

<b>Committee Date</b>	30 <sup>th</sup> April 2020		<b>Agenda Item:</b>  3
<b>Address</b>	46 Worlds End Lane Orpington BR6 6AG		
<b>Application number</b>	<b>20/00513/FULL1</b>	<b>Officer</b> <b>Joanna WU</b>	
<b>Ward</b>	Chelsfield and Pratts Bottom		
<b>Proposal (Summary)</b>	A part single and part two storey Vicarage to the rear of the existing vicarage (with a new access/ entrance at Moat Close)		
<b>Applicant</b>		<b>Agent</b>	
Rochester Diocese_Board_of_Finance		Mr Roger Molyneux	
<b>Reason for referral to committee</b>	This application has been “called in” by a Ward Councillor.		<b>Councillor call in</b>  Yes

<b>RECOMMENDATION</b>	<b>PERMISSION</b>
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### Summary

<b>KEY DESIGNATIONS</b>
<ul style="list-style-type: none"> <li>• Biggin Hill Safeguarding Area</li> <li>• London City Airport Safeguarding</li> <li>• Smoke Control</li> </ul>

<b>Proposal</b>	
Site area (total)	1894m2
Site area (for the new vicarage)	927m2
Footprint (existing vicarage)	135m2
Footprint (proposed vicarage)	162 m2

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	3	3
Disabled car spaces	0	1	1
Cycle	0	1	1

<b>Representation summary</b>	<ul style="list-style-type: none"> <li>• A site notice was displayed from 26<sup>th</sup> February 2020 for 21 days</li> <li>• Neighbour notification letters were sent on 18<sup>th</sup> February 2020.</li> <li>• A press ad was displayed in News Shopper on the 26<sup>th</sup> February 2020</li> <li>• Consultation is for a minimum of 21 days</li> </ul>
Total number of responses	17
Number in support	0
Number of objections	17

## **1. SUMMARY OF KEY REASONS FOR RECOMMENDATION**

1.1 The proposed vicarage would create good quality residential accommodation that would make a positive contribution to the borough's housing stock and its mass, scale, form and design would be in keeping with the appearance of the site and surrounding area;

1.2 The proposed development, on balance, would not cause unacceptable harm to the amenities of neighbouring residents;

1.3 The proposed development would not cause unacceptable harm to the visual amenity of trees and the trees protected by Tree Preservation Orders in the application site;

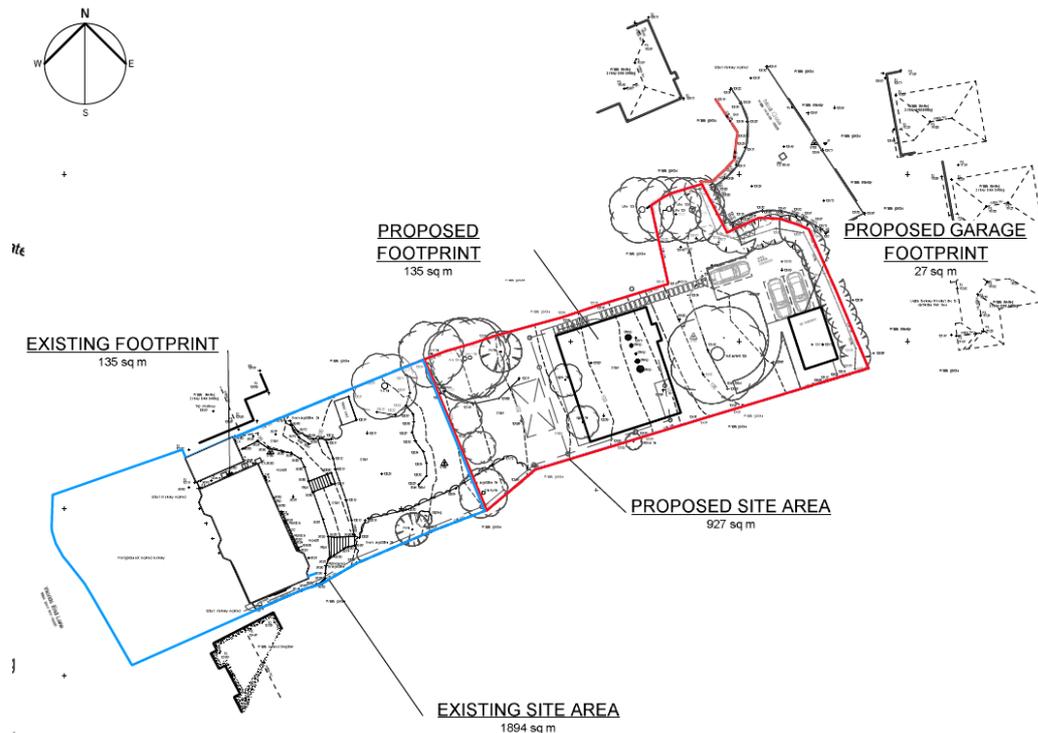
1.4 No unacceptable Highways impacts would arise.

## **2. LOCATION**

2.1 The site is No. 46 Worlds End Lane, Orpington. There is a two storey detached dwelling located on the east side and St. Mary's Church to the west of Worlds End Road. The application site slopes downwards to the east towards St. Mary's Church which is set on lower ground. The total site area is 1894 m<sup>2</sup> and the site has been fenced off to separate it from the vicarage gardens and it is currently well-vegetated and to the east part of the application site, there are trees which are covered by Tree Preservation Orders (TPOs).

2.2 The east boundary of the application site is bounded by Moat Close, which is a cul-de-sac serving 11 detached properties.

2.3 The site does not lie within any conservation area and the property is not a listed building. The character of the area is residential in nature.



### 3. PROPOSAL

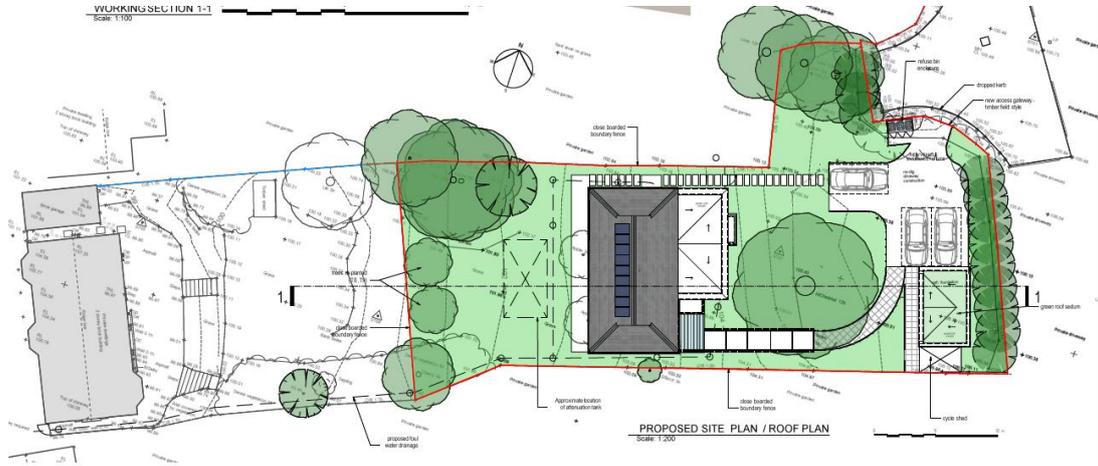
3.1 The proposal includes the subdivision of the existing site to create two plots and to erect a new Vicarage to the east side on a plot with an area of 927 m<sup>2</sup>. The dwelling would have a part pitched two storey structure to the west elevation and part flat-roof two storey element to the east. The pitched two storey structure would measure approximately 13.4m wide, 7.2m deep and 8.5m high with an eaves height of 5.8m; with a two storey flat roof element measuring approximately 10m wide, 4m deep and 5.5m high. The total footprint of the new Vicarage would be 162m<sup>2</sup>.

3.2 The access to the new building would be on the east elevation, facing Moat Close. As the ground level of the proposed Vicarage is lower than the entrance at Moat Close, the main entrance to the house would be located on the first floor level of the proposal (Entrance floor level) with a timber decking bridge to the south side of the application site linking the front garden to the east side of the dwelling.

3.3 The ground floor (garden lower level) would have four bedrooms, two bathrooms and a storage space for garden tools. The first floor level (entrance floor level) would have an entrance hall, study room, a disabled toilet, a living room, a kitchen, a dining room and utility room. In the supporting documents, it is stated that part of the first floor level would cater for public function use i.e. the entrance hall, a study room and the disabled toilet.

3.4 The proposed materials are a mix of brickwork and natural timber cladding and the materials for the roof would be natural slate. The dwelling would have a pitched roof to the west elevation. There would be three first floor windows in the north flank elevation which would be obscure glazing. There would be no windows in the south flank elevations.

3.5 A proposed flat-roof single garage (22m<sup>2</sup> floorspace) and 3 parking spaces would be located to the south east corner of the site and there would be a new vehicular access from Moat Close.



### Site Plan



### Entrance floor level



#### 4. RELEVANT PLANNING HISTORY

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

96/00356/TFL - application to reduce two lime trees by approx. 30% subject to TPO 497 - 26.06.1996 (Refused)

08/03721/TPO - Remove epicormic growth, crown thin by 20% and reduce overhanging into neighbour's garden by 2 metres from two limes in back garden SUBJECT TO TPO 497 - 11.12.2008 (Consent)

19/01819/FULL1 – The provision of a part single and part two storey Vicarage within the curtilage of the existing redundant Vicarage, a single garage, 3 parking spaces and a new vehicular access at Moat Close – (withdrawn)

#### 5. CONSULATION SUMMARY

##### a) Statutory

##### 5.1 Highways Engineer – **No objections**

5.11 The proposal is very similar to the previous one. The proposed property is to the rear of 46 Worlds End Lane and would have a vehicular access from Moat Close. There would also be a pedestrian access from Worlds End Lane. Moat Close is an adopted road and if any planning application is permitted the applicant will need to apply for a crossover, the application forms are on the Council's website.

5.12 The site is within a low (1b) PTAL. There are 4 parking spaces shown, including a good sized single garage. Moat Close does not appear to be suitable for additional one street parking especially in the turning head adjacent to the site. There appears to be no pedestrian access other than through the vehicle access gates so details of the operation of the gates should be provided.

5.13 If this was an ordinary residence the parking provision would be more than adequate and the impact on the road would be negligible. The question would be whether the trip generation with a vicarage is significantly more than with an ordinary house.

5.14 The Design and Access statement indicates that;

*The Church Commissioners' Guide requires a provision of three car parking spaces as a minimum. In view of the domestic and intimate nature of Manor Close, it is assumed that street parking could be deemed unneighbourly. For a modern Vicarage, vehicular movement could be marginally more than for a private detached domestic property, with the occasional visitor / meeting of the Vicar with a parishioner or Diocesan personnel.*

When asked to clarify the visitor pattern the response was:

*(a) Within the Benefice there are 7 full or part time leaders. It is possible that the monthly meetings of this group would be held in the proposed Vicarage, although they could equally be held in St Mary's Church on Worlds End Lane. There would be a maximum 4 no. cars which are able to park within the curtilage.*

*(b) Meetings of the St Mary's Church Council will take place within St Mary's*

*Church on Worlds End Lane.*

*(c) Most visitors will be individuals and will not take place every day.*

*(d) A dedicated pedestrian access is proposed along the southern boundary of the site and the current Vicarage which connects Worlds End Lane with the proposed Vicarage. It is intended to reduce the passage of pedestrians in Manor (sic) Close, and to enable visitors to the Vicarage to park in the Church car park.*

5.15 From this information it would appear that the additional trips in Moat Close are likely to be significant and I have no information that would contradict this. Consequently I think it would be hard to justify a ground of refusal.

5.16 The construction phase is, however, likely to raise issues particularly given the width of Moat Close.”

In the revised scheme, the dedicated pedestrian access route along the southern boundary of the site from the existing Vicarage to the proposal has been removed due to an objection from the neighbours.

5.2 Environmental Health Officer: **No objections**

5.3 Tree Officer: **No objections**

5.4 Drainage officer: **No objections**

5.4.1 There is no public surface water sewer near the site, so the applicant is required to make his own arrangement as how to dispose of surface water run-off. The applicant is committed to use SUDS to attenuate for surface water run-off.

## **b) Local groups**

5.5 West Kent Badger Group: **No objections**

5.5.1 Although there were signs that badgers have and probably still are visiting the proposed development site there were no signs of a sett or setts. During the site visit, it was noticed a couple of push throughs (gaps in the fence where badgers push through to the site) but badgers do not appear to have taken up permanent residence.

5.6 Bromley Biodiversity Partnership & Orpington Field Club: **No objections**

5.6.1 It is highly likely that bats do forage around the garden of the application site. These are probably pipistrelle bats. There is also a concern regarding the possible detrimental effect of the new build on trees, despite the protections suggested in the Tree Survey and Method Statement. Some of the remaining trees are very close to the suggested new build which may harm them in the medium term and lead to their removal soon after building works have been completed. Mitigation measures are suggested and relevant conditions and informative will be imposed.

5.6.2 With regards to the bat video, the bats appear to be pipistrelles. The new build should not affect them greatly apart from the loss of trees/bushes which support the larvae of the flying insects they eat, so mainly the issue for them is maintaining native vegetation and replacing losses with native trees & shrubs since native invertebrates are adapted to eat native plants so these are more important for maintaining the bat population. A condition will be imposed to encourage the

installation of bat bricks and roofing felt with a hessian matrix instead as per natural England standing advice.

### **c) Adjoining Occupiers**

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

#### Objections

- Loss of light and overshadowing;
- Overlooking and loss of privacy from the proposal ;
- Loss of amenity for the neighbour's swimming pool;
- Severe traffic generation and highway safety;
- Proposed vehicular and pedestrian access via Moat Close will severely impact on the safety of both local residents and users of the vicarage;
- Noise and disturbance resulting from the use;
- Should demolish and redevelop the existing vicarage;
- Very modern facade and the scale and design of the vicarage is not in keeping with the area;
- Removal of a significant amount of hedgerow and soft landscaping;
- Evidence of presence of badgers, wild birds and bat activities;
- The development will jeopardise the stability and survival of the protected trees in the long term;
- Different character and appearance compared to the surrounding area;
- It is unclear why the new vicarage needs to be built when the existing one could simply be renovated;
- The proposed vicarage will cast a shadow on the neighbouring houses, limiting the amount of sunlight on their gardens;
- Pavements at Moat Close are limited;
- Loss of the giant chestnut tree;
- Increased traffic to the proposed development and heavy lorries during the construction phase;
- Council refuse lorries have difficulties accessing the road once a week so a succession of building lorries accessing the Close numerous times a day over several months is going to result in congestion, potential damage to parked vehicles and damage to the brick paved road. Will the damaged paved road be repaired at the expense of the builders?
- Construction lorries accessing the Close will result in congestion, potential damage to parked vehicles and damage to brick paved road;
- Parking is already a problem in Moat Close and Dowlerville Road, especially at school drop-off and pick-up times;
- The proposal will significantly overlook neighbouring gardens;
- The trees in the application site are the natural habitat of squirrels and many species of birds;
- An overt money making and "Garden Grabbing" development;
- The development should be used for affordable housing, possibly flats allowing for diversity;
- The proposed footpath from Worlds End land will change use from private garden to an access way, not a very nice thing to do to an adjoining owner;
- The proposal is contrary to Policy 3 relating to backland and garden land development, Policy 4 and Policy 37 of the Bromley Local Plan;

- The new access gateway, adjacent to the turning circle in Moat Close, would most probably cause the turning circle to be used for parking by visitors to the proposed site. This would further compromise safety and restrict safe turning for vehicles;
- Platform lift – the planning application refers to the 'future installation of a platform lift'. However there is no guarantee that this will be provided. What alternative accessibility provisions will assist disabled visitors to the working premises?
- Proposal will have impacts on Moat Close, Worlds End Lane and Dowlerville Road;
- Incomplete information in the proposal – this property does not have the rights to use all the land. I don't believe the adopted highway land totally abuts the church's land.
- Under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land. The proposed development on this green space will have a dominating impact on neighbours and their right to the quiet enjoyment of their property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life, which includes home and surroundings.

## **6. POLICIES AND GUIDANCE**

### **6.1 National Policy Framework 2019**

### **6.2 NPPG**

### **6.3 The London Plan**

- 3.3 Increasing Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing development
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 7.4 Local Character
- 7.6 Architecture
- 7.19 Biodiversity and access to nature
- 7.21 Trees and Woodlands

### **6.4 Draft London Plan**

- H1 Increasing Housing Supply
- H12 Housing size mix
- D1 London's form, character and capacity for growth
- D4 Housing quality and standards
- SI13 Sustainable drainage
- H2A Small housing developments
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

### **6.5 Mayor Supplementary Guidance**

The Mayor's Housing Supplementary Planning Guidance (March 2016)

DCLG Technical Housing Standards (March 2015)

## **6.6 Bromley Local Plan 2019**

Policy 1 Housing Supply  
Policy 3 Backland and Garden Development  
Policy 4 Housing Design  
Policy 8 Side space  
Policy 9 Residential Conversions  
Policy 30 Parking  
Policy 31 Reliving Congestion  
Policy 32 Road Safety  
Policy 33 Access for All  
Policy 34 High Infrastructure Provision  
Policy 37 General design of development  
Policy 70 Wildlife Features  
Policy 72 Protected species  
Policy 73 Development and trees  
Policy 116 Sustainable Urban Drainage System (SUDs)  
Policy 119 Noise Pollution

## **6.7 Bromley Supplementary Guidance**

Bromley's SPG No.1 - General Design Principles  
Bromley's SPG No.2 - Residential Design Guidance

## **7. Assessment**

- Resubmission
- Principle of development – Acceptable
- Housing Need – Acceptable
- Design – Acceptable
- Standard of residential accommodation – Acceptable
- Highways – Acceptable
- Neighbouring amenity – Acceptable
- Trees – Acceptable
- Protected Species – Acceptable

### 7.1 Resubmission

7.1.1 A similar proposal was previously submitted but then withdrawn. In the current proposal, the raised footbridge has been relocated from north to south side of the application site. Also, the footprint of the dwelling has been reduced from 194m<sup>2</sup> to 162m<sup>2</sup>. The proposed entrance floor level balcony has been removed and the total height of the proposed vicarage would be lower.

### 7.2 Principle of Development

7.2.1 The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. The NPPF defines "previously developed land" as: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should

not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure".

7.2.3 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.

7.2.4 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives.

7.2.5 Policy 3 of the BLP states that new residential development will be considered acceptable on backland or garden land if: a) there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and Design of the proposed development; b) there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; c) there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlights, daylight and disturbance from additional traffic, d) a high standard of separation and landscaping is provided.

7.2.6 Policy 4 of the BLP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

7.2.7 The site lies within the built up ( Suburban) area in Orpington where there is no objection in principle to new residential development. The proposal would be similar to other residential developments in the wider area and the spatial standards and increase in the density of the area is considered acceptable to this established character. The proposal is subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of the adjoining and future residential occupiers of the scheme and car parking and transport implications as set out below. It is considered that the principle of residential development on backland or garden land at this site is acceptable.

### 7.3 Housing Need

7.3.1 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

7.3.2 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i) 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
- ii) 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.

7.3.3 This application results in a new vicarage. The proposal would therefore represent a minor contribution to the supply of housing within the Borough.

## 7.4 Design

7.4.1 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 states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

7.4.2 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. 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.

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

7.4.4 The character of the area is one of predominantly two-storey detached dwellings on Worlds End Road and the surrounding roads. The proposed dwelling will have a two-storey appearance and a detached single garage. The roof would be part-pitched and part-flat and as shown on the drawings, the proposed maximum height of the house would be approx. 8.5m. The overall proposed height of the house is acceptable and the scale of the single flat-roof garage appears to be modest and not intrusive.

7.4.5 In terms of the visual impact of the proposal, it is considered that the relationship between the proposed building and neighbouring buildings is acceptable, in view of the retention of separation provided along the boundaries of the site. While the proposal would result in the loss of some amenity space associated with the existing vicarage, given that this application site has a spacious garden and part of the rear garden has been fenced off, it is considered that adequate space would be

retained around the building to provide an appropriate setting and usable amenity space.

7.4.6 In terms of the plot size and the scale of the development, the proposed dwelling would occupy a larger footprint than the adjacent dwellings at Lopakeda, Dowlerville Road and Nos. 1 and 2, Farrant Close. However the size of the dwelling in relation to the site area is not considered to be disproportionate. While the south side space between the boundary and the house leaves a minimum of 1.2m, the rear garden and front gardens are considered to be sufficiently spacious to provide meaningful amenity space for a family dwelling of the size proposed.

7.4.7 With regards to its design, the proposed materials are a mix of brickwork and natural timber cladding; and the materials used for the roof would be natural slate. The dwelling would have a pitched roof to the west elevation and solar panels would be installed on the south facing roof. Part of the entrance floor level (first floor) and the pitched roof could be visible from Worlds End Lane. Given that the land is sloping down from Moat Close to Worlds End Lane, there is a timber decking bridge from Moat Close to enter the entrance floor level (first floor) of the house. It is noted that there are various designs and styles of houses in the area. It is considered that given that most of the proposed house would not be visible from the street that the design of the house would be in keeping with the area in general and would not have a detrimental impact on visual amenities.

## 7.5 Standard of residential accommodation

7.5.1 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. 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 Housing Standards.

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

7.5.3 Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

7.5.4 According to the submitted plans the proposal would comprise a 2-storey, 4-bedroom, 7 people dwelling (4b7p). The garden lower and entrance floor levels and ancillary use for public function would measure some 162 m<sup>2</sup> (exceeding the required 115 m<sup>2</sup> minimum for a 2-storey dwelling).

7.5.5 The bedrooms would all have a single aspect which is not an uncommon arrangement. The proposed new dwelling would be positioned to the rear of the existing property and have a separation distance of some 18m from the existing vicarage. Given the siting, size, scale and separation distance of the building, it is considered that the proposal would not have significant detrimental amenity impacts to the existing vicarage at No. 46 by reason of overshadowing or overbearing effect. Therefore, the proposed vicarage would provide accommodation with a good standard of amenity.

7.5.6 With regards to the neighbouring amenity impacts on the other neighbouring properties in the area, this will be discussed separately under the "neighbouring amenity" section.

## 7.6 Highways

7.6.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

7.6.3 The application site has a PTAL score of 1b (low) and it therefore has low/poor access to public transport services, and a higher dependency on the private leading to a higher level of car ownership amongst the occupants of the existing host dwelling and the proposed new dwelling. The Council's parking standard for a 1b PTAL rating is for a minimum of 1 space per dwelling. The existing forecourt would provide a single garage and 3 off-street parking spaces.

7.6.4 Transport officers have been consulted and no objections have been raised to the proposed car parking spaces and cycle parking. In the Design and Access statement, the applicants mention that most visitors will be individuals and will not take place every day. It is possible that the leaders (total of 7) within the Benefice will hold their monthly meetings in the proposed Vicarage, although they could equally be held in St Mary's Church on Worlds End Lane. Given that 4 parking spaces would be allocated on site, the officers commented that this arrangement should be able to accommodate these additional trips from the visitors.

7.6.5 With regards to the construction phase, a construction management plan will be imposed to make sure the neighbours will have minimum disruption during construction. Also, Moat Close is an adopted road and the applicants are required to submit a crossover application.

## 7.7 Neighbouring amenity

7.7.1 Policy 37 of the Bromley Local Plan 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.

7.7.2 It is noted that the site backs onto the residential rear gardens of dwellings at Lopakeda, Dowlerville Road and No. 1, Farrant Close and a new vehicular access is proposed from Moat Close. The proposal provides a minimum gap of 1.8m from the shared boundary with Lopakeda and it is noted that this neighbouring property has a swimming pool in their rear garden. Three proposed flank windows in the north elevation of the proposal would be facing this shared boundary and they would be fitted with obscure glazing. It is considered that the proposal, on balance, would not have an unacceptable visual impact and loss of outlook to this neighbour's rear garden and their swimming pool.

7.7.3 With regards to Nos 1 and 2 Farrant Close, the house would be 1.2m from their shared boundaries and these neighbouring properties are some 18m away from their rear boundaries. Therefore, the distance between the proposed house and these neighbouring properties is considered to be satisfactory to limit the impact of the proposal in terms of overlooking and loss of privacy, taking account of the back to back separation and the relationship between windows and presence of boundary screening.

7.7.4 With regards to the properties at Moat Close, given the proposal would be separated from all neighbouring houses by a significant distance, it is considered that the siting would not cause visual impacts and loss of light.

## 7.8 Trees

7.8.1 There are a number of mature trees within the site and some of them are covered by Tree Preservation Orders (TPOs), some of which contribute to the visual amenity of the area and the landscape setting of the host vicarage.

7.8.2 Tree officers have been consulted and they have raised no objection to the proposal. A tree condition will be imposed to ensure *protective measures shall be installed in the submitted tree protection plan* to protect the TPO trees within the application site.

## 7.9 Protected Species

7.9.1 Policy 72 of the Bromley Local plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

7.9.2 With regards to bat and badger activity, a representative from the West Kent Badger Group has visited the site to check the possibility of badger activity or setts. He has confirmed that it appears that there is no presence of a badger sett on the site. With regards to bat activities, the Bromley Biodiversity Partnership & Conservation Officer of the Orpington Field Club has been consulted. Conditions will be imposed to protect the plant species in the area and require inclusion of a bat roof to encourage bat activities.

## **8. Conclusion**

8.1 In addition having it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of

amenity to local residents nor impact detrimentally on the character of the area or street scene generally.

Accordingly, and taking all the above into account, it is recommended that planning permission be approved as set out in this report.

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

## **RECOMMENDATION: PERMISSION**

### **SUMMARY OF CONDITIONS AND INFORMATIVES**

#### **Standard condition**

- Standard Time Limit
- Standard Compliance with Plans
- Materials in Accordance with Plans

#### **Pre- commencement condition**

- Construct and Environ Management Plan
- Tree protective measures
- Details of the artificial bat roosts
- Details of landscaping
- Surface Water Details Required
- Scheme for Surface Water Drainage
- Details of the vehicle access gates
- Details of bat bricks and artificial bat roosts

#### **Prior to occupation**

- Obscure Glaze/Fix Shut Windows in the flank elevations
- Remove PD Rights Windows in the flank elevations

#### **Compliance conditions**

- Garage Standards
- Restrict Use of Garage
- Car Parking Details to be Implemented
- Parking materials
- Wash Down Facilities
- The gradient of the parking area

#### **Informative**

1. Information on Bat bricks and bat roost
2. Code of practise for Construction Sites
3. Information on any suspected contaminated issues
4. Details on Highway Crossover Application
5. Times for trees to be removed

6. Times for shrubs/scrub to be removed
8. Details on invasive non-native species

as amended by documents received on 17.03.2020,  
**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

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

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

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

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

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

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

- 4 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in south flank elevation(s) of the entrance floor level of the proposal (as shown on drawing no: 307/P2/01A) hereby permitted.**

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

- 5 Before the development hereby permitted is first occupied the proposed window(s) in the north and south flank elevations of the dwelling hereby permitted shall be obscure glazed to a minimum of Pilkington privacy Level 5 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 window (s) shall subsequently be permanently retained in accordance as such.**

**Reason: In the interests of the amenities of nearby residential properties and to accord with Policy 37 of the Bromley Local Plan.**

- 6 The detached garage hereby permitted shall only be used for purposes incidental to the residential use of the main house and for no other purpose.**

**Reason: In order to comply with Policies 6 and 37 of the Bromley Local Plan and in the interests of the residential amenities of the area.**

- 7** A minimum distance of 5.0m shall be provided between the front doors of the garage(s) and the back edge of the footway.

**Reason:** In order to comply with Policy 30 of the Bromley Local Plan and in the interest of pedestrian and vehicular safety.

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

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

- 9** (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

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

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

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

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

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

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

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

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

**Reason. In order to comply with Policy 32 of the Bromley Local Plan and in the interest of highway safety.**

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

**(a) Dust mitigation and management measures.**

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

**(c) Measure to reduce demolition and construction noise**

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

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

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

**(iii) Measures to deal with safe pedestrian movement.**

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

**(v) Parking for operatives during construction period**

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

**(e) Hours of operation**

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

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

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

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

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

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

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

- 15 Prior to the commencement of all works, including any demolition and the introduction to the site of any machinery or materials, tree protective measures shall be installed in accordance with the submitted tree protection plan. Once installed photographic evidence shall be submitted to the Local Planning Authority via [trees@bromley.gov.uk](mailto:trees@bromley.gov.uk) .Thereafter the development shall be carried out in strict accordance with the recommendations of the Arboricultural Method statement hereby approved.**

**Reason: Required prior to commencement in order to ensure the adequate protection of trees and in accordance with the requirements of Policy 37 and 73 of the Bromley Local Plan**

- 16 Prior to the commencement of all works, details of the operation of the vehicle access gates should be provided and agreed in writing by the LPA.**

**REASON: In order to comply with Policy 32 of the Bromley Local Plan and in the interests of pedestrian and vehicular safety.**

- 17 Prior to commencement, details of a scheme of landscaping, including a hedgerow of mixed native species to be planted as a screen between properties and a silver birch to be planted near the shared boundary with No. 1 Farrant close, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in the first planting season following substantial completion of the development. Any trees or plants which within a 5 year period die, are removed or become seriously damaged**

or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**REASON:** In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the visual amenities of the area.

- 18 Prior to commencement of above ground works, details of bat bricks and artificial bat roosts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in complete accordance with the approved details and shall be permanently retained as such thereafter.

**Reason:** In order to improve existing and create habitats for bats to protect special species and to enhance biodiversity and provide for its on-going management in accordance with Policies 70 and 72 of the Bromley Local Plan, Policy 7.19 of the London Plan and Paragraph 170(d) of the National Planning Policy Framework.

You are further informed that :

- 1 Before works commence, the Applicant is advised to contact the council's Pollution Team in the Environmental Health & Trading Standards Department regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017 which is available on the Bromley council web site.
- 2 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 3 It is advised that the installation of bat bricks in the new build is recommended and breathable membranes should not be used in the new build as they cause bat entanglement. Use type 1F roofing felt with a hessian matrix instead as per Natural England standing advice.

<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects#mitigation-andcompensation-methods4>

Also, an example of an artificial bat roost would be a Schwegler 1WI Summer & Winter Bat Box.

- 4 It is recommended that if trees to be removed have cavities they should be felled in September/October, to avoid maternity and hibernation seasons when bats are most vulnerable to disturbance. Soft felling techniques should be used as recommended in the Bat Conservation Trust leaflet, 'Bats and Trees' see <https://cdn.bats.org.uk/pdf/Bats-Trees.pdf> , especially P.5

- 5** It is advised that any removal of shrubs/scrub to be carried out between November & end February to avoid the bird nesting season.
- 6** On no account should Invasive Non Native Species (INNS) such as cherry laurel be included in any planting plans. See London Invasive Species Inventory at [http://www.londonisi.org.uk/wp-content/uploads/2013/10/LISI-species-of-concern\\_-Nov\\_2014.pdf](http://www.londonisi.org.uk/wp-content/uploads/2013/10/LISI-species-of-concern_-Nov_2014.pdf) and Bromley Biodiversity Plan Appendix D, Table VII
- 7** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)
- 8** With regard to the laying out of the crossover(s) and/ or reinstatement of the existing crossover(s), a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 and the forms can be found here:

[https://www.bromley.gov.uk/info/200083/roads\\_highways\\_and\\_pavements/279/access\\_to\\_your\\_drive\\_crossovers\\_dropped\\_kerbs/2](https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2)