

SECTION '2' – Applications meriting special consideration

Application No : 15/05259/FULL1

Ward:
Bromley Town

Address : 74 Madeira Avenue Bromley BR1 4AS

OS Grid Ref: E: 539412 N: 170089

Applicant : Mr R Stone

Objections : YES

Description of Development:

Demolition of existing bungalow and replacement with two semi-detached properties each with two off street car parking spaces

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 3

Proposal

Permission is sought for the demolition of the existing detached chalet bungalow and the erection of two semi-detached 4 bedroom properties with off 4 off road car parking spaces. The application is a resubmission of a previous application (ref:- 14/05019/FULL1) which was refused planning permission on 25th March 2015 for 'Demolition of existing bungalow and replacement building comprising 5 x 2 bedroom apartments and off road car parking'. The application was dismissed at appeal on 16th November 2015.

The footprint of the two houses would measure 12m in width x 17.2m in depth and would reach a similar height to that of No.78 measuring approximately 12m to the ridge. The dwelling would be three storeys in height with 4 rooflights in the front elevation and have a hipped roof. A 1m side space is to be maintained to both shared side boundaries. Both flank elevations are proposed to have high sided windows which will be obscure glazed and fixed shut. The rear elevation will have two sets of windows and two rooflights in the roof with windows on the first floor and bi-folding doors on the ground floor. The garden is sloped upwards with several mature trees located in the rear garden which are TPO. The existing front garden is to be used for off-street car parking for 4 cars.

A Design and Access Statement accompanies the planning application. The site has an area of 0.076ha and therefore has a proposed density of 26.3 dwellings per hectare.

Location

The application site is located on the north-east side of Madeira Avenue, Bromley. This is a residential area with a mixture of housing style and types. The application site currently has an existing bungalow on the site. The site slopes upwards with the rear garden currently accessed by climbing several steep steps. The rear garden contains mature trees and landscaping.

The site is located between No's 72 and 78 Madeira Avenue both of which are two storey family residential dwellings.

Consultations

Nearby owners/occupiers were notified of the application and at the time of writing the report a large number of representations were received in objection to the scheme, which can be summarised as follows:

- o The proposal is essentially two very compacted 4 bedroom houses
- o The current building is a sound, solid building that should be maintained.
- o The proposal is an overdevelopment of the site.
- o Not in keeping with the street scene
- o The frontage would be hard paved car park with insufficient landscaping or facilities for recycling
- o The internal space is limited
- o The proposal would cause overlooking
- o Concerned about surface water run off.
- o Increased rainwater would not be able to soak into the front garden and would increase the risk of flooding.
- o Steep rise to the back would offer little scope for outside storage.
- o The houses will increase the flow of traffic on the road
- o Concerns are raised over the large amount of soil removal from the property

Full copies of all the objection letters can be found on the planning application file.

The Ravensbourne Preservation Society have objected to the proposal.

Consultee comments

No Highways objections are raised subject to conditions.

The development is located in an area with a PTAL rating of 1b (on a scale of 1-6, where 6 is the most accessible) and lies just outside of Bromley Town Centre Controlled Parking Zone (CPZ) where there is limited parking available. There is a lamp column and a tree outside this property which would need relocation and replanting.

No objections were received from the Drainage Engineer subject to a condition.

Thames Water made the following comments:-

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

No Environmental Health (Pollution) have raised no objections subject to an informative.

Environmental Health (Housing) - concern is raised regarding the rooflights to the proposed second floor master bedroom not having a reasonable outlook. Concern is also raised about the proposed living and combined kitchen/dining area. The only means of natural ventilation to these areas would appear to be the external french doors to the living area. This present a conflict between providing natural ventilation to these two area, retaining warm in the winter and adequate security.

Tree Officer - concern is raised that the tree information is only indicative of tree positions. As the site is subject of a TPO more survey data is required to enable the tree impact.

Street streets Officer: The tree has developed too much to be moved. Using CAVAT (Capitol Asset Valuation for Amenity Trees) I have valued the tree at £2,202. We would need to be compensated to this value if the removal of the tree was to be agreed. All funds we receive through CAVAT valuations are paid in to our tree planting budget.

Waste services: no response received at time of reporting.

Planning Considerations

Policy BE1	Design of New Development
Policy BE7	Railings, Boundary Walls and Other Means of Enclosure
Policy H1	Housing Supply
Policy H7	Housing Density and Design
Policy H9	Side Space
Policy H11	Residential Conversions
Policy NE7	Development and Trees
Policy T3	Parking
Policy T7	Access
Policy T18	Road Safety

Supplementary Planning Guidance 1 & 2

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

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.3 Sustainable Design and Construction
- 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
- 7.21 Trees and Woodland
- 8.3 Community Infrastructure Levy

The Mayor's Housing Supplementary Planning Guidance.

National Planning Policy Framework.

Planning History

Under planning application reference: 14/05019 planning permission was refused for "Demolition of existing bungalow and replacement building comprising 5 x 2 bedroom apartment and off road car parking. The reason for refusal read as follows:-

"The proposal would, by reason of its scale, height, massing and density, site cover and type of housing proposed, constitutes an overdevelopment and incongruous form of development, out of character with neighbouring development and harmful to neighbouring amenity by reason of overlooking and loss of privacy; and, if permitted, would be likely to set a pattern for similar undesirable development along this part of Madeira Avenue which is made up of individual family houses, contrary to Policies BE1 and H9 of the Unitary Development Plan".

The application was subsequently dismissed at appeal on 16th November 2015. The Inspector stated that whilst no harm was found in relation to the appeal scheme's effects on the privacy of adjacent occupiers, the proposal would be harmful to the area's character and appearance.

Conclusions

The main considerations in assessing the proposal are the impact of the development upon the character of the area and immediate vicinity, the level of development proposed, the level of parking provision and the impact upon road

safety, the amenities of neighbouring residents and the quality of accommodation for future residents.

Previous scheme

The previously refused scheme and dismissed appeal are material considerations in the determination of this application. Following the refusal of the previous scheme and dismissed appeal the agent has sought to change the proposal from 5 x 2 bedroom flats to 2 x 4 bedroom houses. The accompanying Design & Access statement states that the current application has been submitted to address the issue of the character and appearance of the area raised by the appeal Inspector.

Principle of demolition and redevelopment

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".

London Plan Policy 3.4 states that development should optimise housing output for different types of location taking into account local context and character, design principles and public transport capacity.

In view of the fact that the application site is currently in residential use no objection is raised to the continued use of the site for residential purposes providing a suitable residential environment for future residents is put forward.

Layout, siting and design and aesthetic impact of the proposal on the character and appearance of the street scene and area in general

The applicant proposes to demolish the existing bungalow and erect a three storey dwelling that will be of a similar height to the neighbouring residents at No. 78 Madeira Avenue.

A side space of 1m is afforded to both boundaries and this is considered to meet the requirements of Policy H9 (Side Space) contained within the Council's UDP. The design of the pair of semi-detached properties has been designed to match the height of the neighbouring house at No.78. The development measures approximately 17m deep x 12m in width and projects 1.7m forward of the front building line compared with No. 72. The Design and Access Statement states that in terms of scale, siting, massing and bulk the current proposal is significantly reduced and the pair of houses are sited to respect the street scene and the relationship with the semi-detached houses either side.

The design that has been put forward is generally in keeping with the surrounding street scene and the architectural detail of the property has been taken from the

neighbouring properties to maintain continuity of design and blend in with the street scene.

The front elevation proposes doors, windows and skylights in the roof. The flank elevations show several sets of windows which are to be obscure glazed. The rear elevations due to the gradients of the site proposes the construction of several doors and windows.

Standard of Accommodation

Policy 3.5 of the London Plan states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could reasonably be expected within each unit. Table 3.3 of the London Plan requires a Gross Internal Area of 106sqm for a three storey 4 bedroom house.

Trees

Tree Officer has provided comments which ask for further survey data which can form part of a condition. It is noted from the drawings that no trees in the rear garden (which are all covered by a blanket TPO) are to be removed. The agent has submitted a Topographical Survey.

A street tree is located to the front of the property would need to be moved to allow off-street parking to occur. Having contacted the Council's Street Trees department it was concluded that the removal of the street tree would be permissible providing the costs of the tree removal and reinstatement costs of compensatory planting were agreed in full by the developer. The total cost would total £2,100. The Council would seek to replant in several suitable locations nearby to compensate for the loss of the trees amenity value.

Parking

No Highways objections are raised subject to conditions. The development will result in the removal of the existing front garden to accommodate 4 off-street car parking spaces. Whilst off street car parking is not a common feature of the road the existing bungalow does have a garage with a driveway and the Highways Officer has not raised any objections to off street parking.

Railings, Boundary Walls and Other Means of Enclosure

The existing boundary enclosures will be maintained and all trees to the rear will remain. To the front a paved driveway is proposed and a boundary fence/gate is proposed to either side of the property to allow access via the flank elevations.

Refuse storage

London Plan Policy 5.16 requires London Boroughs to minimise waste and encourage recycling.

Bin storage and recycling is to be located to the front of the property in between the four car parking spaces.

Cycle parking

London Plan Policy 6.9 states that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3. This table states that residential developments should provide 1 cycle space for 1 and 2-bed units and 2 cycle spaces per 3 or more bed units. Cycle storage (one per unit) is not shown but the agent has confirmed a willingness to provide the necessary number of cycle spaces, which can form part of a condition.

Impact of the proposal on the amenities of neighbouring occupiers

Unitary Development Plan policies BE1 and H9 seek to protect neighbouring residential properties against the loss of amenity resulting from reduced daylight, sunlight and / or overshadowing.

A large number of objection letters have been received from local residents. The main impact of the development will be to the neighbours located either side of the property, No.78 and No.72 Madeira Avenue. The proposal will add bulk and massing over the existing bungalow which is only single storey. The height of the development will be approximately level with No.78 and the overall depth means the property will extend 3m further back to the rear than the existing bungalow. The distance to the boundary of the flank elevations is 1m and a total gap of 7.3m separates No.74 & No.78 and 4m separates No.74 & 72 (owing to side extensions at both properties). The front elevation will overlook the rear garden of No.22. Given the size of the plot and the increase to the footprint of the property to the front and rear the development appears acceptable. There will be additional bulk added to the building particularly to the rear but note there is mature landscaping to both boundaries.

Summary

The proposal is considered to be a well-designed scheme that reflects the general pattern of development which is of varying design and vernacular. The appearance of the building would be that of a three storey development with accommodation in the roofspace which seeks to blend in with the existing street scene. The level of separation to the boundaries is acceptable and sufficient distance to neighbouring properties exists to not cause detrimental harm to daylight or outlook of adjoining residents. The parking levels are also considered appropriate for the number of units proposed.

It is clear that there will be an impact on the adjacent properties and streetscene as a result of this proposal and a judgement needs to be made about the whether the impact is unduly harmful. Accordingly, Members will need to take account of the plans that have been submitted for this site and the comments made by residents

during the consultation period. On balance, Members may consider that this application is acceptable.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/05259 & 14/05019 set out in the Planning History section above, excluding exempt information.

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

and the following conditions:

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

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development 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 BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 No demolition, site clearance or building works (including trenches, pipelines for services or drains) shall be undertaken until Chestnut Pale fencing not less than 1.2 metres in height has been erected around every tree or tree group on the site shown to be retained on the submitted drawings at the furthest extent of the spread of the canopy of any tree or tree group except where development is hereby permitted within this area. The fence shall be placed so as to exclude the site of the said development but otherwise as far as possible from the trees. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of the building work hereby permitted**

Reason: In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that all existing trees to be retained are adequately protected.

- 5** Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 6** 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 BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 7** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

- 8** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

9 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 approved details 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 T3 of the Unitary Development 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.

10 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 T18 of the Unitary Development Plan.

11 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

12 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

13 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

14 Surface water from private land shall not discharge on to the highway. 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 prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

15 No loose materials shall be used for surfacing of the parking area

In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason:

17 A side space of 1 metre shall be provided between the flank wall of the extension hereby permitted and the flank boundary of the property

Reason: In order to comply with Policy H9 of the Unitary Development Plan and in the interest of the visual amenities of the area.

18 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

19 Before the development hereby permitted is first occupied, the proposed window(s) shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

20 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 BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

21 Informatives

1. Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

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. In order to check that the proposed storm water system meets our requirements, we require that the following information be provided:

- o A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.**
- o Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.**
- o Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.**

4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

5. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

6. Street furniture/Statutory Undertakers' apparatus "Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertakers apparatus, considered necessary and practical to help the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

7. You should consult the Land charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 regarding Street naming and Numbering.

8. 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, then 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.