

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

Application No : 19/02488/FULL1

Ward:
Cray Valley West

Address : 102 Poverest Road Orpington BR5 2DQ **Objections:** Yes

OS Grid Ref: E: 546212 N: 167781

Applicant : Mr Gups Rana

Description of Development:

Demolition of the existing 3-bed bungalow and erection of a 2-storey residential block of 3 x 2 bedroom and 2 x 1 bedroom flats and associated parking spaces, cycle parking spaces, communal amenity areas and waste storage.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 23

Proposal

Planning permission is sought for the demolition of the existing 3 bed bungalow and erection of a 2 storey residential block of 3 x 2 bedroom and 2 x 1 bedroom flats and associated parking spaces, cycle parking spaces, communal amenity areas and waste storage.

The proposed building will have a footprint of 17.5m by 13.5m at its maximum extents and takes a two storey format with part recessed front elevations to each side. A single storey ground floor projection is shown to half the north rear elevation and narrow single storey side projections are shown to each flank side. A hipped roof is indicated over the main part of the building.

The principle elevation will face Poverest Road and the rear elevation to a car parking area for 5 spaces and landscaped amenity area. The building is accessed via two entrances in the front and rear elevations respectively. Fenestration is stated that it will match that of the local properties with elevation materials to be part render and brickwork.

The application is a resubmission. The main differences to previous schemes are as follows:

- The building has been stepped back to be comparative to the building line of No.100 Poverest Road.

- The maximum height of the building is shown to be in line with neighbouring roof ridge heights. The overall building width has been reduced by 1.5m on the ground floor and a reduction of 3.5m on the first floor to reduce the buildings mass and scale and to be comparable in width to surrounding developments.
- The proposal has been described to be designed to closely match the character of the street scene by following a traditional silhouette comparable to neighbouring buildings. The building comprises of a central section with a hipped roof and two subservient sections on either side which are stepped back from the main building with their roofs set at a lower height.
- Revisions to the quantum and quality of the amenity area have been made with a layout in two parts with Garden Area 1 being toward the front and side of the property covering an area of 226sqm and Garden Area 2 to the rear of the property that covers an area of 100sqm.

The application was supported by the following documents:

- Planning Note
- Design and Access Statement
- Part M Compliance Statement

Location and Key Constraints

The site is located on a corner plot with an area of 0.07ha situated to the east of Poverest Road and Cray Valley Road junction and currently comprises a three bedroom bungalow with a detached rear garage and private rear amenity space. Much of the site is below street level by between 1m to 2.5m approximately.

The surrounding area is predominantly residential in character and comprises a mix of one and two-storey detached and semidetached properties with off-street parking and rear amenity spaces. A pair of semi-detached properties lies immediately to the east of the site and a large two storey detached dwelling house lies to the north. The Poverest Primary School fields are situated to the west on the opposite side of Cray Valley Road.

The site is not within a conservation area nor is the building listed.

Comments from Local Residents and Groups

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

Objections

- Concerns regarding use of site for flats. Flats are totally not in keeping with the area. Multiple occupancy is totally out of character for this area. Will set a precedent.

- Concerns regarding the number of parking spaces to be provided and also impacts of the vehicle access to highway safety close to the junction of Poverest Road and Cray Valley Road.
- Overspill parking will create on street congestion.
- Impacts on health centre due to increase of people.
- The building will not blend in with surrounding area. Will bring unwanted change.
- Out of keeping with the character of the area.
- Overdevelopment of an awkwardly located site.
- No justification for this development. Keep Poverest Road as a road of family homes.
- Loss of privacy and overlooking will increase.
- Five homes will cause more noise and disturbance.
- Preference to see semi-detached or terrace built to maintain the character of the area.
- Concerns regarding drainage and run off.
- Concerns regarding the loss already of existing trees and effects to wellbeing of few remaining.
- Concerns regarding the impacts of the use in terms of amenity of garden/bbq areas to neighbours.
- Comments relating to public notification of the scheme by the developer and the LPA.
- Construction process will impact traffic flow.

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Environmental Health Pollution Officer:

No objections to permission being granted.

Drainage Engineer:

The applicant is required to maximise the use of SUDS on site.

Highways:

The site has a low (1b) PTAL assessment. There are 3 x 2 bed and 2 x 1 bed flats proposed with 5 parking spaces. This is in line with the minimum standards in the Local Plan although there is no visitor parking. There is an existing vehicular access onto Cray Valley Road and that is proposed to be retained to access the parking area. I cannot see a section through the parking area but, as there is a level difference across the site, it does need to be relatively level. There is no layout for the crossover which needs to be agreed with Highways. There is no gate shown on the access and, given the location there should not be one.

The cycle storage should be in line with the London Plan (8 spaces).

The junction of Cray Valley Road / Poverest Road has been identified as having a number of accidents. The proposed access is about 50m from the junction and so is unlikely to interfere with its operation. The number of vehicles generated by the development is unlikely to significantly increase the number of vehicles going through the junction.

Given the location, the construction phase may cause issues. A Construction Management Plan will be required.

There are no technical grounds that warrants refusal of the application.

Thames Water:

Thames Water have advised that with regard to waste water network and waste water process infrastructure capacity that there is no objection. Thames Water have also advised that with regard to water network infrastructure capacity that there is no objection.

The proposed development is located within 5m of a strategic water main and within 15m of Thames Water underground water assets and have advised the applicant to read the Thames Water guide 'Working near our assets' to ensure workings are in line with the necessary processes needed to follow if the applicant is considering working above or near Thames Water pipes or other structures. Informatives are recommended in this regard.

Policy Context

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

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

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

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

London Plan Policies

- 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
- 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
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 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
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (March 2016)
Technical housing standards - Nationally Described Space Standard (March 2015)
SPG1 General Design Principles
SPG2 Residential Design Guidance

Planning History

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

18/00358/FULL1: Demolition of the existing 3-bed bungalow and erection of a 2-storey residential block of 5 two bedroom flats, parking spaces, cycle parking spaces, private and communal amenity areas and waste storage. Refused 28.03.2018

The refusal reasons related to the to the size, scale, massing and design representing a visually obtrusive and inappropriate overdevelopment of the site which would be detrimental to the scale, form and layout of the locality resulting in significant harm to the character and appearance of the area and surrounding development and be harmful to the residential amenities of neighbouring property and visual amenities of the area.

The proposed development also failed to provide a satisfactory size and standard of good quality accommodation for future occupiers by reason of the inadequate space standards and the poor quality of amenity space.

The location of the rear parking area and the intensification of this public realm element into predominantly rear garden curtilage in close proximity to neighbouring buildings and rear property boundaries was also considered to result in an excessive increase in noise and disturbance and have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property.

The application was appealed and dismissed on 4/3/2019.

The Planning Inspector dismissed the appeal based on harm to the character and appearance of the area in respect of the proposals design, mass and scale; poor quality living accommodation and amenity space, noise and disturbance from vehicle manoeuvring and highway safety although this was not analysed in depth due to the other over arching issues.

18/02416/FULL1: Demolition of the existing 3-bed bungalow and erection of a 2-storey residential block of 5 two bedroom flats, parking spaces, cycle parking spaces, private and communal amenity areas and waste storage. Refused 06.08.2018

The refusal reasons related to the to the size, scale, massing and design representing a visually obtrusive and inappropriate overdevelopment of the site which would be detrimental to the scale, form and layout of the locality resulting in significant harm to the character and appearance of the area and surrounding development and be harmful to the residential amenities of neighbouring property and visual amenities of the area.

The proposed development also failed to provide a satisfactory provision of useable and good quality amenity space for the number of potential residents for five flats

The location of the rear parking area and the intensification of this public realm element into predominantly rear garden curtilage in close proximity to neighbouring buildings and rear property boundaries was also considered to result in an excessive increase in noise and disturbance and have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring property.

The application was appealed and dismissed on 20/3/2019

The Planning Inspector dismissed the appeal concluding that although the car parking proposed on the site would not have a significantly detrimental impact on the living conditions of the occupiers of neighbouring properties in terms of noise and disturbance, the proposed development in respect of its design would materially harm the character and appearance of the area and would provide poor quality outside amenity space for residents.

Considerations

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

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

Resubmission

The application is a resubmission of two previously refused applications. The current submission has revised the design to address previous refusal reasons as refused by the LPA and dismissed at Planning Appeal. The main differences have been detailed above in the proposal description.

Principle

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

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

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

The acceptance of the principle of some form of redevelopment of the site has been established in the previous applications (refs 18/00358/FULL1 and 18/02416/FULL1) and remains the view of the LPA.

Density

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

The site has a low PTAL rating of 1b and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-80 dwellings per hectare.

The proposed development would have a density of 68 dwellings per hectare within the suggested ranges in relation to unit density. This may be considered an acceptable amount of development at this location given the available site area.

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

Design

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

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to

contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

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

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

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

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

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

assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

The site is located in a suburban location. The properties in the vicinity of the site are characterised by predominantly semi-detached dwellinghouses and bungalow development of varying designs, though there are also some detached properties. Many of these dwellinghouses are lower than the level of the road due to the sloping ground levels. Therefore the scale and layout of the proposed development needs to take account of local context and character in this regard.

The proposed building in this further resubmission would be of larger size and massing in comparison to the general layout of detached and semi-detached buildings in the locality.

However and importantly, in contrast to previous schemes its footprint siting would now be set in line with the general building line of other buildings on this side of Poverest Road along with reductions in footprint, reduced width at upper floor level and a revised design that seeks to give an external appearance of that of a pair of semi-detached houses with setback two storey side extensions.

In addition the resubmission proposal has sought to limit its overall visual impact by retaining the lower ground level on the site so that the ground floor level of the building would sit below that of the street level. This would serve to reduce its dominance within the streetscene to some extent. The ground level differences would mean that the proposed building would have a maximum height that is directly comparable to that of the neighbouring buildings. The revised scheme has also introduced a hipped roofscape with lower ridges to the side projections reminiscent of how two storey side extension often appear. With the lesser bulk that this creates to the buildings impact to the streetscene, this is now considered to satisfactorily mask the overall size and width of the building on this prominent corner plot.

The existing property at the site is single storey so is of much lesser overall bulk and massing. Such factors raise concern that the level of development being sought, in this case 3 two bedroom flats and 2 one bedroom flats, is likely to be inappropriate on this site, given the need to respond to local character and reinforce local distinctiveness. However, given the acceptable density of the scheme and in the planning balance the alterations within the revised scheme would now appear to be in keeping with the prevailing character of other existing development in the locality of Poverest Road.

In terms of the parking area to the rear of the proposed building. A greater degree of landscaping and a revised layout has been introduced which would help mitigate the impact of hardsurfacing in the rear curtilage and the effects of this upon the character and appearance of the area.

The distance of the proposed building to the side boundaries of the site would be similar to that of other properties in this part of the road complying with Policy 8 in terms of side space.

It is noted that there is some variety in the designs of existing development in the vicinity of the site. However the overall revised design, size, scale and massing of the proposed building would now be considered on balance to be in keeping with that of other buildings on Poverest Road resulting in a neutral impact to the character and appearance of the area which would not warrant refusal of the scheme on this basis.

Standard of residential accommodation

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

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

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

A compliance statement has been submitted for this standard which details compliance.

The floor space size of each of the flats is 50.5m² and 52.8m² for the one bedroom two person units and 61m², 63.7m² and 66.8m² for the two bedroom three person units respectively over single levels. The nationally described space standard requires various sizes of a GIA depending on the number of bedroom and persons intended. The sizes of the flats have been reviewed and on this basis. The

floorspace provision for all of the units in this revised scheme is now compliant with the required standards and is considered acceptable.

The indicated shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. Two communal entrances are provided in the building, firstly from the front via a stepped access and secondly from the rear via the car park and a level access. This is considered acceptable.

Amenity space is provided communally by way of a triangular front and side garden area on the corner of the site below street level and adjacent to two roads. The rear area would be in part used for parking with hard surfacing although this has been improved and mitigated against in this revised scheme with a greater area of landscaping to the rear of 100.8m² and incorporates a resident BBQ area. The communal garden will be for use by all residents and is accessed via the flank side spaces of the building from either of the pedestrian entrances to the building. On balance and subject to further details of landscaping to be sought by condition the provision is now considered acceptable.

Highways

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

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

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

Car parking

The Council's Highway Officer has reviewed the current application and is satisfied on technical grounds, in terms of the amount of parking provided subject to further detail on the access crossover and levels across the site. It is therefore considered that there will not be a significant impact on the available on street parking in the vicinity and the proposal is considered generally acceptable from a highways perspective only.

It is also noted that in the most recent Appeal the Planning Inspector was satisfied regarding the level of parking and was in agreement with the LPA Highway Officer in regard to the impacts of the development on highway safety.

Cycle parking

Cycle parking is required to be 1 space per studio and 1 bedroom flats and 2 spaces for all other dwellings. The applicant has provided details of an assumed location for cycle storage for the units within the rear curtilage. Further details in this regard are recommended by condition.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of an assumed location for refuse storage within the rear curtilage. The location point is considered acceptable. Further details in this regard are recommended by condition in relation to capacity and a containment structure.

Neighbouring amenity

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

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

Concerns have been raised regarding loss of privacy and overlooking to the gardens of adjacent properties. It is not considered that the proposed building would be detrimental to neighbouring amenity in terms of overshadowing, loss of light, overbearing impact or overlooking.

Further concerns have been raised in respect of noise and disturbance due to the increased intensity of the occupation of the site. It is opined from representation comment that this will result from the rear parking area and additional primary doorway from the rear. The rear car parking layout has been altered and set away further from the adjacent neighbour. It is considered landscaping planting can also be introduced in the form of hedge screening to neighbouring property. A landscaping condition can ensure the incorporation of such a measure.

Therefore, subject to further details in this regard to be sought by condition the previous concerns regarding noise and disturbance to rear garden curtilages having a negative effect on the residential amenity of adjacent occupiers has been largely mitigated and is not now considered a sufficient reason to withhold planning permission.

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.

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

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

Trees and Landscaping

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

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

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

Other matters

Thames water raises general awareness with respect to its assets in terms of potential piling and impacts on its infrastructure. A general informative is recommended to make the applicant aware of these issues.

CIL

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

Conclusion

Taking into account the issues discussed above it is considered that the development proposed has overcome previous refusals in this resubmission. The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the development would not be detrimental to the character and appearance of the area. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

On balance the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase housing supply.

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.

As amended by documents received on 08.07.2019

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

(a) Dust mitigation and management measures.

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

(c) Measure to reduce demolition and construction noise

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

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

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

(iii) Measures to deal with safe pedestrian movement.

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

(v) Parking for operatives during construction period

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

(e) Hours of operation

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

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

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

5 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.

6 (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

7 (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

8 (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.

9 (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

10 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.

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

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

- 12 The gradient of the parking area shall not exceed 1:20 at any point.

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

- 13 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.

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

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

You are further informed that :

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

- 2** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 3** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 4** 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
- 5** Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 6** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 7** 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.
- 8** Thames Water advise to read their guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- 9 Thames Water advise there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 10 Thames Water advise that if the developer follows the sequential approach to the disposal of surface water no objection is raised. 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 refer to website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>
- 11 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.
- 12 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 13 The applicant is advised that the development shall strive to achieve the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy of Policy 5.2 of the London Plan.