2, 3 and 4 storeys in height.

The outlook from windows from the proposed properties is considered to maintain a suitable level of privacy, with the bay windows set at an angle to reduce the level of overlooking to No's 38-42 Park Hill Rd.

The distance between the properties as detailed above exceeds the minimum distance referred to within the Mayor's guidance. On this basis while the concerns are noted and taken account of, and it is acknowledged that there will be some

interruption to currently unobstructed views from adjoining properties, it is not considered that this is sufficient to warrant withholding planning permission.

The appeal Inspector acknowledged the concerns of residents at paragraph 9 of his report in relation to the effect on overlooking and privacy. He considers that he is satisfied that taking into account the retention of many mature trees around the boundary of the site it would continue to provide significant screening together with a generous separation from buildings to the front, rear and side and the use of angled windows and privacy screens.

Sustainability

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

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

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

Trees

Policy 73 sets out 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. When trees have to be felled, the Council will seek suitable replanting.

Mature trees are located along the northern and western borders. The application is accompanied by an Arboricultural Assessment carried out by Quaife Woodlands. Several trees are protected by a Tree Preservation Order.

There are 52 subject trees of which three are off site, 27 are to be removed and although this is over 50%, the peripheral screening is retained and the majority of trees removed are minor specimens. The retained trees are protected.

The Tree Officer recommended approval to the outline application. The amendments to pedestrian access and hard landscaping raise some concerns and the arboricultural information is out of date by nearly 5 years, however, revised details (via condition) are requested to satisfy that the tree constraints are addressed.

The Tree Officer has raised concerns that the impact on trees by way of hard landscaping could be damaging and has suggested that the proposed landscaping is removed from the submission and a revised scheme is requested under condition, along with an update Arboricultural Method Statement (AMS).

The following conditions would be applicable on this basis:

1. PC02 (Tree protection)
2. AG02 (Landscaping)
3. Updated Arboricultural Method Statement

CIL

The Mayor of London's CIL is a material consideration. CIL would be payable on this proposal. The agent has completed the relevant forms.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 19/01198/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed 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.

- 3 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.

- 4 (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works.**

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

5 (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

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

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

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

7 (a) Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works.

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

(c) The lighting scheme as shall be implemented in full accordance with details submitted under Part (a) before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policies 30 and 37 of the Bromley Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

8 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.

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

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate arrangements can be secured in order to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety and to comply with Policies 30 and 32 of the Bromley Local Plan

10 Before any part of the development hereby permitted is first occupied the shall be provided with visibility splays and there shall be no obstruction to visibility in excess of 43m x 2.4m x 43m (Sight lines) and 3.3m x 2.4m x 3.3m (Pedestrian Visibility) 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.

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

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

12 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.

13 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.

- 14 (a) Surface water from private land shall not discharge on to the highway.**
- (b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.**
- (c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.**

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

- 15 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 (To minimise the effect of the development on local air quality**

within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan)

16 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. (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policies 6.13 and 7.14 of the London Plan)

17 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

18 No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan. The land within the fenced areas shall not be altered without the prior written consent of the local planning authority.

20 No development shall commence until details of the windows and balcony screening including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) have been submitted to and approved in writing by the local planning authority. The windows and screening shall be installed in accordance with the approved details and thereafter retained.

21 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any risk of contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority prior to development being commenced. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures

and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority following their completion.

22 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

23 (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

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

25 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.

26

(i) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

a) Location and installation of services/ utilities/ drainage.

b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

c) Details of construction within the RPA or that may impact on the retained trees.

d) A full specification for the installation of boundary treatment works.

e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

h) A specification for scaffolding and ground protection within tree protection zones.

i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Arboricultural supervision and inspection by a suitably qualified tree specialist

n) Reporting of inspection and supervision

o) Methods to improve the rooting environment for retained and proposed trees and landscaping

p) Veteran and ancient tree protection and management

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy 37, 73 and 74 of the Bromley Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990

You are further informed that :

27 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

28 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

29 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

- 30 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.**
- 31 The London Plan policy 6.13 also requests that 20% active and a further 20% passive Electric Vehicle Charging Points (EVCP) is provided for all spaces.**
- 32 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley web site.**
- 33 Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant."**
- 34 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

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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."

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. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

- 35 The applicant is advised to install nine swift nest bricks on the site for the purposes of conserving biodiversity.**