



Appeal Decision

Site visit made on 10 September 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 NOVEMBER 2024

Appeal Ref: APP/G5180/W/23/3332823

Land opposite 165-193 (odds) Isabella Drive and Land between the rear of Nos 138-150 (evens) Broadwater Gardens and the front of Nos 2-16 (odds) Isabella Drive, Orpington.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Keniston Housing Association against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/21/05278/FULL1.
 - The development proposed was originally described as: Erection of a new building to provide 26 residential units (Use Class C3) together with associated car parking, cycle parking, hard and soft landscaping, tree removal, boundary treatment, access, utilities and other associated works on Land Opposite 165 to 193 Isabella Drive and provision of play space to the rear of Nos 138-150 Broadwater Gardens and front of Nos 2-16 Isabella Drive.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a new building to provide 26 residential units (Use Class C3) together with associated car parking, cycle parking, hard and soft landscaping, tree removal, boundary treatment, access, utilities and other associated works on Land opposite Nos 165-193 (odds) Isabella Drive and provision of play space on Land between the rear of Nos 138-150 (evens) Broadwater Gardens and the front of Nos 2-16 (evens) Isabella Drive in accordance with the terms of the application, Ref DC/21/05278/FULL1, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site comprises two parcels of land. The description of development on the appeal form and decision notice is different to that on the planning application form. The evidence indicates that the change was agreed, and this original description is used in my banner heading above. However, the description is not sufficiently clear in terms of the location of each parcel of land, in that property numbers are not consecutively numbered on the ground, and the second parcel of land is between the properties identified. The address of the proposal is also unclear for the same reasons. I have therefore amended the description of development accordingly in my formal decision above, insofar as it refers to the address of each land parcel, in the interests of clarity and precision. I have also used the modified address for each parcel of land in my banner heading.
3. In December 2023, the National Planning Policy Framework (the Framework) was revised. The main parties have had the opportunity to comment on any implications of the revised Framework within the appeal timetable.

4. An updated Travel Plan was submitted with the appeal to address concerns raised at the time of determination by the local highway authority, who indicated that their concerns could be addressed by condition. The updated document addresses those concerns, namely arrangements for target setting, measurement and monitoring, the appointment of a Travel Plan Co-ordinator, and how the measures will be financed. Having regard to the 'Wheatcroft Principles' and the Holborn judgement¹, the updated Travel Plan does not result in a substantial or fundamental change to result in a different application. The Council has had an opportunity to comment on this matter and makes no objection in this regard. I consider that no party would be unfairly prejudiced by this matter if I were to take it into account. I have therefore considered the updated Travel Plan in the appeal.
5. Following requests to view the appeal site from nearby properties, I visited two properties (6 Cherrycot Rise and 185 Isabella Drive) during my site visit. I note the concerns of the appellant regarding my site visit. While handwritten posters were displayed along the boundaries of some neighbouring properties to the appeal site, the presence of such material has had no bearing on my consideration of the appeal.

Main Issues

6. The fourth reason for refusal refers to the absence of an acceptable planning obligation. A planning obligation by deed of agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) was submitted in draft form with the appeal. During the appeal, a completed deed was submitted, and the Council advises it is content with that deed. Consequently, I consider that the fourth reason for refusal has been overcome. Therefore, the main issues are:
 - the effect of the proposal upon open space;
 - the effect of the proposal upon the living conditions of neighbouring occupiers, with particular regard to outlook; and
 - whether the proposal makes adequate provision for the promotion of sustainable transport and the minimisation of greenhouse emissions, with particular regard to its location.

Reasons

The appeal site and the proposal

7. The appeal site comprises two parcels of land within a residential area known as the Darrick Wood Estate (the estate), which covers an area of about 8.7ha to include about 369 properties. The estate is owned and managed by the appellant and all properties are let at social rent levels. Housing typologies are varied, to include semi-detached and terraced forms of two storeys height, with some 2 to 3 storey flatted blocks. The layout of the estate is such that it includes pedestrian walkways and parking areas.
8. The larger parcel of land (Site 1) is about 0.63ha and is not entirely level, such that it slopes up from the west. Although it is irregular in shape, it is broadly triangular and includes an area of land used for car parking towards the south,

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]; Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

and an area of grass towards the north to include shrub-like planting and trees. The tree cover becomes denser towards the west, such that it then appears as a wooded area. Site 1 is proposed for a 2/3 storey block of housing and would include an equipped play area and lawned area available for public use. The smaller parcel of land (Site 2) is part of a flat grassed area between two storey properties such that it faces the front elevations of one terrace and the rear garden boundaries of another. This site is proposed for equipped children's play space. In addition, off site enhancement works are proposed within the wider estate.

Open space

9. There is no substantive evidence before me to demonstrate that the two sites are designated or identified in any policy or proposals map as open space, and the Council does not dispute that the sites are not included within its Open Space, Sport and Recreation Assessment 2017. The evidence indicates that Site 1 was proposed as a communal area at the time the estate was first approved, and it was built in the 1980s. Although the Council advises that an equipped play area once existed in the vicinity of the appeal site and was not subsequently maintained, there is little substantive evidence to demonstrate this.
10. The documents on open space submitted with the application and during the determination phase (the open space information) indicate that the estate has numerous areas of communal open space suitable for informal recreation such as walking, informal ball games and general outdoor activity, but none have any formal/designated play or recreational facilities. During my visit, I found no reason to consider otherwise. The Council and interested parties indicate that Site 1 has been used for outdoor community events. However, there is little substantive evidence to demonstrate the frequency and size of such events.
11. Having regard to all of the evidence before me and my own observations, I am satisfied that Site 1 reads as informal recreation and amenity open space, providing informal recreation opportunities for the local community, including children. Consequently, and taking account of the fact that Site 1 is the largest area of amenity open space within the estate and does not contain any substantive facilities such as play equipment, it falls to be considered within the very broad range of uses identified in the supporting text to Policy 20 (community facilities) of the Bromley Local Plan 2019 (BLP) which is stated as not exhaustive, and within the scope of Policy S1 of the London Plan 2021 (LP). The absence of any reference in the reasons for refusal to BLP Policies 50, 55, 56 and 58 (which among other things refer to metropolitan open land, urban open space, local green space, outdoor sport, recreation and play) does not set aside this finding.
12. BLP Policy 20 seeks to resist the loss of community facilities unless alternative enhanced provision is to be made in an equally accessible location for the community it serves, or that there is no longer a need for them or other forms of social infrastructure. The open space information includes a survey of use undertaken by the appellant, together with various assessments of the existing open space within the estate, the appeal site and the effect of the proposal. While the survey work is a snapshot in time and not conducted by an independent body, it indicates informal recreational activity takes place at Site

- 1, and this fact is not a matter of dispute between the main parties. Of itself, it does not form compelling evidence to demonstrate that the site is no longer needed for informal recreation.
13. The open space information demonstrates that there is a surplus of amenity greenspace within the estate when considered against the Council's standards for amenity open space before and after the proposal. However, the proposal would result in a net loss of open space that would otherwise function as informal recreation space, and no equivalent quantum of open space is proposed to replace it.
 14. In terms of the proposed units of accommodation, the proposed play area within Site 1 would exceed the requirements of LP Policy S4 by some degree. The open space information submitted with the application sets out that due to its large size, the play area would have the potential to provide for both existing and new residents. The later Open Space Assessment Addendum repeats this position. Provided the play area was equally accessible to both new and existing residents of the Darrick Wood Estate, then overall, the proposal would result in two areas of equipped play to serve the estate. This would be a significant quantitative and qualitative enhancement, given the fact that there is no equipped play provision within the estate. A suitable condition could ensure that the play space within Site 1 was accessible for wider public use. The fact that it could appear concealed from the wider estate by the proposed block would not prevent its use by children within the wider estate. The proposed lawned area, although less than that presently existing at the site, would continue to provide informal recreation opportunities, and some degree of community use.
 15. The proposed enhancements to the wider Darrick Wood Estate have been informed by community engagement and include improvements to other open spaces such as benches, planting and community garden space, and access improvements to the nearby Darrick and Newstead Woods. All of the sites proposed for enhancement are within a reasonable walking distance of the appeal site, as is Site 2, and the estate is well served by pedestrian walkways providing good access to the community within the estate. These proposed enhancements would result in qualitative improvements to existing spaces within the estate and provide improved access to nearby woodland spaces.
 16. I note concerns that anti-social behaviour could occur at the equipped play space at Site 2, and in regard to access improvements to Darrick & Newstead Woods, where access by motorbikes and quadbikes may cause noise and disturbance. However, there is no compelling evidence that anti-social behaviour would occur as a result of the proposal, and the comments of the Designing out Crime Officer indicate that a suitable design to minimise such likelihood could be achieved, and that such matters can be controlled by a suitable condition. The details of access improvements to Darrick and Newstead Woods could also be controlled by a suitable condition.
 17. Drawing all of the above together, the proposal would result in a loss of open space, which presently serves as informal recreation space and amenity open space, and there is no compelling evidence to demonstrate that the site is no longer needed for informal recreation. However, the proposal would not result in a shortfall of amenity open space across the estate as a whole, and the provision of two equipped areas of play for wider public use, equally accessible

to all residents would be a significant enhancement to wider provision within the estate. Furthermore, the proposed estate improvements include enhancements to other smaller areas of open space within the estate. In such circumstances, the proposal would satisfy the terms of BLP Policy 20 by providing alternative enhanced provision in an equally accessible location.

18. I therefore conclude that the proposal would not result in an unacceptable effect upon open space. It accords with BLP Policy 20, the objective of which I have set out above and LP Policy S1, which among other things seeks to ensure high quality, inclusive social infrastructure; and the provisions of the Framework.

Living conditions of nearby occupiers

19. Although the proposed block would be taller than nearby two-storey properties, three-storey development is not an unusual feature within the estate, as evidenced within photographs submitted to the appeal, and as I saw during my visit. Ground levels at Site 1 are slightly higher than the surrounding area by about 300mm. This slight variance in levels, together with the proposed setback to the third storey of the block (save for the southwest corner) would not result in the proposed building appearing as a four-storey development, as demonstrated in the proposed section and street elevation drawings.
20. The proposed housing block would be of an L-shape and due to its design, siting, overall scale, size and footprint, the long flank of its three-storey element would face the main elevations of Nos 175-191 (evens) Isabella Drive. These two storey properties have shallow frontages set behind an intervening pedestrian walkway. At my visit I saw that the front elevation to No 185 Isabella Drive included a kitchen/dining area at the ground floor with bedrooms to the first floor, and the main living area was located to the rear elevation. I cannot be certain that other dwellings along this part of Isabella Drive have the same arrangement. Nevertheless, it is likely that they also include habitable rooms to the front elevation, and as such these windows play an important role in the outlook for occupiers and would face the proposed housing block. The site also faces towards the rear gardens of two storey properties along Bridgewater Gardens towards the northeast, and Cherrycot Rise towards the southeast. These properties include windows within their rear elevations serving habitable rooms.
21. The window-to-window separation distance towards properties along Isabella Drive would be about 18.5m, and the proposed balconies to the first floor would have a separation distance of about 16.5m. The proposed first floor balcony towards the rear elevation of the nearest property on Bridgewater Gardens would be 15m and would form an indirect relationship. The separation distance to the rear boundaries of properties along Cherrycot Rise would be a minimum of 20m, and these properties have deep rear gardens such that the distance to their rear elevations would be at least a further 20m. Taking account of changes in level and the topography of the area, such distances would not result in an overbearing outlook for nearby occupiers along Isabella Drive, Bridgewater Gardens or Cherrycot Rise.
22. For the above reasons, and even though the proposed three storey element would be higher than immediately adjacent forms of development, I am satisfied that the proposed block would not be of such bulk and proximity that

it would appear overbearing to neighbouring occupiers. While the outlook for nearby occupiers would be diminished by the proposal, this would not be so significant as to be unacceptable.

23. I therefore conclude that the proposed development would not unacceptably harm the living conditions of nearby occupiers with particular regard to outlook. It accords with BLP Policy 37 and LP Policy D3. Taken together, these policies seek to ensure that development respects the amenity of neighbouring occupiers; that incremental intensification is achieved in the most appropriate way and delivers appropriate outlook and amenity. It also accords with the objectives of the Framework to ensure a high standard of amenity for existing and future users.

Sustainable transport and greenhouse gas emissions

24. The Council's concerns arise from the fact that the area has a Public Transport Accessibility Level (PTAL) score of zero, which is at the worst end of the scale. Although the Darrick Wood Estate does not have bus stops within it, the evidence indicates that the nearest bus stops are within a reasonable walking distance at 300-350m, with a regular 20-minute service to link with Princess Royal Hospital, Orpington town centre and Orpington railway station on all days except Sunday, when there is an hourly service. In addition, a 20-minute frequency service to Orpington, Bromley and Crystal Palace is available from Farnborough High Street, 550m from the site, and there is a further term time service which operates to Orpington Bus Station and a school. Orpington Station is within 30 minutes walking distance, and accessible by bus.
25. The evidence indicates that the appeal site is within 300m of a range of local shops and services, within 800m of a primary school and within 600m of an academy, with further larger shops, services and other schools within less than 2km, including a range of supermarkets, and other facilities such as those for sport, recreational and community facilities. The estate is near to London Cycle Route 67 and close to a public footpath. These factors indicate that the appeal site is within a reasonable range of services that can be accessed by a range of transport modes, including walking and cycling, as well as public transport.
26. The application was accompanied by relevant technical reports including a Transport Assessment, Travel Plan Statement and Air Quality Assessment, and a further Travel Plan was submitted with the appeal. There is no compelling evidence to demonstrate that these documents fail to properly address the impact of the proposed development on the transport network, greenhouse emissions and air quality, nor to demonstrate that the mitigations proposed would not effectively address any adverse impacts of the proposal. There is no compelling evidence to indicate that the nature of existing or proposed traffic movements is such that the proposal would result in significant impacts upon traffic flow, highway safety or air quality such that it should be refused. It is notable that there is no objection from the local highway authority or any environmental health officer in this regard, subject to the imposition of suitable conditions to secure mitigation.
27. The proposal is satisfactory in terms of parking standards, includes a cycle store, and caters for persons with limited mobility. The proposal also includes electric vehicle charging points (EVCPs) within the proposed car parking area, with further EVCPs proposed at other locations within the estate, which would

assist in making the development air quality neutral. Among other things, the updated travel plan indicates that a travel plan co-ordinator would be appointed prior to the first occupation of the units, and that a travel information pack would be provided with each unit of accommodation. Therefore, the proposal would assist in encouraging more sustainable forms of travel.

28. Having regard to all of the evidence before me, I am satisfied that the proposal as a whole (including proposed mitigation measures which can be secured by condition) would encourage the uptake of more sustainable forms of transport, assist in ensuring safe and fair access for all, assist in reducing reliance on private vehicles and would minimise the effect of greenhouse gas emissions.
29. The Council draws my attention to the fact that planning permission for the estate was granted on appeal (Ref: APP/4407/A/57316,7,8) and the appeal decision indicates that the Inspector considered the estate would have a tortuous and inconvenient road layout. However, the appeal was decided a considerable time ago in 1972, and the full policy circumstances prevailing at that time are not before me. Therefore, this matter does not alter my findings, as I am duty bound to consider the proposal in light of current planning policies.
30. For the reasons above, I conclude that the proposal would make adequate provision for the promotion of sustainable transport and the minimisation of greenhouse emissions, with particular regard to its location. It accords with the purposes and/or requirements of BLP Policies 31 and 33, and LP Policies T1, D5 and SI 1, which (among other things) seek to relieve congestion; ensure access for all; support the effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensuring that any impacts upon London's transport networks and supporting infrastructure are mitigated; and improve air quality. It also accords with the objectives of the Framework to promote sustainable transport and meet the challenge of climate change.

Other Matters

31. The proposal is for 26 units of accommodation, all proposed as affordable housing units, secured by a legal agreement. It would therefore assist in meeting the government's objectives to use land efficiently, to significantly boost the supply of land for homes, and to meet housing needs. It would also contribute to the Council's five-year supply of deliverable housing sites. Economic benefits would arise during the construction phase, with more permanent benefits from household expenditure thereafter. These matters would weigh in favour of the scheme.
32. I have had regard to representations made to the appeal, which express a wide range of concerns including, but not limited to the following: privacy/overlooking, levels of daylight and sunlight; the effect upon wildlife/biodiversity, parking arrangements, fear of crime, increased emissions, inadequate and /or immature planting or screening between the development and neighbouring properties, the retention of landscape features within the site, noise and disturbance, antisocial behaviour, the capacity of local infrastructure to support the needs of future occupiers, and the effect of the proposal upon the safe operation of the highway.

33. However, I note that these matters were considered where relevant within the Officer Report (OR) which considered the application prior to its refusal. Whilst I can understand the concerns of interested parties, there is no compelling evidence before me that would lead me to a different conclusion on such matters than that set out within the OR, including where indicated that such matters can be controlled by conditions.
34. There is no substantive evidence before me to demonstrate that the proposal would lead to adverse effects on the water table, nor any subsidence. The swept path analysis submitted demonstrates sufficient space for large vehicles such as those for refuse collection, fire tenders and other emergency vehicles. There is no compelling evidence to demonstrate that the proposal would result in increased risks to highway safety or increased risk of accidents or collision.
35. The evidence before me indicates that biodiversity net gain would be achieved, and that the loss of any existing habitat would be suitably mitigated. A landscape clearance strategy would ensure that the interests of any protected species other than those already identified are safeguarded. These matters can be secured by suitable conditions.
36. Concerns are raised that emergency vehicles would be unable to attend those in need during the construction phase, and that construction activities would adversely impact upon the health conditions of persons near the appeal site in terms of noise, dust, vibration and general disturbance. However, the construction phase is temporary, and such effects can be controlled by a suitable condition.
37. Matters concerning the effect of the proposal upon property values, property sales, and any rights to light or access are private matters and have no bearing on my consideration of the planning merits of the proposal.

Planning Obligation

38. The planning obligation submitted to the appeal would secure the delivery of 100% affordable housing, contributions to a carbon off-set fund, legal costs and monitoring fees. I am satisfied that the planning obligation is necessary to make the development acceptable in planning terms and meets the statutory tests.

Conditions

39. I have considered the conditions suggested by the Council, comments from the appellant including pre-commencement, and in light of Planning Practice Guidance² (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some amendments, editing and rationalisation. The appellant has indicated their written agreement to the terms of those conditions requiring compliance prior to the commencement of development, as per section 100ZA of the Act.
40. As the appeal site comprises two parcels of land, and includes improvements to the wider Darrick Wood Estate, the schedule includes relevant definitions in the interests of clarity and precision. Conditions 1 and 2 respectively impose a time limit for commencement and require the development to be completed in

² Planning Practice Guidance: Use of Conditions

accordance with the approved plans and documents. These conditions are necessary in the interests of clarity, precision and enforceability.

41. Condition 3 is imposed to ensure that a Construction and Environmental Management Plan is in place to control noise, disturbance and pollution; to ensure public safety and the safe operation of the highway network; and to protect the reasonable amenity of neighbours. Condition 4 is imposed to ensure that a landscape clearance strategy is in place in the interests of biodiversity and protected species. I have imposed conditions 5 and 6 to ensure that suitable protection measures and working practices are in place to prevent harm to retained trees, in the interests of the character and appearance of the area and biodiversity. Conditions 3-6 (inclusive) are reasonable and necessary and imposed as pre-commencement conditions to ensure that suitable controls and measures are in place prior to any clearance, demolition and construction works.
42. Condition 7 seeks to ensure that slab levels and ridge heights are agreed. The pre-commencement nature of this condition is necessary in the context of variances in ground levels and to ensure a satisfactory relationship with adjoining land and/or buildings, and in the interests of neighbouring amenity and the character and appearance of the area.
43. Condition 8 is necessary to establish appropriate landscaping in order to ensure a satisfactory appearance to the development, and to secure policy compliance for urban greening. Furthermore, this condition is necessary to ensure that the provision of equipped play area at Site 1 is equally accessible to existing residents of the Darrick Wood Estate. This condition is therefore imposed not only in the interests of future occupiers of the development and the character and appearance of the area, but also in the interests of residents within the wider Darrick Wood Estate.
44. It is necessary to impose condition 9 to control noise from fixed plant in the interests of residential amenity for existing and future occupiers. Conditions 10 and 11 respectively require all external facing materials and the details of any rooftop plant to be agreed. These conditions are reasonable and necessary in the interests of the character and appearance of the development and the wider area. Condition 12 is reasonable and necessary in the interest of minimising the risk of crime.
45. I have imposed conditions 13, 14 and 18 in the interests of biodiversity and protected species. Conditions 13 and 14 are necessary to ensure that the proposed biodiversity net gain is achieved, with suitable arrangements for monitoring and any necessary remedial action. Condition 18 is necessary to ensure that external lighting prevents and/or minimises harm to protected species and biodiversity and are also imposed in the interests of residential amenity and public safety.
46. Condition 15 is necessary to ensure that surface water is suitably managed and does not result in unacceptable risk to highway safety. Condition 16 is reasonable and necessary to ensure that cycle storage is fit for purpose and available for use prior to occupation. Condition 19 is imposed to ensure that car parking is laid out and made available for use prior to occupation, to include EVCPs in the interests of air quality and to ensure that suitable arrangements are in place for the allocation and management of spaces in the interests of future occupiers of the development. Condition 21 is imposed to

ensure that the proposed EVCPs within the wider Darrick Wood Estate are delivered, in the interests of air quality. Conditions 16, 19 and 21 are also necessary to encourage the uptake of more sustainable forms of transport.

47. Condition 17 is reasonable and necessary to secure the delivery of the equipped play area at Site 2 and the improvements for the sites within the Darrick Wood Estate, in the interests of all residents within the wider Darrick Wood Estate, including future occupiers of the development. Conditions 20 and 22 respectively seek to ensure that arrangements are in place for delivery and servicing, and for the storage and collection of refuse and recycling. These conditions are reasonable and necessary in the interests of future occupiers and in the interests of residential amenity.
48. I have imposed conditions 23 and 24 to ensure that the development complies with the Building Regulations optional requirements for accessible and wheelchair accessible units, and for water consumption. These conditions are reasonable and necessary in the respective interests of meeting housing needs and achieving appropriate standards of accommodation, and to minimise mains water usage. A condition is necessary to ensure that the development achieves policy requirements for zero carbon. Condition 25 is therefore imposed to ensure that the proposed measures to achieve this outcome are incorporated into the final design of the development and that certain measures (photovoltaic panels and air source heat pumps) are of a satisfactory siting and appearance, in the interests of the character and appearance of the development.
49. Conditions 26, 27 and 28 are compliance conditions, to control flood risk, sustainable drainage, air quality and fire safety. These conditions are reasonable and necessary in the interests of future occupiers. Condition 26 is also imposed in the interests of highway and public safety, condition 27 in the interest of managing and preventing pollution, and condition 28 in the interest of public safety.
50. Condition 29 is reasonable and necessary in order to encourage the uptake of more sustainable forms of transport and to reduce reliance on private vehicles. Condition 30 seeks to ensure that any unexpected contamination found during the construction phase is suitably controlled, in the interests of public health and the wider environment.

Conclusion

51. For the reasons above, the proposed development accords with the development plan read as a whole. There are no material considerations to indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed, and planning permission should be granted, subject to the conditions I have set out in the attached schedule.

J Moore

INSPECTOR

SCHEDULE OF CONDITIONS - APP/G5180/W/23/3332823

In this schedule, and with reference to drawing ref: 0000-Site Location Plan, Rev P11, "Site 1 (one)" shall mean the Land opposite Nos 165-193 (odds) Isabella Drive and edged red. "Site 2 (two)" shall mean the Land between the rear of Nos 138-150 (evens) Broadwater Gardens and the front of Nos 2-16 (evens) Isabella Drive and edged red. The "Darrick Wood Estate" shall mean the land edged blue.

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Plans:

- 0000 - Site Location Plan, Rev P11
- 2000 - Proposed Site Plan, Rev P12
- 2001 - Proposed Ground Floor Plan, Rev P10
- 2002 - Proposed First Floor Plan, Rev P10
- 2003 - Proposed Second Floor Plan, Rev P9
- 2004 - Proposed Roof Plan, Rev P4
- 2020 - Typical Accessible Flat Layout, Rev P3
- 3000 - Sectional Elevations, Rev P7
- 3001 - Proposed Sections, Rev P5
- 3004 - Proposed Landscape Plan Access and Servicing Plan, Rev P8
- 4000 - Proposed Elevations, Rev P9
- 4001 - Proposed Elevations, Rev P5
- 4010 - Proposed Street Elevations, Rev P9
- 4055 - Proposed Bay Elevation and Section, Rev P2
- 220701- EV Charging, Rev P
- 5000 - Bike Store, Rev P1
- 10757-LD-PLN-100 - Landscape General Arrangement, Issue P8
- 10757-LD-PLN-130 - Site Wide Landscape Improvements, Issue P2

Documents:

- Area Schedule, Rev F (ACG Architects, 07.06.2022)
- Energy Statement (XCO2, June 2021)
- Site Wide Landscape Improvement Strategy (LUC, January 2023, Version 3)
- Planning Stage Fire Strategy Statement (Independent Fire Engineering, 8 February 2022)
- Flood Risk Assessment and SUDS Strategy (XCO2, October 2021)
- Foul Water Below Ground Drainage Strategy (Edge Structures, June 2021)
- Phase One Contamination Report (Ground Contamination Consultants, February 2019)
- Update Preliminary Ecological Appraisal Report (Corylus Ecology, 5 July 2021)
- Travel Plan (Motion, 3 October 2023)
- Biodiversity Net Gain Report (Corylus Ecology, 17 March 2023)

Pre-commencement conditions

- 3) No development shall commence (including any works of demolition, site clearance and ground works) until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide for:
- a) Measures to mitigate and manage dust, including mitigation measures for the construction phase identified within the Air Quality Assessment (XCO₂, April 2022), and the location and operation of plant and wheel washing facilities;
 - b) Measures to protect noise sensitive areas and/or premises from construction activity, including a plan detailing any noise sensitive areas and/or premises;
 - c) Details of all non-road mobile machinery of net power of 37kW and up to and including 560kW to be used during the construction phase, together with arrangements for ensuring compliance with emission standards and record keeping;
 - d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:
 - i) the rationalisation of travel and traffic routes to, from and within the site;
 - ii) full details of the number and time of construction vehicle trips to and from the site with the aim of reducing the impact of construction related activity;
 - iii) measures to ensure the safe movement of pedestrians;
 - iv) parking of vehicles for site operatives and visitors; and
 - v) swept path drawings for manoeuvres on vehicle routes to and from the site, and proposed access/egress arrangements at the site.
 - e) Delivery, demolition, and construction working hours;
 - f) Arrangements for the loading, unloading and storage of plant and materials used in constructing the development;
 - g) Full contact details of the site manager and any project managers or person responsible for the day-to-day management of the works; and
 - h) A complaint procedure with a designated person on site responsible for the handling of complaints.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 4) No development shall commence (including any works of demolition, clearance and ground works) until a landscape clearance strategy to minimise and/or avoid adverse impacts upon biodiversity features, habitat, wildlife and vertebrae fauna has been submitted to and approved in writing by the local planning authority. The strategy shall be in accordance with the recommendations and mitigation strategies for reptiles and bats within the Ecological Impact Assessment (Corylus Ecology, 8 October 2021) and shall provide for:
- a) A risk assessment of potentially damaging construction activities and a plan identifying biodiversity protection zones;
 - b) Full details of details of measures to minimise and/or avoid adverse impacts including physical measures, working practices, method statements, protective fencing, barriers and signage;

- c) Details of the location and timing of any sensitive works to minimise and/or avoid adverse impacts, including the times when specialist ecologists need to be present to oversee works;
- d) An Ecological Mitigation Plan, detailing mitigation methods such as bird boxes, fruit trees, bat bricks;
- e) Full contact details of a suitably licensed ecologist on call to provide advice and/or liaise with statutory authorities (e.g. Natural England) when required; and
- f) Full details of the role and responsibilities of an Ecological Clerk of Works or other suitably qualified/competent person.

The development shall be carried out in accordance with the approved strategy.

- 5) No development shall take place (including demolition, clearance, ground works and tree works) until a pre-commencement meeting has been held at Site 1 (one), which shall be attended by a suitable qualified arboriculturist instructed by the developer, a representative from the LPA and the site manager/foreman. The purposes of the meeting shall be:
- a) to agree the detail of working procedures which shall be in accordance with British Standard BS:5837 (2012) *Trees in relation to demolition, design and construction – Recommendations*, (or its equivalent if replaced) with reference to the Arboricultural Implications Assessment by Broad Oak Tree Consultants (25 January 2022); and
 - b) to agree the precise position of the tree protection measures to be installed with reference to the Arboricultural Implications Assessment by Broad Oak Tree Consultants (25 January 2022) including plan ref: J56.06B/02 Rev B - Tree Protection Plan OR to confirm that such measures have been installed in accordance with that plan.

Thereafter, the agreed tree protection measures shall be in place prior to the commencement of development and shall remain in place throughout the construction phase. The agreed detailed working procedures shall be adhered to throughout the construction phase.

- 6) No development shall take place until a scheme of supervision for the agreed arboricultural protection measures pursuant to Condition 5 above has been submitted to and approved in writing by the local planning authority. The scheme of supervision shall be administered by a qualified arboriculturist instructed by the developer and shall be appropriate to the scale and duration of the works and shall include details of:
- a) induction of staff in awareness of arboricultural matters;
 - b) identification of individuals and their responsibilities;
 - c) statement of delegated powers;
 - d) timing and methods of site visiting and record keeping, including updates; and
 - e) procedures for dealing with variations and incidents.

The approved scheme of supervision shall be implemented and adhered to throughout the construction phase of the development. The final supervision record shall be submitted to the local planning authority within 28 days of the substantial completion of the dwellings hereby approved.

- 7) No development shall take place until full details of the finished slab levels and ridge heights above ordnance datum in relation to existing

ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Pre-occupancy and other early-stage conditions

- 8) Notwithstanding Condition 2, no development above ground shall take place until details of treatment for all parts of Site 1 (one) not covered by buildings have been submitted to and approved in writing by the local planning authority. The details shall demonstrate achievement of the Urban Greening Factor Score of 0.5407 within the Darrick Wood Estate Landscape Design Statement 8.0 (LUC, January 2023) and shall include:
- a) a scaled plan detailing all existing vegetation including trees to be retained and all proposed planting, which shall include a minimum of 30% native and wild plant species of home-grown stock and no invasive species;
 - b) location, type and materials to be used for hard landscaping, including specifications where applicable, for: permeable paving, tree pit design, underground modular systems, sustainable urban drainage integration; and use within the root protection areas of trees;
 - c) a schedule detailing the size, number and densities of all proposed trees and plants;
 - d) specifications for the operations associated with plant establishment and maintenance for a period of five years following planting;
 - e) full details of all retained and proposed boundary treatments;
 - f) a plan identifying areas for communal and public use;
 - g) full details of the design of the equipped play area to include specifications of all equipment and associated features including surfacing treatments and an ongoing management and maintenance strategy; and
 - h) an implementation programme for the carrying out of landscape works including phasing of work where relevant.

The development shall be carried out in accordance with the approved details.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees, unless agreed by the local planning authority in the approved landscaping details.

All soft planting at Site 1 (one) shall be completed in the first planting season after the first occupation of the development or the substantial completion of the development, whichever is sooner. Any new trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar type and species.

- 9) Notwithstanding condition 2, no development above ground shall commence until details of all noise generating fixed plant including air source heat pumps for installation at Site 1 (one) have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) an acoustic assessment in accordance with British Standard BS4142:2014 (or its equivalent if replaced);

- b) a scheme of mitigation to ensure that at any time, the plant rating level calculated shall not exceed the measured typical daytime and nighttime LA90 background levels at any noise sensitive receptor; and additionally that the measured or calculated plant specific noise level (i.e. in the absence of any rating penalties) does not exceed 10dBA below the typical day and night-time LA90 levels (subject to a lower specific noise level requirement of 30dBA) at any noise sensitive receptor; and
- c) details of the mounting methods and insulation measures to minimise transmission of structure-borne sound or vibration to any other part of the building.

The approved details shall be implemented prior to the use of the premises or first occupation of the development (whichever is sooner) and thereafter shall be maintained and/or replaced in whole or part as often as is required to ensure compliance with noise levels.

- 10) Notwithstanding Condition 2, no development above ground shall take place until a detailed schedule, drawings and samples (including facing materials, balconies and screens) to be used in external finishes for the development at Site 1 (one) have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 11) Notwithstanding Condition 2, no development above ground shall take place until details of the layout, scale and siting and appearance of rooftop plant have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 12) Notwithstanding Condition 2, no development above ground shall take place until details of measures to minimise the risk of crime at the development have been submitted to and approved in writing by the local planning authority. The details shall demonstrate that the measures would achieve "Secured by Design" accreditation. The approved details shall be implemented before the first occupation of the development.
- 13) Notwithstanding Condition 2, no development shall take place above ground until full details of a programme of targeted biodiversity enhancements to achieve a minimum biodiversity net gain of 11.09% have been submitted to and approved in writing by the local planning authority. The programme shall be in accordance with the baseline assessments, habitat enhancements and recommendations within the Biodiversity Net Gain Report (Corylus Ecology, 17 March 2023), the Ecological Impact Assessment (Corylus Ecology, 8 October 2021) and the Update Preliminary Ecological Appraisal Report (Corylus Ecology, 5 July 2021) and shall demonstrate how on-site biodiversity gain has been maximised within 12 months of the commencement of the development or its substantial completion.

The programme of enhancements shall include details of provision of targeted new habitat and nesting opportunities, including artificial bird and bat nesting bricks/boxes/tubes to maximise biodiversity net gains, an implementation plan, and a long-term management plan covering a minimum 30-year period.

The programme shall be implemented in accordance with the approved details and shall thereafter be maintained and managed in accordance with the approved details.

- 14) Notwithstanding Condition 2, no development above ground shall take place until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved by the local planning authority. The LEMP shall include:
- a) a description of the biodiversity aims and objectives of the LEMP, including reference to the biodiversity net gain to be achieved by reference to the submitted Defra Metric v3.1 and Biodiversity Net Gain Report (Corylus Ecology, 17 March 2023);
 - b) a description and evaluation of features to be created, enhanced and managed, including habitat creation and ongoing management for invertebrates, amphibians, reptiles, birds, and bats;
 - c) ecological trends and constraints on site that might influence management;
 - d) a strategy for identifying and managing invasive non-native species;
 - e) aims and objectives of management, which will include the provision of 11.09% biodiversity net gain as calculated by the Defra Metric v3.1 and details of the point at which biodiversity net gains will be achieved;
 - f) appropriate management options for achieving aims and objectives;
 - g) prescriptions for management actions to secure the biodiversity net gain for a minimum period of 30 (thirty) years;
 - h) preparation of a work schedule including an annual work plan;
 - i) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer and the management body/bodies responsible for its delivery;
 - j) arrangements for ongoing monitoring, including reporting and regular surveys of the site to assess the progress of the management plan;
 - k) Details of remediation measures if management objectives are not met at key stages; and
 - l) Details of how contingencies and/or remedial action will be identified, agreed and implemented to ensure that the aims and objectives of the LEMP are met.

The LEMP shall be implemented in accordance with the approved details and on-site biodiversity gains shall be secured for delivery within 12 months of the commencement of development or its substantial completion.

- 15) Notwithstanding Condition 2, no development above ground shall take place until details of measures to prevent the discharge of surface water onto the highway from the development at Site 1 (one) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and shall be retained thereafter.
- 16) Notwithstanding Condition 2, no development above ground shall take place until details of the internal layout, access and security arrangements for the cycle store (indicated on drawing ref: 2000-Proposed Site Plan, Rev P12) in accordance with the London Cycling Design Standards by Transport for London (or its equivalent replacement) have been submitted to and approved in writing by the local planning

authority. The approved details shall be implemented prior to the first occupation of the development and thereafter, the cycle store shall be kept available for the storage of cycles.

- 17) Notwithstanding Condition 2, no development above ground shall commence until full details of the equipped play area at Site 2 (two) and improvements to sites within the wider Darrick Wood Estate (as indicated in drawing ref: Site Wide Landscape Improvements 10757-LD-PLN-130 - Rev P2) have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) Details and findings of the consultation with residents of the Darrick Wood Estate to determine the overall scheme for the design of the equipped play area at Site 2 (two);
 - b) The detailed design of the equipped play area at Site 2 (two) and all associated features;
 - c) Full details of the improvements to sites within the wider Darrick Wood Estate;
 - d) An implementation programme for the carrying out of all works, including the phasing of works; and
 - e) a maintenance strategy.

The approved details shall be implemented in accordance with the agreed implementation programme and retained thereafter.

- 18) Notwithstanding Condition 2, no dwelling shall be occupied until a details for external lighting for the development at Site 1 (one) including areas for access and parking has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the British Standard BS5489-1:2020 (or its equivalent if replaced) and shall be guided by the recommendations set out in the Ecological Impact Assessment (Corylus Ecology, 8 October 2021). The details shall include:
- a) the identification of areas and/or features that are sensitive to biodiversity and measures to mitigate disturbance to such areas and features;
 - b) a plan of the location of external lighting; and
 - c) details of design to include appearance, height, technical details/specifications, orientation, screening, contour plans, means of construction and laying out of cabling.

The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.

- 19) Notwithstanding Condition 2, no dwelling shall be occupied until details of car parking at Site 1 (one) have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) a layout plan identifying the location of disabled, wheelchair accessible spaces and any visitor spaces, which demonstrates that at least 20 per cent of spaces will be provided with active Electric Vehicle Charging Points (EVCP), with passive provision for all other spaces;
 - b) arrangements for the management of parking spaces, including the terms upon which they are allocated, which shall be on a lease only basis;
 - c) details as to how the availability of wheelchair accessible spaces will be managed to inform the housing decisions of future occupiers;

- d) details of the infrastructure for electric and/or Ultra Low Emission vehicles; and
- e) arrangements for parking enforcement.

No dwelling shall be occupied until the car park has been laid out in accordance with the approved details, to include fully operational EVCPs. The car park shall be retained thereafter and operated in accordance with the approved details. The EVCPs shall be maintained for the lifetime of the development, unless they need to be replaced, in which case the replacement shall be of the same specification or higher in terms of charging performance.

- 20) No dwelling shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority. The plan shall include arrangements for the delivery of goods and services to occupiers of the building, including those purchased on-line and the delivery of takeaway foods. The approved details shall be implemented prior to the first occupation of the development and shall remain in operation for the lifetime of the development.
- 21) No dwelling shall be occupied until the car parking spaces within the wider Darrick Wood Estate as indicated on drawing ref: 220701 Rev P (EV Charging) have been provided with infrastructure for active Electric Vehicle Charging Points (EVCPs). The installation shall be carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, which shall include details of the siting and specifications of the EVCP infrastructure. The EVCPs shall be installed in accordance with the approved details and shall be maintained for the lifetime of the development, unless they need to be replaced, in which case the replacement shall be of the same specification or higher in terms of charging performance.
- 22) No dwelling shall be occupied until the arrangements for the storage and collection of waste and recycling as detailed by drawing ref: 2001 Rev P and the Planning Statement – Refuse Addendum (March 2023) hereby approved have been implemented. The arrangements shall operate for the lifetime of the development.
- 23) No dwelling shall be occupied until the Building Regulations Optional Requirements Part M4(3)(2b) 'wheelchair user dwellings' for all units identified as such and Part M4(2) 'accessible and adaptable dwellings' for all other units have been complied with.
- 24) No dwelling shall be occupied until the Building Regulations Optional Requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 25) The measures detailed in the Energy Statement by XC02 (June 2021), shall be incorporated into the final design of the development.

Prior to the installation of air source heat pumps (ASHPs) and Photovoltaic panels (PVs), details of their siting, scale and appearance shall have been submitted to and approved in writing by the Local Planning Authority. The ASHPs and PVs shall be installed in accordance with the approved details and shall be retained in operational working order for the lifetime of the development.

Other conditions

- 26) The development shall be carried out in accordance with the Foul Water and Below Ground Drainage Strategy by Edge Structured Ltd (June 2021) and the Flood Risk Assessment and SUDS Strategy by XC02 (October 2021). The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details.
- 27) The development shall be carried out in accordance with the mitigation and management measures detailed in the Air Quality Assessment by XC02 (April 2022) hereby approved, including compliance with the dry NOx emission rate of <40mg/kWh for gas boilers and shall be retained thereafter for the lifetime of the development.
- 28) The development shall be carried out in accordance with the Planning Stage Fire Strategy Statement by Independent Fire Engineering Ltd (8 February 2022).
- 29) The development shall be carried out in accordance with the Travel Plan by Motion (3 October 2022).
- 30) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

END OF SCHEDULE