

SECTION '2' – Applications meriting special consideration

Application No : 13/03855/OUT

Ward:
Shortlands

Address : Rydal Mount 23 Cumberland Road
Shortlands Bromley BR2 0PH

OS Grid Ref: E: 539676 N: 168450

Applicant : Dark Rutland Investments London Ltd **Objections :** YES

Description of Development:

Demolition of existing buildings and erection of 45 residential units with basement parking and up to 45 cars OUTLINE (with all matters reserved)

Key designations:

Conservation Area: Durham Avenue

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

Proposal

Outline permission, with all matters reserved, is sought for the demolition of the two existing three storey buildings providing 12 flats and the erection of:

- A part 3/4/5 storey building fronting Cumberland Road and Highfield Drive
- 45 flats consisting of 3 one bed and 42 two bed
- Basement level parking for 45 cars accessed from Highfield Drive
- 45 covered cycle spaces
- 12 affordable units: 4 shared ownership (1x1 bed, 3x2 bed) and 8 rented ownership (3x1 bed, 5x2 bed)

The application is accompanied by a Planning Statement and Design and Access Statement, in which the applicant offers the following summary points in support of the application:

- The principle of the development is not in question given the character of the area
- The design and layout of the proposal enhances the character of the area and compliments the adjoining conservation area
- 35% affordable housing is provided
- The proposal complies with the National Planning Policy Framework and Bromley's Unitary Development Plan

- The proposal incorporates sound design and addresses access using the processes and principles recommended by CABI
- The site is currently underutilised and clearly capable of providing a higher density form of residential development
- Although the PTAL rating is lower than more central sites flats are clearly an established form of development in the area and an increase of units on the site should not be unacceptable
- Given the location in relation to the conservation area there would be no undue affect.
- The proposal would be a considerable enhancement over the current buildings
- High quality of design and layout
- The existing development is in need of being demolished and rebuilt
- The façade can be designed to be broken up and add visual interest to the street scene
- Neighbouring amenity would be respected with sufficient distance to the boundaries
- It is intended to meet the requirements of the London Plan and achieve a reduction in CO2 emissions by 20%
- The low category trees to be felled do not warrant retention
- The current occupiers have been consulted
- The current development does not make full use of the site and the current housing demand within the borough
- Designed for easy pedestrian access which would not change
- Suitable for ambulant disabled person
- Original in and out drive way to Cumberland Road and garages will be omitted to provide a secure basement car park
- The scale has taken into account the existing block and neighbouring properties
- Height limited to adjoining neighbours and maximised to the junction to provide an architectural statement
- Flat roof design to maximise occupancy
- Retention of as many existing trees and shrubs as possible with new planting
- Lifetime Homes compliant with lifts to all floors including basement which will have four disabled bays

The application is also accompanied by Arboricultural Statement.

The site has an area of 0.32ha giving a residential density of 140 units/ha.

Location

The application site is located to the western edge of Cumberland Road and forms the southern junction with Highfield Drive to the north-western boundary. The site features two blocks of six flats, each three storeys in height - Rydal Mount to the south-eastern boundary and Combe Dene to the north-western boundary.

To the north-western and western boundaries are a block of single storey garages which serve the flats and are accessed from Highfield Drive. To the front of the flats are two vehicular accesses onto Cumberland Road which serve an access road and parking area.

A protected tree is set to the gardens at the rear and to the south-eastern boundary with No.21a. Further south and east is the Durham Avenue Conservation Area which adjoins the site for a small section of the south-eastern boundary.

The area is typified by a mix of two storey detached and semi-detached dwellings interspersed with flatted developments of a range of styles and designs, but generally of 3-4 storeys in height.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and 57 representations were received which can be summarised as follows.

- massive increase in population density with traffic already at breaking point
- ugly design
- height out of line with neighbouring properties
- loss of privacy
- inappropriate adjacent to conservation area
- out of character with the area
- will damage a fragile wildlife habitat
- design at odds with the area
- considerable additional traffic
- excessive density
- the height proposed should not exceed that existing
- encroaches on the canopy of several trees
- gross overdevelopment of the site
- will have a major impact on an area of limited parking
- increase in hard surfaces at the cost of green areas
- the design is a space-maximising box with no environmental sympathy
- five storeys is unacceptable
- material harm to amenity and daylight
- additional pressure on services
- busy junction used by parents of children at the nearby schools
- additional cars would have nowhere to park
- this would set an unwanted precedent for similar developments
- harm to the adjoining conservation area
- loss of privacy to 21a
- impact of traffic at key school times
- impact upon privacy to No.1
- No.1 Highfield Drive will be damaged by building works
- there has been no public consultation with residents by the developer

Comments from Consultees

Highways have commented that the new vehicular access to Highfield Drive would result in the loss of at least one on-street parking space, noting that the Highway Authority reserves the right to take into account existing on-street parking when considering whether to permit a crossover and in such cases there is a presumption to refuse the crossover application. In response the applicant has stated that there would be the possible gain of two spaces to Cumberland Road in mitigation of the loss to Highfield Drive.

The number of parking spaces provided (45) is acceptable, the gradient of the access ramp should not exceed 5% for the first 5m.

Cycle parking - 45 secure and sheltered spaces are required. No refuse storage is indicated.

Environmental Health raise no objections.

APCA have objected on the grounds that the proposal is materially out of character and scale with its surroundings and will be highly intrusive in views from the public and private parts of the adjoining conservation area by virtue of the design and scale being discordant element in the local environment.

The Council's Secure by Design advisor comments that the development should be able to achieve accreditation.

Thames Water raise no objections subject to conditions.

The proposal describes the removal of several trees graded at Category C and one at B (Horsechestnut). Those retained of note are T7 Pine and T8 Oak to the frontage with Cumberland Road with canopy reductions to T8 as well as T7 and T12. The TPO is shown as retained. The proposed losses are unlikely to harm the character of the street scene, although the medium to long term retention may see increased pressure on pruning and removal. Concerns are raised as to the new footpaths in proximity to trees G13 and T8.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE13 Development Adjacent to a Conservation Area
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility

T6 Pedestrians
T7 Cyclists
T11 New Accesses
T18 Road Safety
NE7 Development and Trees
IMP1 Planning Obligations

In addition to:

Affordable Housing Supplementary Planning Document (SPD)
Planning Obligations Supplementary Planning Document (SPD)

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance
Supplementary Planning Guidance: Durham Avenue Conservation Area

The application falls to be determined in accordance with the following policies of the London Plan:

2.7 Outer London: Vision and Strategy
3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.6 Children and Young Peoples Play and Informal Recreation Facilities
3.8 Housing Choice
3.9 Mixed and Balanced Communities
3.11 Affordable Housing Targets
3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.14 Affordable Housing Thresholds
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
5.7 Renewable Energy
5.12 Flood Risk Management
5.13 Sustainable Drainage
6.9 Cycling
6.13 Parking
7.1 Building London's Neighbourhoods and Communities
7.2 An Inclusive Environment
7.3 Designing Out Crime
7.4 Local Character
7.6 Architecture
7.8 Heritage assets and archaeology
7.21 Trees and Woodland
8.2 Planning Obligations
8.3 Community Infrastructure Levy

The Mayor's Supplementary Planning Guidance: Housing

The National Planning Policy Framework is also a material consideration , with which the above policies are considered to be in accordance.

Financial Contributions

On the basis of 23 two bed flats (3 shared ownership, 5 intermediate) and 10 one bed flats (1 shared ownership, 3 intermediate) , the breakdown of the healthcare and education infrastructure contributions required to accord with Policy IMP1 is as follows:

Education: £81,415.75

Health: £32,628

The applicant has indicated agreement to these figures. The development will also be liable for payment of the Mayoral Community Infrastructure Levy.

Planning History

There is no planning history for the site.

Allingham Court, 26 Durham Avenue comprising a part two/three storey block of 8 two bedroom flats was allowed on appeal at the site of 21 Cumberland Road under ref. 04/03319/FULL1.

32 Cumberland Road, comprising a two storey block with accommodation within the roof space and 5 two bed and 3 one bed flats was granted outline permission on appeal, ref. 07/00223/OUT. Reserved matters were approved under ref. 08/01736/DET.

Ref. 05/02146/FULL1 refused permission at No.32 or a four storey block of 10 two bed flats on the grounds that:

"The proposed block, due to its bulk, design and amount of hard surfacing in conjunction with its forward and rearward projection, will comprise an overdevelopment of the site, harmful to the visual amenities of the residents of the adjoining property at No. 34 Cumberland Road and the wider street scene and thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan and Policies H6 and BE1 of the second deposit draft Unitary Development Plan (September 2002)."

This proposal was subsequently dismissed at appeal. The Inspector commented that the overall scale and mass together with the front building line would not complement the qualities of the area and would have a detrimental impact on the setting of the nearby Conservation Area. Further, the 15.5m, 7.3-8.1m high stepped flank wall to No.34 would have a side space of 2m would result in a development that was a dominant and overpowering built form. In terms of privacy, the higher level terrace proposed, in addition together vantage points, was considered to have a much more invasive and unacceptable impact on privacy that could reasonably be expected ion this suburban location.

It is noted that the density of this proposal was 95 dwellings and 275 habitable rooms per hectare and that the Inspector determined the site to be suburban and not urban.

Conclusions

Analysis

Amount of development, height, siting and design of the building and its impact on the character of the area

Design and siting are reserved matters for which subsequent approval would be required. However, indicative drawings showing the parameters expected of the development together with the number of units are provided and it is reasonable to draw an assessment of the likely impact of the proposed development from these drawings, taking into account the site constraints.

The site is located within a low PTAL rating of 1b and is in a suburban location, with the proposed development giving a density of 140 units per hectare for the 45 proposed units with an average of 2.7 habitable rooms (125 in total). Policy 3.4 and Table 3.2 of the London Plan cite such a location to have a sustainable residential density of 50-75 units and 150-200 habitable rooms per hectare

The proposal greatly exceeds these figures by between 65-90 units and 190-240 habitable rooms. Such figures should not be applied mechanically and local context, design and transport capacity must be taken into account. However, the character of the area is typified by two storey detached and semi-detached dwellings together with two to three storey flatted developments of which the existing development is one. Consideration must also be given to the two adjoining dwellings at No.21a Cumberland Road which is a detached two storey dwelling and No.1 Highfield Drive which is a semi-detached two storey dwelling of a type that characterises that road.

It is noted that a number of flatted developments in the vicinity with three storeys feature the third floor accommodation set within the roofspace such as No.32 (8 flats) to the east; Merlin Court (33 flats) to the south-east onto Durham Avenue; and Allingham Court (8 flats) to the south onto Durham Avenue and adjoining No.21a to the north. Wedgewood Court (12 flats) directly opposite to the east and Colliton Court (9 flats) to the north are both flat roof designed three storey developments.

The two existing buildings are not considered to be of any particular architectural merit, however their form, scale and siting are commensurate with the area. A common front building line is shared by Allingham Court, No.21a and the application site which the proposal would be forward of by some 3.1m to No.21a and by 5.6m to Highfield Drive do to the orientation of the building to Cumberland Road. Whilst there would be a slight increase in the separation to the boundary with Highfield Drive, the Cumberland Road elevation would be more prominent in its relationship to the street scene.

The applicant has stated that the design has been massed so that the development is lower to the adjoining residents and increased to the junction to provide an architectural statement. However, to No.1 the proposal would see the introduction of a three storey element with a 1m side space and the three storey element to No.21a would be set 3.1m further forward. The five storey element to the junction would be both 1-1.5 storeys higher than existing and closer to Cumberland Road, giving a far greater visual impact than the present development. Additionally, it is noted that this section presents with an additional half storey flat roof section to provide the entrance and lift mechanism and as such the impact is further increased.

The prevailing design of the area is that of two-three storey developments with hipped and pitched roofs. The proposal is considered to be a marked contrast to this and the overall bulk and scale created by the fourth and fifth storeys is further highlighted by the utilisation of a flat roof. The introduction of three and four storey development to the full length of the boundary to Highfield Drive introduces a significant degree of built form to this frontage that further erodes the spatial standards that presently exist. The maximum height and bulk of any building to provide 45 residential units on this site is unlikely to be any less than that shown in the indicative plans and this is unacceptable.

Impact on amenities of adjacent properties

The alterations to the building line to No.27a would present a three storey development well forward of the front of that property with no particular change to the side space provided. To the rear the building line is set further back than at present, although there is a return which mitigates much of the additional impact. While the final design may differ, balconies are provided at fourth floor level and a degree of further overlooking would result. The existing building employs a gabled roof which equate approximately to the fourth floor and it is considered that the introduction of a fourth level of accommodation with a flat roof design would generate further visual impact upon No.21a than the existing design.

The rear building lines of Rydal Mount and Combe Dene are set well within that of the rear of No.21a and this reinforces the common building line to these properties. However, the north-western block would introduce a new level of development of up to four storeys to the existing amenity space that would have a significant degree of impact upon the outlook and visual amenities enjoyed by the occupants of No.21a. Although there would be a distance of 20-30m to the boundary, this section would see a number of windows and balconies introduced toward the rear of No.21a and it is considered this would result, in particular at upper level, in an increase in overlooking and a perception of being overlooked. It is unlikely that provision of fenestration could be avoided at this level even if the scheme were designed differently from the indicative drawings.

To No.1 the proposal would see the introduction of a three storey building 1m from the boundary that would project, from the indicative plans provided, some 2m to the rear. This location is currently occupied by single storey garages and the development would therefore represent a substantial increase in mass to this boundary in addition to eroding the existing spatial standards. It is considered that

this element would be detrimental to the outlook and amenities of No.1. It is unlikely that a development in this vicinity would be any smaller than indicated.

Quality of residential accommodation

The accommodation indicated satisfies the London Plan space standards of the respective occupancy rates. As the balconies provided equate to some 5sqm with a depth of 1.5m which meets the minimum standards required. Additional amenity space is provided by way of the landscaped area to the south of the development. It is noted that the indicative drawings submitted show that bedrooms and living areas to be of a generally acceptable size.

The flats to the north-east (Cumberland Road) and north-west (Highland Drive) and mainly single aspect which is considered broadly acceptable. However, the two outrigger elements to the rear elevations largely enclose the recessed units with the result being a predominately overshadowed rear elevation for those flats and an outlook onto the various walls that form this section of the building with a correspondingly limited outlook to the amenity area to the south; such a relationship is not considered ideal. The outriggers themselves (1 three storey and 1 four storey) accommodate seven flats in total and their inclusion to the detriment of a superior layout is considered to reflect the design required to accommodate the number of units proposed.

Affordable Housing

The current offer from the applicant of twelve affordable units comprising four shared ownership (1x1 bed, 3x2 bed) and eight rented ownership (3x1 bed, 5x2 bed) on-site does not meet the Council's affordable housing policy set out at Policy H2 of the Unitary Development Plan.

This offer equates to 35% of the additional number of units as opposed to 35% of the total number of units proposed. The proposal of 26% of the total number of habitable rooms are offered as affordable which is below that required by Policy H2 of the UDP or Policy 3.12 of the London Plan.

In addition, none of the proposed affordable units are suitable for larger family size housing. The Council's Affordable Housing SPD sets out that 35% of the affordable housing provision would normally be encouraged to be family accommodation, i.e. 3 bedrooms or larger.

In conclusion, the application does not comply with Policy H2.

Transport and Parking

Whilst access is a reserved matter, the indicative drawings and the Design and Access Statements show the alteration of the existing access onto Highfield Drive, the proposed access being further east. The result of this is that it is highly likely that at least one of the current parking bays in this location would be lost. The applicant's agent has confirmed that by blocking up the two accesses to Cumberland Road two spaces would be created to mitigate this. However, the

access to the junction passes over a yellow line and could not be used as a parking space.

Conclusion

The proposal would inevitably introduce a significant amount of development to the site that would be presented to both Cumberland Road and Highfield Drive, with the highest point likely to be at the junction of the two. The overall impact of the scale and mass of a development necessary to accommodate 45 dwellings is considered to be harmful to the character of the area and would represent a significant erosion of the established spatial standards.

The density proposed far exceeds the suggested thresholds for the area within the London Plan and is representative of the level of development being proposed. The overall impact is considered to be one of an incongruous overdevelopment of the site that would have an over dominant impact upon the street scene causing significant harm to the visual amenities of the area.

The development for the full length of the elevation to Highfield Drive with little separation to No.1 is considered to not respect its setting or location and would have a harmful impact upon amenities, outlook and setting of No.1 Highfield Drive. The development to Cumberland Road would result in the loss of the separation between Rydal Mount and Combe Dene and the setting further forward of the existing building line between Durham Avenue and Highfield Drive. This results in an over dominant form of development to Cumberland Road which is further exacerbated by the loss of the separation between the existing blocks and the erosion of the space to the front, with the three storey pitched roof block of Rydal Mount being replaced by a four storey flat roofed development contributing to the sense of bulk and scale.

The proposal consists of 26% of the total number of habitable rooms as affordable, which is below that required by Policy H2 of the UDP or Policy 3.12 of the London Plan.

Background papers referred to during production of this report comprise all correspondence on the file ref. 13/03855 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal to provide 45 dwellings would, by reason of the likely height, scale and siting of the development, appear as an unduly prominent, over dominant and overbearing addition to the area, out of character with the scale, form and proportion of the surrounding pattern of development, giving rise to an unacceptable degree of harm to the character and appearance of the area, contrary to Policies BE1 and H7 of the Unitary Development Plan, London Plan Policies 3.5 and 7.6 and the National Planning Policy Framework.

- 2 The proposed development of the site to provide 45 dwellings would result in an excessive residential density, comprise an overdevelopment of the site which would fail to recognise and compliment the quality and character of the surrounding area, likely to be harmful to the amenities, privacy and outlook of the adjoining properties at 1 Highfield Drive and 21a Cumberland Road contrary to Policy BE1 and H7 of the Unitary Development Plan and Policy 3.5 of the London Plan and the National Planning Policy Framework.
- 3 The proposed development would fail to meet the Council's requirements for the provision of on-site affordable housing, with insufficient justification provided to demonstrate that a lower level of on-site affordable housing or different tenure mix should be sought in this case, contrary to Policy H2 of the Unitary Development Plan and Policy 3.12 of the London Plan.

INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

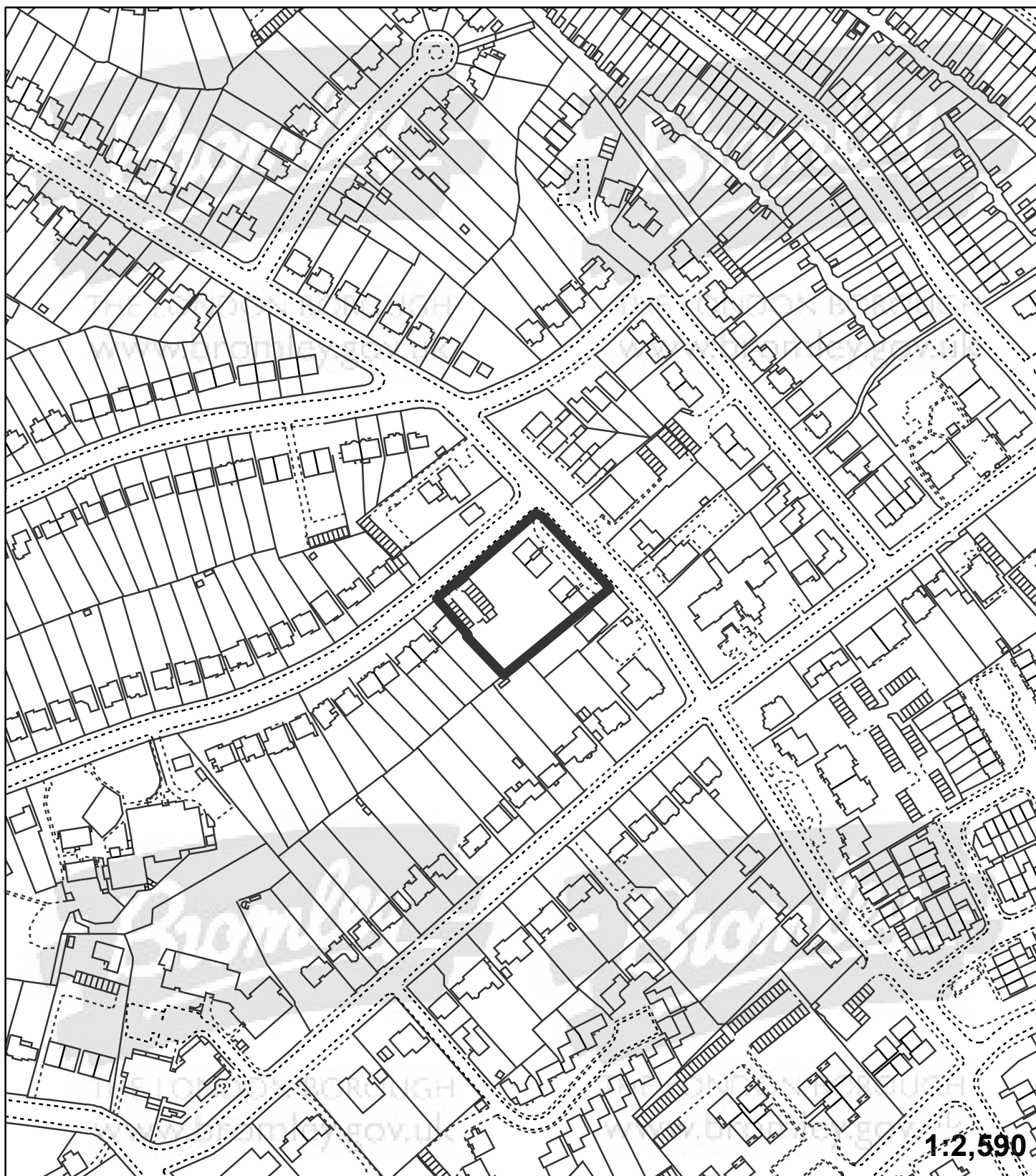
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:13/03855/OUT

Address: Rydal Mount 23 Cumberland Road Shortlands Bromley BR2 0PH

Proposal: Demolition of existing buildings and erection of 45 residential units with basement parking and up to 45 cars OUTLINE (with all matters reserved)



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

© Crown copyright and database rights 2013. Ordnance Survey 100017661.