

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

Application No : 19/01543/FULL1

Ward:
Kelsey And Eden Park

Address : Land At Junction With South Eden Park Road And Bucknall Way Beckenham **Objections:** Yes

OS Grid Ref: E: 537930 N: 168386

Applicant : Mr J Dayani

Description of Development:

Residential development comprising erection of 6 x four storey buildings consisting of 10 four bedroom houses and 133 x one, two and three bedroom apartments together with concierges office. Construction of basement car park with 204 spaces. Central landscaped area with 10 visitor spaces cycle parking for 286 and refuse stores.

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 21
Smoke Control SCA 9
Smoke Control SCA 18
Urban Open Space

Proposal

Full planning permission is sought for 143 residential units in five apartment buildings and a row of terraced dwellings arranged around a central landscaped area.

Access is from the existing vehicular access off South Eden Park Road via North Drive.

Undercroft vehicle and cycle parking are provided in a new basement providing 220 car parking spaces.

Additional pedestrian access is provided directly from South Eden Park Road.

The application was supported by the following documents:

- Affordable Housing Statement
- Air Quality Assessment and Addendum

- Arboricultural Assessment
- Arboricultural Statement
- Badger Monitoring Report (The Ecology Partnership, April 2016)
- Badger sett update survey May 2017 (The Ecology Partnership, June 2017)
- Construction Management Plan
- Contamination Historical Report
- Contamination Report
- Counsel opinion
- Counsel opinion on affordable housing
- Covering letter dated from Robinson Escott Planning dated 14/05/2019
- Design and Access Statement
- Energy Statement (May 2019)
- Flood Risk Assessment by Herrington Consultants (June 2016)
- Heritage Report
- Landscape appraisal
- Letter re: Arboricultural supervision and monitoring from Quaiife Woodlands dated 30/07/19)
- Letter re: Green Roofs from Bluesky Unlimited dated 10/07/19
- Lighting Assessment
- Noise Report
- Phase 1, Phase 2 Environmental & Geotechnical Report
- Planning Statement
- Preliminary Ecological Appraisal (February 2017)
- Report on Revised Application by Kevin Murray Associates
- Schedule of Accommodation
- Statement of Community Involvement
- Supporting Statement by OSP Architecture
- Transport Assessment
- Travel Plan
- Wheelchair Housing Statement

Location and Key Constraints

Biggin Hill Safeguarding Area
 Biggin Hill Safeguarding Area
 London City Airport Safeguarding
 London City Airport Safeguarding
 Smoke Control SCA 21
 Smoke Control SCA 9
 Smoke Control SCA 18
 Urban Open Space

- The application site is a roughly triangular shaped parcel of land approximately 1.44 hectares in area located to the east of South Eden Park Road which is located to the south of the B251 Hayes Lane roundabout;

- The application site is designated as Urban Open Space in the London Borough of Bromley Unitary Development Plan (2006);
- The site is accessed off of South Eden Park Road via a gated drive "North Drive" which curves around the north-eastern edge of the site;
- The site itself comprises grass and scrub land and a number of trees including a green link of mature trees and hedgerow along the eastern side of the site connecting to Bucknall Way to the south;
- There a number of trees with preservation orders (TPOs) located on the western edge of the site;
- The site is not open to the public however there are a significant number of parked vehicles parked on the site, some of which appear to have been abandoned;
- The site forms part of what was a larger site owned by GlaxoSmithKline. Land to the south of the application site, along Bucknall Way and Coppice Close has been developed for residential use;
- Development to the north of the site around the roundabout consists of a car dealership on the Chinese Garage site, a local shopping parade and residential development consisting of large detached dwellings;
- To the west on the opposite side of South Eden Park Road a number of large detached dwellings;
- To the east of the site is the Park Langley Conservation Area comprising of large detached dwellings on spacious plots;
- The south of the site is bordered by residential development which also formed one of the earlier phases of the re-development of the Glaxo Wellcome site;
- The south-west corner of the site is located at the junction of the roundabout with Bucknall Way and to the west of this lies a large expanse of woodland stretching down towards the south-west along South Eden Park Road (B230) known as 'Harvington Estate' - the land is designated as Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC);
- Around 200m to the north-west of the site is Kelsey Park, also designated as Urban Open Space and a SINC;
- The site is located approximately 1.3km to the south of the centre of Beckenham and approximately 3km to the west of Bromley town centre;
- South Eden Park Road is a London Distributor Route and a Local Distributor Road;

- The closest railway station to the site is Eden Park, approximately 1.2km to the south-west;
- Bus stops are located on South Eden Park Road immediately adjacent to the application site with additional stops located at the roundabout to the north of the site, all of which are within 110m walk distance;
- Footways are located on both sides of South Eden Park Road, providing access to local amenities to the north;
- National Cycle Route 21 passes approximately 2 km to the west of the site and provides a signed north-south cycle route from between central London and the south coast;
- The site is within an area with a Public Transport Accessibility Level (PTAL) rating of 2 (on a scale of 1 - 6b where 6b is the most accessible);
- The site is not in a Conservation Area or Area of Special Residential Character (ASRC);
- The site is not in flood zone 2 or 3 however is an area of surface water risk;
- The site is in an Air Quality Management area;
- The site contains potentially contaminated land.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the development in writing, a site notice was posted and a press advert was published.

54 objections were received (at time of writing) which can be summarised as follows:

- Strain on essential services
- Proximity of access to Chinese Roundabout
- Increased traffic congestion and burden on surrounding roads and infrastructure
- Approved Tesco development will worsen situation and impact of this development should be assessed first
- Additional car parking on surrounding roads
- Inadequate visitor car parking
- Dangerous for local school children
- Pedestrian Crossing should be installed
- Pavement narrow on South Eden Park Road
- Heavy goods vehicles should be restricted during construction
- Construction traffic, noise and air pollution
- Health impacts
- Flats are out of character with area

- Does not consider conservation area
- Overdevelopment
- Excessive residential density
- Visual impact
- Too high
- Lack of engagement with South Eden Park Road
- Layout too formal, incongruous and doesn't relate well to surrounding context
- Blocks do not relate to each other in footprint
- Architectural vernacular does not reflect or respect the context
- Poor design
- Four storeys is out of keeping
- Overshadowing to neighbouring properties
- Loss of outlook
- privacy, light and spatial amenity
- Site already being cleared and trees removed.

Summary of comments from consultees

Transport for London

- It is likely that the PTAL for the site may be slightly underestimated, and a manual PTAL calculation should be completed;
- The proposed number of car parking spaces is currently 87 spaces in excess of the maximum draft London Plan Policy T6.1 standards and 70 spaces above current London Plan (2016) standards;
- The excessive car parking provision does not reflect local travel patterns, and will undermine the desire for residents to cycle, walk and use public transport;
- The area of public realm at the centre of the development includes 10 car parking spaces for visitors which is not compliant with the draft London Plan and results in the public realm being dominated by parked cars, and increases severance for pedestrians.
- the proposals do not deliver improvements against the Healthy Streets Indicators, and are therefore not compliant with draft London Plan Policy T2. This could be addressed by removing the visitor car parking spaces, and providing additional pedestrian access points into the site;
- The applicant should ensure that for 3% of dwellings, at least one designated disabled persons parking bay is provided from the outset;
- At least 20% of spaces should be equipped with active charging facilities, with passive provision for all remaining spaces;
- Having reviewed the proposals against the transport policies of the draft London Plan, TfL consider the number of car parking spaces proposed to be excessive and therefore object to the application.

Highways (full comments attached at Appendix 1)

Parking:

- It is proposed to provide a total of 220 parking spaces within the basement. The 10x four bed dwellings will each have two dedicated parking spaces within individual garages, with the remaining 200 parking spaces for use by the remaining dwellings. This relates to a parking ratio of 1.5 spaces across all one/two/three bed units, which accords with the standards;
- A total of 20 parking spaces in the basement are designed as accessible spaces for disabled users;
- An additional 10 parking spaces will be provided for visitors at ground level;
- The proposals incorporate two cycle spaces per unit relating to 286 cycle parking spaces;

Impact of Development Proposals:

- The proposed development could generate 88 total person trips in the weekday morning peak hour, of which 50 could be vehicular trips;
- In the weekday evening peak hour, the development could generate 115 total person trips, of which 62 could be vehicular trips;
- Over an average weekday, the site could generate 1321 two-way total person trips, of which 677 could be vehicular;

Junction Capacity Assessment:

- The proposals will have little impact on the continued operation of South Eden Park Road, with no queuing predicted;
- The proposals would result in a minimal increase in traffic generation on the surrounding road network, with 38 two-way vehicular trips predicted in the weekday morning peak hour and 49 two-way trips during the weekday evening peak hour; and the junction modelling undertaken indicates that the development would not have a material impact on traffic flows along South Eden Park Road;

Response to TfLs objections:

- The site is located in an poor PTAL area of 1b and 2 and reduction in parking spaces and removal of visitors spaces would increase the chances of occupiers parking on the main road;
- a capacity assessment was completed for the nearby roundabout junctions for the previous application and is similar to the current application.

Housing

- We'd be happy with the mix they have proposed, but if for Planning purposes you feel you require an uplift in the one beds I suggest you keep any increase relatively small. At the moment the biggest unmet need is for households with a two bedroom need. We would also appreciate any possible maximisation of the rented element of the affordable offer.

- We still do not have confirmation of how the application will be policy compliant in terms of the affordable offer. They note the obligation to provide 35% as affordable with a 60/40 split Rented/Intermediate, but do not confirm the actual numbers or bedsizes;
- In terms of wheelchair accommodation a good mix of bedsizes for wheelchair accessible will help in terms of ease of allocation. Too much emphasis on one bedsize can make it difficult to fill the units quickly.

Cycling Officer

- I am content with the proposals for long-stay cycle parking. However, can the applicant please clarify if there will be short-stay cycle parking in accordance with the London Plan?

Trees

- The proposals appear to accommodate the retained trees without variation from past planning decisions
- Landscaping is outlined but a planting schedule has not been supplied
- The arboricultural submission is up to date and in accordance with previous versions
- Conditions are recommended.

Drainage

- Detailed design of the measures in the submitted in the Flood Risk Assessment carried out by Herrington Consulting Limited issue 2 Revision 1 dated 03/06/2016 should be submitted to, and approved by, the Local Planning
- A condition is recommended accordingly.

Environmental Health

Contamination

- The Contaminated land report states part 1 of 3, I have been unable to find the other 2 parts. I presume that these have been amalgamated into one document. Section 3.9 makes reference to a separate desk study in relation to UXO contamination. I have not been able to find this report.
- I have been unable to find a map showing the investigative positions. This is required so that we can determine whether a suitable sampling strategy has been undertaken. This is also of some concern as the report states in point 3.8 that they consider the catchment area for contaminant migration to be from the east and that contaminants outside of this area are not expected to pose any risk, which I do not feel like this has been fully justified. To the South is a former contaminated land site where it is acknowledged in the report a - 'large research laboratory where it is understood that the laboratory was only used for pharmaceutical research' and 'a waste management facility for clinical waste' and 'registered radioactive substances relating to the former laboratories site to the south of the site'.
- The report also states that it is issued as an interim between two phases of intrusive works and that some calculations may require revisiting following the completion of planned further works. Further to this a walkover has not been

included in the desk study but will be updated following intrusive investigation. Section 12 of the report states that testing of the conceptual model can be carried out on the basis of intrusive investigations. Revisions are also required following sonic drilling exercise. The report then states that all risks identified in the conceptual site model are noted as acceptable and following further assessment and will inform the remediation strategy, the remediation strategy has not been included. The report also makes reference to the Terramach report ref 3804/16 which I have been unable to find. It is also stated that following demolition it would be prudent to undertake more sampling, what is being demolished? The site does not appear to have any structures on it. Based on this the investigation appears to be incomplete and requires further investigation and analysis.

- Further clarification is required based on the above. The application could be conditioned with a full K09, and adapted to also apply to a UXO.

Air Quality

- All mitigation measures within the Air Quality Assessment Report (Lustre Consulting ref:1569-201606) should be implemented.

Construction Management Plan

- The CMP makes no reference to hours for noisy works.

Noise

- The acoustic report does not appear to have been revised since the application in 2016. As such my former colleagues comments remain relevant;

- The current design for Blocks A and B incorporates single aspect dwellings facing the road (North West) and as such even with appropriate glazing and ventilation these dwellings will provide very poor amenity for residents as they will be unable to open any windows without an unacceptable impact from noise;

- object to this development on noise grounds and I would recommend we request that the design is amended to ensure all dwellings on South Eden Park Road (Blocks A and B) are dual aspect. This ensures residents can access natural ventilation without an unacceptable acoustic impact and each dwelling has access to a relatively quiet façade;

- As with air quality impact a somewhat reduced density to these blocks may be one way to facilitate design improvements;

- Notwithstanding the above, noise conditions are recommended to ensure appropriate sound insulation for the flats.

Thames Water

- No objections with regard to the combined water network infrastructure capacity, Water Comments

- Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal and recommend a condition to allow them to carry out capacity modelling for their water networks

Environment Agency

- We have reviewed the document 'Sitecheck Combined Report' by Landmark dated 30th July 2015. No significant contaminant linkages were identified
- Conditions are recommended.

Secure by Design

- The development could achieve Secured by design (SBD), with the assistance of the South East design out crime officers
- further clarification required around my security concerns, which do not follow the principles of secured by design, and include:
 - Building and lobby security, as all blocks and stair cores appear linked by the underground parking area, and fire exit strategy which would provide easy entry means into every block in a quiet secluded location with no natural surveillance;
 - The access road into the development, which is gated, is it fob in fob out or induction loop controlled? How will refuse collection and deliveries be catered for?
 - Clarification around the basement and cycle store layout, design and the allocation and security of spaces and storage;
 - standards of doors and windows into the fabric of the buildings, details for, and operation of the access control system across the development, defensive space around the ground floor properties, what the mail delivery and visitor strategy consists, the proposed lighting standard, vehicle security, and the boundary treatments
- Secured by Design condition recommended

Natural England

- Refer to standing advice.

Historic England (GLAAS)

- The planning application lies in an area of archaeological interest
- Historic England recommended a suitable archaeological desk-based assessment should be submitted as part of the application documentation in response to application 17/00757/OUT.
- The case went to appeal and in respect of archaeology, the Planning Inspector failed to respond to the material consideration
- A new application was then submitted 19/01543/F in response to which Historic England recommended a suitable archaeological desk-based assessment should be submitted as part of the application documentation. In such a situation, given the earlier response, the second application perhaps should not have been registered without the requested evidence.

Policy Context

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

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

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

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in for this proposal includes the Bromley Local Plan (2019) and the London Plan (March 2016).

The Bromley Local Plan was formally adopted on January 16th 2019. Work is underway to provide a consolidated Local Plan document. In the interim the relevant documents that will result in the consolidated Local Plan are set out in the report to the full Council meeting held on 16.1.2019 entitled 'Adoption of Bromley's Local Plan'.

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

Current Policies relevant to this application include:

London Plan Policies

- 2.18 Green Infrastructure: the multi-functional network of green and open spaces
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood risk assessment
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity

- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Bromley Local Plan

- 1 Housing Supply
- 2 Affordable Housing
- 4 Housing Design
- 30 Parking
- 32 Road Safety
- 33 Access for all
- 37 General Design of Development
- 42 Development adjacent to Conservation Areas
- 55 Urban Open Space
- 69 Development and Nature Conservation Area Sites (LNR & SINC)
- 70 Wildlife Features
- 72 Protected Species
- 73 Development and Trees
- 74 Conservation and Management of Trees and Woodlands
- 77 Landscape Quality and Character
- 78 Green Corridors
- 79 Biodiversity and Access to Nature
- 113 Waste Management in New Development
- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon reduction, decentralised energy networks and renewable energy
- 125 Delivery and Implementation of the Local Plan

Relevant local and strategic Supplementary Planning Guidance (SPGs/SPDs):

London Plan:

Housing (March 2016)

Accessible London: Achieving an Inclusive Environment (2014)

Sustainable Design and Construction (2014)

Shaping Neighbourhoods: Character and Context (2014)

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

London Borough Bromley:

Affordable Housing (2008) and subsequent addendums

Planning Obligations (2010) and subsequent addendums

SPG1 General Design Principles

SPG 2 Residential Design Guidance

Relevant Planning History

Planning history relating to the application site:

16/02613/OUT: Residential development comprising of 105 units with a mixture of 4 bedroom houses and one, two and three bedroom apartments together with concierges office and associated basement car parking (OUTLINE APPLICATION): Allowed at appeal on 22.03.2018

17/00757/OUT: Residential development comprising 15 four storey townhouses and 52 apartments in three and four storey blocks to provide a total of 67 residential units together with concierges office and basement car parking (OUTLINE APPLICATION): Allowed at appeal on 22.03.2018

18/04519/DET: Details of appearance, landscaping and scale pursuant to outline permission DC/16/02613/OUT allowed at appeal on 22.03.2018 for the residential development comprising of 105 units with a mixture of 4 bedroom houses and one, two and three bedroom apartments together with concierges office and associated basement car parking. Approved on 26.02.2019.

There is an extensive planning history relating to the wider former GlaxoSmithKline site. The most relevant is as follows:

12/00976/OUT Demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to 1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports club/ library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/

occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FUL PART OUTLINE: Permission subject to legal agreement on 27.06.2014

15/01192/DET: Details of access, appearance, landscaping, layout and scale for phase 2 and conditions 21 (parking), 23 (cycle storage), 25 (electric charging vehicle points) and conditions 24, 33, 34, and 43 (lighting conditions) of permission ref 12/00976 granted on June 27th 2014 for the demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to 1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports club/ library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/ occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FUL PART OUTLINE (Duplicate of 14/03706/DET): Planning permission granted on 09.06.2015

15/01194/DET: Details of access, appearance, landscaping, layout and scale for Phase 3 (22 dwellings: Plots 1 - 8 and 42 - 55) and details pursuant to conditions 7 (boundaries), 21 (parking), 22 (refuse) 23 (cycle parking), conditions 24 and 34 (lighting), 33 (secure by design) and 35 (slab levels) as they relate to Phase 3 of permission DC/12/00976/OUT granted on 27th June 2014 for the demolition of existing buildings and comprehensive phased mixed use development of up to 37,275 sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620 sqm Class D1 (non-residential institutions), up to 1,040 sqm Class D2 (assembly and leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports clubs/ library, education and resource centre and general purpose meeting room) within Class D2 (assembly and leisure) in conjunction with adjacent playing field without any specific use/ occupier restrictions (as set out in condition 3 of permission ref: 98/01103/FUL) PART OUTLINE (Duplicate of 14/03821/DET): Approved 09.06.2015

Other relevant developments in the area include:

Jacanda Lodge, North Drive, Beckenham which is directly to the north of the site:

16/01330/FULL1: Demolition of two detached dwellinghouses and construction of a crescent terrace of 7 three storey four bedroom plus roof accommodation townhouses with basement car parking, refuse store and associated landscaping: Permission granted on 10.10.2016.

The Chinese Garage Ltd, Wickham Road, Beckenham:

17/03273/RECON: Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 16/02988/FULL1 for the change of use of the existing car showrooms and associated workshops (Sui Generis) and to two retail units (Class A1) and conversion of first floor to 2 two bedroom flats (Class C3) together with associated car parking, landscaping, external alterations and related internal works to Listed Building to allow removal of Condition 21 (Hours of Opening), 22 (Servicing Operations), and 23 (Use Class limitations): Allowed at Appeal on 16.05.2019.

Considerations

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

- Principle
- Design and Density
- Impact on heritage assets
- Neighbouring amenity and response to representations
- Landscaping, Trees and Ecology
- Housing Mix and Tenure
- Standard of residential accommodation
- Highways
- Other Matters

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 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 application site is designated in the development plan as Urban Open Space, however, the principle of the proposed use of this site for a large scale residential development has already been established through the granting of the outline planning applications at Appeal (refs: 16/02613/OUT and 17/00757/OUT) and the subsequent reserved matters application (ref.18/04519/DET).

As such the principle of the residential use of the site is acceptable.

Design and Density

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.

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. Developments should 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 must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. BLP Policy 37 requires development to be of a high standard of design and layout, and requires (inter alia) development to be imaginative and attractive to look at, of a good architectural quality and complement the scale, proportion, form, layout and materials of adjacent buildings and areas, to positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features and to provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity).

Having successfully gained planning permission at Appeal for 2 applications to develop this site with 105 and 65 new residential units respectively, the applicant has subsequently submitted a full planning application proposing a similar layout and form of development to the approved schemes but at a higher residential density.

The main changes from the previously approved 105 unit scheme are:

- Additional storey added to blocks A and B to give overall building heights of 3 full storeys with a fourth storey of accommodation in the roofs

- Front curved section of block F raised from 3 to 4 storeys (with fourth storey of accommodation in the roof)
- Site levels adjusted through lowering of basement by 1250mm and increase in floor to floor heights of blocks A, B, C, E and F from 3100mm to 3300mm
- Block B moved further south to allow a greater separation gap between Blocks A and B
- Additional house added to block D (terraced row) to give a total of 10 houses
- Block D moved further north to accommodate 10m rear gardens;
- Increase in overall number of new dwellings/higher density development
- Parking ramp relocated to north eastern corner of site and parking to be shared with adjacent site - Jacanda Lodge

Scale:

Blocks A and B (fronting South Eden Park Road) will be increased from two to three storeys with an additional storey of accommodation in the mansard roof. Block F is also being increased in storey height to provide three storeys overall plus accommodation in the mansard roof. The proposed sections show Blocks A and B as measuring approximately 14m high to the flat roof and 16.5m high to the top of the chimneys, as scaled from ground level. Block F also measures approximately 14m in height to the flat roof and 16.5m to the top of the chimneys. The floor to floor heights of blocks A, B, C, E and F will also be increased from 3100mm to 3300mm.

At the same time, however, the applicant is proposing to reduce the level of the basement car park and consequently lower the proposed slab levels of the development by 1.25m taking it fully below ground, whereas previously it was only half a level below ground and the proposed finished floor levels for the development were raised above the existing site levels by around 2m. The previously approved heights of blocks A and B (taking account of the approved slab levels and finished floor levels) were 13.5m above existing site level. Therefore the revised height of 14m would not be substantially higher and would be similar to the height of the adjacent development at Jacanda Lodge (14m).

While this form of development would result in a marked change in the character of this area when viewed in the context of the existing two storey detached dwellings on the opposite side of South Eden Park Road; by setting the buildings at a lower slab level the development would have a better relationship with the street and would appear less imposing than the raised buildings which were previously approved. This would also help to offset the visual impact of the increased storey heights. Furthermore, in allowing previous appeals at the site, the Inspector considered this form of development acceptable in this location and it is acknowledged that the character of this area is changing as a result of recently approved developments. These include the three storey plus roof accommodation townhouses which were permitted at Jacanda lodge to the north of the site and the GlaxoSmithKline development which includes buildings of 3-5 storeys.

The front curved section of Block F, located in the north east corner of the site, would also be increased by one storey making the building three storeys overall

with a fourth storey of accommodation in the roof. Blocks D, E and F are all equal in storey heights and are consistent with what was approved in previous applications for this site. Being set back within the site, away from the more prominent vantage points, blocks D, E and F would not be highly visible from the public realm. However, the impact of the increased storey heights needs to be assessed in terms of the impact it would have on the amenities of occupiers of neighbouring sites.

Overall the scale and form of development proposed is considered acceptable in terms of the impact it will have on the character and appearance of the area. In addition, the development is unlikely to appear unduly prominent in longer range views of the site, and would not harm any protected local or strategic views, particularly when seen in the context of the development at the adjacent GlaxoSmithKline site where buildings are up to 5 storeys high.

Details of the existing and proposed slab levels and finished floor levels will need to be submitted and approved by the Council as part of a condition attached to any grant of permission.

Layout:

Blocks A and B have increased in depth by approximately 1m overall since the approved applications. Blocks C, D, E and F are all a similar footprint to what was previously approved. The block of terrace houses has been moved further north to accommodate 10m rear gardens and an extra house has been added giving a total of 10. Block B has also been moved further south to allow a greater separation between blocks A and B.

Following a request from Officers, the applicant has rotated block B to increase the separation distance between the south west corner of the building and South Eden Park Road. The previously approved scheme had a dimension of 11.2m from the extreme south western corner of Block B to the back edge of carriageway in South Eden Park Road. The amended scheme now has a separation distance of 12.12m between the front elevation of Block B at the same point and the back edge of carriageway (around 5m from the back edge of the footway). While the development, due to its scale and almost continuous frontage would dominate the South Eden Park Road street scene, the re-positioning of Block B would improve its visual impact in the street scene and would allow additional landscaping in this part of the site. Furthermore, in allowing the previous applications at appeal, the Inspector has deemed this particular layout and form of development acceptable.

The parking ramp has also been re-located to the north eastern corner of the site and is to be shared with Jacanda Lodge to the north, accessing basement parking for both sites. Moving the parking ramp to the north of the site reduces the number of vehicle movements in the central courtyard and makes this a more pedestrian friendly space. The amended finished floor levels and more coherent landscaping are notable benefits of the revised scheme.

Overall, the layout proposed does increase the footprint of the development somewhat, however, there is still ample space retained around buildings for soft

landscaping and amenity space. The proposed layout also lowers the basement fully below surface level (whereas previously it protruded above the ground) and negates the need for the 5m high dome proposed over the vehicle basement ramp in the centre of the site. Overall, a more coherent and attractive landscape scheme can therefore be secured for the development.

Appearance:

The scheme proposes a traditional 'neo-Georgian' style with mansard roofs with a number of small leaded dormers for each of the blocks. Various architectural detailing is proposed including contrasting brickwork above the windows, stone sills, gable and arched stone detailing above windows, chimneys and stone porticos.

Revised elevations for Blocks A & B have been submitted. The porticos to these Blocks have been adjusted to remove the white render. The design has also been amended slightly however the design of the pediment and columns is now similar to that in the approved applications. The only difference is that in the approved scheme the columns only extended to the level of the raised basement slab whereas the column now extend down to the ground because the basement car park is completely below ground and Blocks A & B (as well as all other blocks having been lowered).

For the external materials the applicant proposes to use white uPVC leaded sash windows and doors, warm red brick, slate roofs, Portland Stone, lead dormers, black metal balconies and render. As the exact specifications are currently unknown, it will be necessary to attach materials conditions to any permission granted to ensure that a high quality finish for the development is secured.

While the proposed neo-Georgian style is not very typical of other development in the area (for example the houses opposite on South Eden Park Road are in the mock-Tudor style) it is noted that the approved development to the north of the application site takes a similar design approach. Furthermore, the affordability of different elements of the development is not immediately apparent from its design which has a high quality external appearance throughout. The appearance of the development has not materially altered from the applications which have previously been permitted at the site and, overall, the design is considered acceptable in this instance.

A condition to ensure compliance with the submitted plans and drawings is essential to ensure that the development is delivered with the same level of detail and high quality finish. In addition, a materials condition requiring a schedule and samples of all the external materials (including the proposed canopy/dome around the car park entrance) to be submitted to the Local planning Authority prior to above ground works, is also necessary.

Density:

Policy 3.4 in the current London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design

principles in Chapter 7 and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

24 x 1 bedroom flats; 96 x 2 bedroom flats and 13 x 3 bedroom flats and 10 x 4 bedroom houses are proposed with an average of 3.3 habitable rooms per unit. The site measures 1.44 hectares and is within a suburban setting with a PTAL of 2.

The London Plan Density Matrix (Table 3.2) gives an indicative density range of 40 - 80 units/hectare and 150-250 habitable rooms/hectare as appropriate for this site, provided the site is well designed, providing a high quality living environment for future occupier's whilst respecting the spatial characteristics of the surrounding area.

The density of the development would equate to approximately 99 units per hectare and 332 habitable rooms per hectare, which is above the recommended ranges in the London Plan and would increase the density of the development by around 26 units/hectare and 106 habitable rooms/hectare, compared to the approved 105 unit scheme which could still be constructed. This is a significant increase in residential density however, as discussed, the design of the development is considered acceptable in the context of the extant permissions, the application site and its surroundings.

Furthermore, the provision of the additional units would significantly benefit the Borough's housing supply. As set out in this report, the proposed development would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits of the additional housing units, when assessed against the development plan policies taken as a whole. In accordance with the NPPF paragraph 11 the development should therefore be approved.

Impact on Heritage Assets

The eastern side of the site is bordered by the Park Langley Conservation Area. The adjacent properties within the Conservation Area have substantial plot lengths and the proposed buildings would be, for the most part, in excess of 70 metres from the rear elevations of these houses. Apart from No 2 Wickham Way which is sited around 56m away from block F and benefits from less tree screening than its neighbours, the adjacent Conservation Area is largely screened from the application site.

Therefore, while the scale of the proposed blocks is substantial, the development is well separated from the Conservation Area and would be comparable in height and massing to other approved development in the vicinity of the site. It is therefore considered that the development is unlikely to give rise to any significant harm on the setting of the adjacent Conservation Area.

Neighbouring amenity and response to representations

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

Impact on properties in South Eden Park Road

Blocks A and B fronting South Eden Park Road and Bucknall Way would appear as the most prominent in views of the site from its' surroundings and from the perspective of neighbouring occupiers on the opposite side of South Eden Park Road. It is clear that this development will significantly alter the character and appearance of this part of South Eden Park Road from neighbouring sites and the open views across this currently undeveloped site would be lost as a result of this development. However, the proposed blocks would be separated from the houses opposite by between 28m and 37m (approx.) and this relationship of the proposed blocks to neighbouring sites has not altered since the schemes which were allowed at appeal. While the number of storeys has increased in the current application it is not anticipated that the proposals would give rise to any undue overlooking or loss of privacy at the neighbouring sites.

The applicant has also submitted a Daylight and Sunlight Assessment, the results of which show that there would be an impact from the development on 1-3 Hampstead Mews. For example, the 6 individual windows forming the bay which serves the living room at the front of 1 Hampstead Mews were individually assessed and would all see a reduction in Vertical Sky Component (VSC) below 27%. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, according to the BRE guidelines, the reduction in light to the window is likely to be noticeable. However, the BRE Guidelines also state that in the case where a room has two or more windows, the mean of their VSCs may be taken.

In this instance, the affected rooms at 1-3 Hampstead Mews are served by secondary areas of glazing. Therefore, taking an average of all of the windows the report finds that there would be negligible impact to neighbouring properties in Hampstead Mews. Furthermore, due to Block B being moved further away from the buildings opposite on South Eden Park Road, there is unlikely to be any further reduction to the daylight and sunlight received by Nos. 1 - 4 Hampstead Mews since the Daylight/Sunlight Assessment was carried out. Overall, the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings.

Impact on Jacanda Lodge

Blocks A and F would be separated by a minimum distance of around 12m from the approved residential development at Jacanda Lodge to the north of the site. The additional scale and bulk of these blocks is unlikely to impact on the outlook or enjoyment of the approved dwellings to a significant degree and future occupiers of the approved dwellings would still benefit from a reasonable outlook.

Impact on properties in Wickham Way

Block F is sited closer to the northern/north-eastern site boundary and is less well screened from neighbouring sites to the east than blocks D and E which would both be well screened by existing mature trees and planting to the east of the site and proposed landscaping along this site boundary. Block F would be clearly visible to occupiers of No 2 Wickham Way from windows situated in the rear elevation of this neighbouring property. While this would alter the outlook which neighbours currently have (of an undeveloped site), being sited around 56m away from No.2 there would be no significant loss of outlook from the neighbouring site.

Impact on properties in Bucknall Way

The proposed townhouses would be separated from existing houses to the south in Bucknall Way by a minimum of approximately 32m. Under the previously approved applications, this separation, together with the three and four storey heights of the proposed buildings was considered acceptable in that it would not adversely impact on the living conditions of occupiers of dwellings on the opposite side of the road.

Overall, the development would be well separated from existing residential dwellings in the vicinity of the site and would not lead to a significant loss of residential amenity.

In terms of the impact on local services and infrastructure the Developer has agreed to pay contributions towards local health and education infrastructure to offset the impact of this development should permission be granted.

The acceptability of the design and density of the development in the context of the local area has been discussed above.

Concerns have also been raised in relation to highways and increased traffic and congestion as a result of this development. Highways and road safety impacts are discussed below. Noise and disruption and road safety aspects during the construction phase of the development should be taken into account as part of a Construction Management Plan (CMP). An updated CMP is required via planning condition.

Landscaping, Trees and Ecology

The application is accompanied by an outline landscaping plan, Arboricultural reports, Preliminary Ecological Assessment and a Badger Monitoring Report and an addendum report.

The proposal involves the removal of a number of trees at this site including the Cypresses along the eastern boundary (already removed), two Horse Chestnuts (subjects of a TPO) and an Oak.

Along the eastern edge the applicant is proposing to plant 10 replacement trees and to establish wildflower grassland. The Preliminary Ecological Appraisal

undertaken in 2017 and submitted in support of this application found that this part of the site was found to support wildlife habitats and connections to the wider landscape. The proposed replacement tree planting and indicative planting proposals would make a positive contribution to the protection and enhancement of biodiversity in this part of the site in accordance with London plan policy 7.19 and will help provide additional screening of the development from neighbouring properties in the adjacent Conservation Area.

The existing trees along the western edge of the site with South Eden Park Road and those along the southern edge fronting Bucknall Way serve an important visual function in the street scene. A significant amount of vegetation has already been removed along the western edge and south-western corner of the site and the retention of the remaining trees across the site is highly desirable. The proposals appear to accommodate the retained trees without variation from past planning decisions.

In addition, the applicant proposes to plant 7 replacement trees along South Eden Park Road and the re-positioning of Block B, as shown in the amended drawings, provides more space in front of Block B for additional planting/landscaping along the South Eden park Road frontage. Tree and landscaping conditions are required in order to secure a replacement Horse Chestnut Tree and a robust, high quality planting scheme across the site.

Within the site, the gaps in between the proposed residential blocks would predominantly be laid with amenity lawn and further wildflower grassland. Hedge planting is proposed around the outdoor terraces and gardens of the flats and houses to distinguish these private areas from the surrounding site and create defensible space for their occupiers. Where habitable room windows front onto internal footpaths and roads, further hedge planting is proposed which would help to maintain privacy for future residents.

The central landscaped space over the underground car park will provide feature hard and soft landscape treatments, a central water feature sculpture and paths radiating outward to planting beds in a circular pattern. Areas for sitting and a Local Area of Play will be provided as part of the scheme. Full landscaping details for this area should be conditioned to include details of the location and appearance of features to enable 'doorstep' playable space and how it will be designed to ensure the safety of persons using this space, given its proximity to the visitor parking spaces.

The proposed lighting for the development would be sited away from the green corridor along the eastern edge of the site and would not significantly impact on wildlife or any protected species using the adjacent tree line. However, in order to ensure the future preservation of any bats using the site or adjacent trees it is considered necessary to impose a condition requiring the detail of any domestic amenity and security lighting for individual dwellings, in particular, those backing onto the trees and scrub along the eastern edge of the site, to be submitted and approved by the Local Planning Authority.

The Badger survey undertaken in 2017 found no evidence of Badgers continuing to use the site. However, an update survey of the holes is recommended to be undertaken no less than 3 weeks prior to the commencement of clearance work on site to establish which species is using the site at the time.

Landscaping, tree and lighting conditions are recommended accordingly.

Housing Mix and Tenure

24 x 1 bedroom flats; 96 x 2 bedroom flats and 13 x 3 bedroom flats and 10 x 4 bedroom houses are proposed.

Paragraph 2.1.17 of the Local Plan makes reference to the 2014 Strategic Housing Market Assessment and the need for larger schemes to provide a mix of unit sizes. Although reference is made in this paragraph to the level of need for different unit sizes in the 2014 SHMA up to 2031 this is not necessarily meant to be prescriptive and applications should be assessed on a scheme by scheme basis.

There are 2 recently permitted schemes on appeal at Maybrey Works and Land to the rear of Dylon that are of a similar size to the South Eden Park Road scheme (159 units and 151 units respectively). They are made up of the following mix and were not refused on unit mix grounds:

- o Maybrey Works (75 one bedroom units, 62 two bedroom units and 22 three bedroom units)
- o Land to the rear of Dylon (63 one bedroom units, 80 two bedroom units and 8 three bedroom units)

While, ideally, a greater number of 1 bedroom units and fewer 2 bedroom units may be more appropriate for a scheme of this size, it is noted that a greater number of 2 bedroom units are being proposed than was previously permitted at this site with the number of 3 bed units being reduced respectively (previously 25 x 1 bed flats; 39 x 2 bed flats; 32 x 3 bed flats and 9 houses were approved). It is also relevant to consider the current unmet housing needs of the Borough which is for households with a two bedroom need. Therefore, on balance, the proposed unit mix is acceptable.

No breakdown of the affordable unit offer that this development will provide has been submitted with the application, however, the applicant has agreed, in principle, to comply with the requirements of BLP policy H2 which states, inter alia, that the Council will seek 35% affordable provision with 60% social rented/affordable rented and 40% intermediate provision. The supporting text to the policy states, inter alia, that "the target relates to the percentage of habitable rooms on site although the Council will consider the overall contribution in terms of floorspace and unit numbers to ensure a proportionate percentage of overall development is affordable housing."

A condition should therefore be imposed to ensure that an acceptable scheme of affordable housing is submitted to and approved by the Council following any grant of planning permission. This approach was considered acceptable by the appeal

Inspector in allowing the applications with reference numbers 16/02613/OUT and 17/00757/OUT.

Standard of Residential Accommodation

Internal space standards

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.

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.

The proposed floor areas for the 1 bedroom units are between 58.4sqm and 69.4sqm, exceeding the minimum gross internal floor area (GIA) set out in the National Technical Housing Standards (50sqm) however, under the previously permitted schemes, units of up to 80sqm were approved. As such no objections are raised.

The two bedroom units have proposed floor areas of between 70.1 and 148.5sqm which also exceeds the minimum GIA (70sqm). However it is noted that only 2 of the two bedroom units located in block F would have notably large floor areas and the GIAs for the remaining units average at about 83.5sqm. This is considered acceptable.

The three bedroom units are between 106.6 and 135.9sqm in GIA which, again, exceeds the minimum requirement (95sqm). However, two of these will be wheelchair accessible dwellings which require additional internal area.

The proposed four bedroom townhouses have GIAs of 299.9 - 316.3sqm. The Technical Standards do not prescribe a minimum floor area for 5 storey dwellings however for a three storey dwelling a minimum GIA of 130sqm is prescribed. While the proposed houses are large in GIA, they are smaller than the houses in the previously approved schemes. As such no objections are raised.

The applicant has also confirmed that all units will comply with a requirement for a minimum ceiling height of 2.5 m for at least 75% of the GIA.

Wheelchair user dwellings

The London Plan also 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 requirement for 'wheelchair user dwellings' applies to all tenures. However part M4 (3) of the Building Regulations regarding 'wheelchair user dwellings' distinguishes between 'wheelchair accessible' (a home readily useable by a wheelchair user at the point of completion) and 'wheelchair adaptable' (a home that can be easily adapted to meet the needs of a household including wheelchair users).

In the schemes which have been approved at this site the Planning Inspector imposed a condition requiring that 10% of the affordable housing units should be wheelchair user dwellings. Following negotiations the applicant has amended the application by presenting more 2 bedroom and some 3 bedroom units as wheelchair accessible and adaptable dwellings. This will help facilitate the future allocation of affordable wheelchair units by the Council.

The applicant has confirmed that the development will meet the relevant parts of the Building Regulations and the drawings submitted demonstrate that level access will be provided from entrance level to all of the apartment blocks. Furthermore, each of the apartment blocks has at least one lift serving each floor and internally each of the proposed town houses also benefits from a lift. Wheelchair accessible car parking is also provided at podium and basement level. Internally, wheelchair turning circles are achievable both on the balconies and within flats. Conditions are recommended to secure the wheelchair dwellings and the affordable wheelchair dwellings.

Internal living conditions

Standard 29 of the Housing SPG states that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. 25 No. (17.4%) of the dwellings are single aspect one and two bedroom units. Blocks A and B incorporate single aspect dwellings facing South Eden Park Road (North West) and the acoustic assessment finds high noise levels for properties fronting this road. As such even with appropriate glazing and ventilation these dwellings will provide very poor amenity for residents as they will be unable to open any windows without an unacceptable impact from noise.

However, this particular layout and relationship to South Eden Park Road was accepted by the Inspector in granting the previous applications. In that instance the Inspector accepted a condition, requiring appropriate glazing and ventilation to be installed, as sufficient to mitigate the harmful effects of the development. Given that the layout of the proposed development has not changed materially from the

approved applications and there are fewer single aspect dwellings proposed, an acoustic condition would be an appropriate means of enhancing the quality of this development and helping to mitigating some of the adverse effects on future occupiers. This should include a requirement for the developer to submit balcony designs to ensure that future occupiers would be able to access external amenity areas and not be subjected to serious noise annoyance.

Having regard to the extant planning permission which took a similar approach, the development is considered acceptable from a noise perspective. Furthermore, the floor plan and layouts submitted demonstrate that the majority of flats are arranged with living/dining/kitchen areas stacked over living/dining/kitchen areas of the flats below and bedrooms over other bedrooms so the transfer of noise between flats would not be unduly harmful.

Regarding interrelationship of the proposed residential blocks: overall, the layout proposed would result in adequate separation between blocks. The applicant has however amended the scheme to incorporate a projecting bay which enables an additional clear glass window to be provided to the bedroom units where there is limited space between some of the blocks.

Where some blocks would be in close proximity to one another, the facing elevations generally contain only bathroom windows or windows serving corridors and as such no loss of privacy between occupiers of the two blocks would ensue. Although the western elevation of block D contains some windows serving habitable rooms, all of these habitable rooms are served by secondary windows orientated towards the front or rear. As such it would still be possible for occupiers to gain a reasonable view of their surroundings from these rooms despite the proximity to the adjacent blocks. The north facing (bathroom) windows in block D should be conditioned to be obscure glazed and non-opening to avoid overlooking to windows in block E.

Overall it is considered that occupiers of this development would benefit from reasonable levels of privacy and outlook. Conditions are recommended to ensure that, where appropriate, obscure glazed windows and fixed shut windows (below 1.7m from the floor of the room in which they are installed) are provided.

Amenity and Play Space

Amenity space is provided by way of private gardens for the houses and private terraces and balconies for the flats, the majority of which meet or exceed the minimum standards for floor area in the London Plan Housing SPG. Residents of the development would also have access to the landscaped areas around the buildings and at the centre of the site.

Policy 3.6 of the London Plan states "Development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs". According to the child yield calculator in the SPG and based on the information in the application, the proposal generates a requirement for 599.8sqm of 'genuine playable' playspace.

The applicant has made provision within the site for a 'local area of play' with a minimum area of 137sqm to accommodate the play needs of children up to the age of 5 years old. This is acceptable and details pertaining to how this area will be laid out are required via planning condition.

With regards to the needs of older children, the site is located in an area which is not deficient in open space, neither for parks and gardens, and while the development would increase the pressure upon local facilities at Harvington Estate and Kelsey Park, particularly given the uplift in 38 units since the previously approved schemes, it is noted that no obligation to provide a financial contribution to enhance local play facilities was required.

On balance, the development is acceptable in terms of amenity space and play space.

Highways

Access

The site is located to the east of South Eden Park Road, which itself is located to the south of the B251 Hayes Lane roundabout. The development is within low PTAL rate of 1b and 2 (on a scale of 0 - 6b, where 6b is the most accessible).

Access to the development site is proposed via the existing North Drive private access, which will continue to provide access into the site from South Eden Park Road. This is an identical arrangement to that of the previously approved scheme.

The existing pedestrian provision of dropped kerbs across the site access junction will be improved, with tactile paving provided for pedestrians passing the site access along South Eden Park Road. In addition, a pedestrian access point is proposed along the western boundary of the site onto South Eden Park Road.

Car Parking

220 car parking spaces for residents will be provided within a dedicated basement. The 10x four bed dwellings will each have two dedicated parking spaces within individual garages, with the remaining 200 parking spaces for use by the remaining dwellings. This relates to a parking ratio of 1.5 spaces across all one/two/three bed units, which accords with the standards in the Local Plan. A total of 20 parking spaces in the basement are designed as accessible spaces for disabled users. An additional 10 parking spaces will be provided for visitors at ground level.

It is noted that Transport for London have requested that the number of car parking spaces for the development is reduced and that all surface level car parking is removed. In both of the previous applications which were allowed at Appeal, TfL also raised concerns with the excessive provision of car parking, which significantly exceeded London Plan maximum parking standards at the time. While the proposed number of car parking spaces is 87 spaces in excess of the maximum draft London Plan Policy standards (which is gaining increasing weight as the Plan

moves closer to adoption) and 70 spaces above current London Plan (2016) standards, the site is located in an poor PTAL area of 1b and 2 and reduction in parking spaces would increase the chances of occupiers parking on the main road. Highways Officers are satisfied with the amount and location of the parking provided and amendments will not be requested in this case.

Cycle Parking

2 x cycle spaces per unit relating are proposed totalling 286 long-stay cycle parking spaces which is in excess of London Plan standards. However, this is considered acceptable as it would encourage residents to make more journeys by bike. Short-stay cycle parking spaces are also provided at grade level externally to each block. This is acceptable, full details are required via condition.

Servicing/Refuse Collection

Servicing and refuse collection will take place at ground level via the internal access road. Site management will relocate refuse from the bin stores to the collection point on the appropriate collection day.

Trip Generation

The trip generation potential of 143 residential dwellings at the site has been assessed. A summary of the peak hour total person and vehicular trip rates are provided in Table below:

Mode of Travel	Weekday AM Peak		Weekday PM Peak		Weekday Daily Movements	
	<u>Arr</u>	<u>Dep</u>	<u>Arr</u>	<u>Dep</u>	<u>Arr</u>	<u>Dep</u>
Total Person Trip Rates	0.259	0.360	0.525	0.282	4.679	4.560
Total Person Trips	37	51	75	40	669	652
Vehicular Trip Rates	0.148	0.202	0.279	0.151	2.395	2.346
Vehicular Trips	21	29	40	22	342	335

Table 1: Vehicle Trip Generation

The above table indicates that the proposed development could generate 50 vehicular trips in the weekday morning peak hour. In the weekday evening peak hour, the development could generate 62 vehicular trips.

Local residents have objected to this application on the grounds of the increased traffic and congestion in the local area and the impact this would have on road safety. They are also concerned over the cumulative impact of the development and the development recently allowed on Appeal at Chinese Garage whereby a variation of conditions of a previous permission was allowed enabling Unit 2 to be occupied by a Tesco Express convenience store (under application ref. Paragraph 109 of the NPPF says that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In considering the highways impacts of the Tesco's scheme proposed at Chinese Roundabout the Inspector took into account the approved 105 unit scheme at the application site as well as the neighbouring Glaxo Smith Kline development for up to 179 dwellings, with non-residential institution use, assembly and leisure uses. He concluded that:

...while the convenience store in combination with the 2 permitted developments would contribute to increased traffic queues in peak hours, it would do so only to a small degree. There would not be a severe impact on the road network. The proposed top-up convenience store would be acceptable with regard to highway safety and the free flow of traffic (Para 25 appeal reference APP/G5180/W/18/3193635).

Turning to an assessment of the current 143 unit scheme, the additional 38 units over that which was allowed at appeal could generate 13 vehicle trips in the weekday morning peak hour and 16 vehicular trips in the weekday evening peak hour. Therefore, it is clear that the cumulative impact of the vehicular trips generated by the additional units would not have a significant impact on the local highway network when taken together with development already approved in the vicinity.

Junction Capacity Assessment

The assessments carried out in the Transport Assessment accompanying the application demonstrate that the proposals will have little impact on the continued operation of South Eden Park Road, with no queuing predicted.

Overall, the proposals would result in a minimal increase in traffic generation on the surrounding road network and the junction modelling undertaken indicates that the development would not have a material impact on traffic flows along South Eden Park Road.

Highways conditions are recommended.

Other Matters

Pollution and contamination

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

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

The applicant has undertaken a Phase 1 and 2 contamination assessment which recommends remedial action to address risks to groundwater based on elevated levels of contaminants being found in the north/north-eastern part of the site. This includes removal of made ground in proposed garden areas to a level of 0.6m and a capping layer provided to mitigate the impact of potential contaminants on future occupants.

Further to the comments received from the Environmental Health Officer the applicant has submitted a detailed Phase 1 and Phase 2 Assessment which also includes the infiltration and permeability testing in relation to surface water drainage. Environmental Health has been re-consulted and Members will be updated at the meeting.

Archaeology

The application is to develop a previously undisturbed site which is over 0.5ha in area and, in normal circumstances; this would trigger the requirement for an archaeological assessment. However, it is noted that in allowing the previous appeals, the Inspector did not require any archaeological assessment nor was there any archaeology condition imposed (despite Historic England's recommendation at application stage that an assessment should be undertaken).

While Historic England have, again, recommended a suitable archaeological desk-based assessment should be submitted as part of this application, it is material in this instance to note that the site could be re-developed under the extant planning permissions without the need for any archaeological assessment being undertaken.

Given the similarities of the layout in the current and approved schemes, it would be unreasonable to require the applicant to carry out archaeological assessment for the purposes of this application.

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.

An Energy Statement (Bluesky Ltd 16th May 2019) is submitted which considers a suitable number and variety of measures for reducing carbon emissions from this development and proposes PV panels on the flat roofs of the blocks as well as energy efficient measures to achieve a reduction on-site of 35.01%. The PVs would protrude from the flat roofs of the blocks at an angle of 15° which is considered acceptable from a visual perspective. A condition is required to ensure compliance with the proposed energy strategy.

The developer will also be liable for a cash in-lieu payment to offset the remaining regulated carbon emissions up to 100% which they have agreed in principle to pay.

Drainage

Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13. The applicant has submitted a Flood Risk Assessment carried out by Herrington Consulting Limited issue 2 Revision 1 dated 03/06/2016 which, in principle is acceptable and a compliance condition is recommended. If the applicant wishes to revise the surface water strategy in the future when the more detailed design of the scheme is developed, they will need to apply to vary the relevant drainage condition.

CIL and S106

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

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

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

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

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

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

Health: £211,479.00

Education: £644,711.46

Carbon off-setting: £213,466

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

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

Conclusions

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

As set out in the preceding sections of the report, having regard to the relevant policies of the development plan and all other material considerations, including the developments which have previously been allowed at the site; the layout, form, scale and appearance of the development is acceptable, particularly in light of the evolving character of this area as a result of recently approved developments.

The impact on the amenities of existing residents close to the site and representations received have also been taken into account and it is not considered that the development lead to a significant loss of residential amenity.

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

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

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

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

and the following conditions:

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

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and documents listed in this condition unless previously agreed in writing by the Local Planning Authority:

15124: P401 F; C401 C; P402 C; P403 D; P404 B; P407 B P410 B; P411 B; P412 B; P412 B; P413 B; P414 B; P415 B; P416 B; P417 B; P418 B; P419 B; P420 B; P421 B; P422 B; P423 B; P424 B; P425 C; P426 C; P427 C; P428 C; P429 C; P430 C; P431 A; P432 A; P433 A; P434 A; P435 B; P440; P441;P442; P340; and KEN 2016 18 D

3 The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- the numbers, type and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of the housing units distributed across the site (on a habitable room basis). The tenure of the affordable housing units shall be split 60% social or affordable rent, and 40% intermediate;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Housing Provider is involved;
- the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced
- details of affordable wheelchair housing which shall consist of at least 10% of the affordable units

Reason: In order to ensure suitable housing provision on site and to accord with Policy 2 of the Bromley Local Plan and policy 3.8 of the London Plan

4 At least 10% of the dwellings hereby permitted shall be provided as wheelchair dwellings in accordance with Building Regulations Part M4(3) 'wheelchair user dwellings'. Details of proposals to provide dwellings capable of occupation by wheelchair users (including related car parking spaces) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted. The dwellings shall be constructed in accordance with the approved details and permanently retained as such thereafter.

Reason: To comply with Policy 3.8 of the London Plan 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.

5 No part of the development hereby permitted shall be commenced (including demolition) prior to a contaminated land assessment and

associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing.

The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

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

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

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

Reason: Required prior to any commencement in order to prevent harm to human health and pollution of the environment and comply with Policy 118 of the Bromley Local Plan

6 Prior to the commencement of the development (including demolition) an updated Construction and Environmental Management Plan shall be 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 together with a suitable hardstanding for carrying out vehicle and plant washing

(c) Measure to reduce demolition and construction noise including reference to hours for noisy works

(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

The development shall be undertaken in full accordance with the details approved under Parts a-f and any accidental accumulation of mud on the highway caused by construction or any other vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

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.

- 7 Details of the proposed slab levels of the buildings and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall be completed strictly in accordance with the approved levels.

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

- 8 Prior to commencement of any development hereby approved (including any ground clearance, tree works, demolition or construction), a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country

Planning Act 1990 in accordance with Policies 37, 73 and 74 of the Bromley Local Plan

9 (i) Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority.

**(ii) The following British Standards should be referred to:
BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations**

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

(iiii) The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in Part (i) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies 37, 73 and 74 of the Bromley Local Plan

10 Development shall not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The developer shall complete the necessary capacity improvements prior to occupation of the development

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

11 (i) Details of a scheme of lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced (excluding ground works).

(ii) No further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority. Additional lighting should only be installed if there is a significant need and should be

avoided near treelines or hedgerows, with light angled away from these areas.

(iii) Prior to occupation of any part of the development, details of any proposed external domestic amenity and security lighting for individual dwellings in blocks D, E and F shall be submitted to and approved in writing by the Local Planning Authority.

(iv) The lighting shall be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied and permanently retained thereafter.

Reason: In order to protect and enhance the adjacent green corridor and any protected species using it and in the interest of amenity and public safety and to comply with policies 37, 72 and 78 of the Bromley Local Plan.

12 Prior to commencement of development (excluding ground works) the detailed design of the measures in the submitted in the Flood Risk Assessment carried out by Herrington Consulting Limited issue 2 Revision 1 dated 03/06/2016 have been submitted to, and approved by, the Local Planning Authority.

Reason: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

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

- 1) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 3) A Schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice;
- 5) Full details of retained and proposed boundary treatments; and
- 6) Full details of how an area or areas measuring a total of no less than 137sqm will be laid out to facilitate on-site play, including:
 - a) the siting, type and appearance of features to enable 'doorstep' play;
 - b) details of how safe and inclusive access to the play spaces will be achieved; and

c) measures which will be put in place to avoid potential conflict between vehicles, cyclists and pedestrians using these areas.

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

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

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

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan and policies 2.18, 3.6, 5.10, 5.11, 5.13, 7.2, 7.19 and 7.21 of the London Plan and to secure a visually satisfactory setting for the development and in the interests of the amenities of future occupiers of the development and the amenities of occupiers of neighbouring sites.

14 (i) Prior to commencement of above ground works; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

(ii) All trees planting shall be carried out in accordance with those details and at those times.

(iii) Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies 37, 73 and 74 of the Bromley Local Plan and policy 7.21 of the London Plan

15 Details of necessary glazing and ventilation specification to achieve a good standard of internal amenity for the dwellings (accounting for internal MVHR noise) as well as details of a scheme for protecting the proposed flats/ balconies fronting South Eden Park Road from traffic noise, to include imperforate screens and class A absorption on the balcony soffits, shall be submitted to and approved in writing by or on behalf of the Local Planning Authority before above ground development commences. The approved details shall be installed in full prior to the

first occupation of the development and permanently maintained thereafter.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and to ensure a satisfactory standard of residential amenity

- 16 (i) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. No above ground construction shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority.**

(ii) The approved measures shall be implemented before the development is occupied and the security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.

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

- 17 (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

- 18 (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.

- 19 Details of a Travel Plan to set out measures to encourage sustainable means of transport (including walking, cycling and via subsidised or free-ticketing, improved links to bus stops, car sharing scheme, improved infrastructure and layouts to improve accessibility and safety) shall be submitted to the Local Planning Authority prior to the construction of any above ground works, together with details of a scheme to measure its implementation and effect. Once approved the travel plan shall be implemented in full and permanently maintained thereafter.**

REASON: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with Policy 7.14 of the London Plan.

- 20** 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.

- 21** Details of the layout of the access road and turning area including its junction with South Eden Park Road and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 1m in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.

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

- 22** 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 South Eden Park 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

- 23** Before the development hereby permitted is first occupied the proposed windows in the southern elevation of block A and those in the northern elevation of block B shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained as such.

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

- 24** A Service and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the

development, and the Plan shall be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied and permanently retained thereafter.

Reason: In order to comply with Policies 31, 37 and 119 of the Bromley Local Plan and in the interest of the amenities of the future occupants of the development and the adjacent properties

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

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

- 26** Before the development hereby permitted is first occupied the proposed windows in the northern and western flank elevations of block D (shown on the plans as serving bathrooms and corridors); shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained as such.

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

- 27** Before the development hereby permitted is first occupied the proposed windows in the northern and southern elevation of block E, at ground, first and second floor level, shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained as such.

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

- 28** Before the development hereby permitted is first occupied the proposed windows in the southern elevation of block F, at ground, first and second floor level, shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained as such.

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

- 29** The measures set out in the approved Energy Statement (Bluesky Ltd 16th May 2019), which should provide a reduction in expected carbon dioxide emissions of at least 35% above that required by the 2013 Building

Regulations, shall be incorporated into the final design of the development and implemented prior to first occupation and shall be retained thereafter in operational working order.

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

- 30 An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces. The EVCPs shall be installed prior to occupation and shall be permanently maintained thereafter.**

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

- 31 The development shall be implemented in accordance with the details set out in the Arboricultural Method Statement (AR-3485-AMS-01 rev. C 20190116) dated 16th January 2019, approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.**

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy 73 of the Bromley Local Plan (adopted January 2019).

- 32 A replacement Horse Chestnut tree of standard size, root balled or container grown shall be planted 1m from tree T25 as referenced within the Arboricultural Survey and Planning Integration Report. The replacement tree will be planted within 12 months of the removal of the tree(s). Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.**

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan and policy 7.21 of the London Plan and in the interest of the visual amenities of the area.

- 33 The development shall only be carried out in complete accordance with the findings and recommendations contained within the following documents:**

- Preliminary Ecological Appraisal (The Ecology Partnership, February 2017)**
- Reptile Survey (The Ecology Partnership, February 2017)**
- Badger Monitoring (The Ecology Partnership, April 2016)**
- Badger sett update survey May 2017 (The Ecology Partnership, June 2017)**

Reason: In order to comply with Policies 70, 72 and 73 of the Bromley Local Plan and in order to preserve and enhance the biodiversity value of the site.

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

Reason: Piling has the potential to impact on local underground water utility infrastructure and groundwater. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 35** The development hereby permitted shall be carried out in complete accordance with the findings and recommendations contained within Air Quality Assessment dated July 2016 by Lustre Consulting.

Reason: To protect local amenity and air quality in accordance with London Plan policies 5.3 and 7.14.

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

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area and to accord with Policy 7.14 of the London Plan

- 37** All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> Further information and guidance is available at <http://content.tfl.gov.uk/construction-logistics-plan-guidance-for-developers.pdf>

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area and to accord with Policy 7.14 of the London Plan

- 38** 90% of the dwellings hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' for the and shall be permanently retained as such thereafter.

Reason: To comply with Policy 3.8 of the London Plan 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.