

SECTION '2' – Applications meriting special consideration

Application No : 16/03768/OUT

Ward:
Shortlands

Address : 44 Cumberland Road, Shortlands,
Bromley BR2 0PQ

OS Grid Ref: E: 539661 N: 168531

Applicant : Aventier Land Bank

Objections : YES

Description of Development:

Demolition of an existing dwelling and erection of single residential block containing 4 x 2-bed flats with associated access and parking (Outline Application).

Key designations:

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

Proposal

Outline permission is sought for the demolition of the existing house and the construction of 4 two bedroom self-contained flats with associated parking.

The application has been submitted in 'outline' for provision of an access to a front parking area just off Cumberland Road and also for the layout and scale of the development. All other matters regarding appearance and landscaping are reserved.

The proposal would provide 4 parking spaces to the front of the property.

The application has been amended since the original submission with the removal of one residential unit.

Location

The application site is located on a corner plot at the junction of Cumberland and Winchester Road. There is an existing detached residential dwelling, which would be demolished under the current proposal. The application property forms one of four detached dwellings on this section of Cumberland Road, which step downwards in height towards Winchester Road, accounting for a change in gradient. Immediately opposite the site is a pedestrian crossing.

The surrounding area is residential in character and there is a mixture of single residential dwellings and flatted developments.

The property is not located within a conservation area.

Consultations

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

- The relocation of the traffic island would restrict views from the junction of Cumberland Road and St Mary's Avenue. Drivers wanting to pass a bus at the bus stop would not be able to do so
- Relocation of refuse will have a negative impact on road safety for children and families
- Bus stops are not shown on the diagrams
- The proposal does not show a sufficient reduction in size since the previous rejection. It is greater in depth to the rear than the existing property and will impede on light and privacy of surrounding properties
- Harm to the character of the area and leafy, open feel of the area
- Previous refusals and dismissed appeals for similar developments on this site and the current proposal would have a greater impact due to width, depth and balconies
- Building appears to be 7% larger than the application dismissed by the planning inspectorate
- Hardstanding to the front remains out of character and plans showing mature trees are misleading
- The design and square roof give the appearance of a larger building.
- This is a dangerous junction and the development would cause safety issues
- Development has same footprint as rejected schemes
- Increase in traffic
- Close to Highfield Junior School and many families walk this way to and from the school the development and relocation of the crossing would result in safety issues
- Density of area already very high and adding another block of flats would add to the dangers of a busy three way junction
- Pedestrian crossing will be closer to a busy bus stop and there are risks with overtaking on a hill. Large number of children using the road
- Island will prevent drivers being able to overtake when a bus is at the bus stop. This would create further congestion.
- Concerns about visibility on the highway and cars already travelling at speed
- There is an existing lamp column would also need relocating. This would, like the crossing, be most likely outside No 42 which would cause a nuisance into bedrooms
- The lamp post also illuminates the junction and moving this will make it more dangerous

- The development will create an environment which is more hazardous for pedestrians and is unethical and irresponsible
- Statements made within supporting documents are misleading and inaccurate
- The design and scale have not changed from previous schemes but have only changed position within the plot
- Loss of light and overshadowing
- Confusion about the size of the proposed dwelling and dimensions of the existing property
- The size and location of the development will result in neighbours feeling 'hemmed in'
- Loss of outlook
- Concerns about boundary walls
- Subsidence
- Health, safety and noise concerns during construction
- Spacing between properties would be reduced and would disrupt continuity of the properties within the road
- Would appear out of place within the street and plot
- Loss of trees and garden land
- Increase runoff from hardstanding
- The area already struggles with drainage problems and removing natural drainage will exacerbate problems
- Inaccuracies within the drawings.
- Bulky appearance
- Appears to be the same height of the existing building but living accommodation would be provided and it would be larger than the current pitched roof. Destroy uniformity of the street
- Overlooking
- No other properties have terraces
- Increase in noise and disturbance
- Cramped overdevelopment of the plot
- Will set a precedent
- Unclear whether moving the traffic island is feasible and who would pay for it
- Moving the traffic island will harm highway safety for pedestrian and will change traffic behaviour
- Traffic audit is not reliable; it was carried out in the middle of the day when traffic levels are lower. Higher numbers of people at school drop off and pick up times.
- The location of the existing crossing helps direct people, slow down traffic and ensure correct lane position
- The safety audit does not mention the existing bus stop
- The inspector of the previous appeal refused the scheme on highway safety grounds and indicated there was nothing to indicate that the relocation of the crossing as proposed by the applicant could be to a safe location.
- Safety audit is inadequate
- St Marys Road/Cumberland Road junction is already a dangerous blind corner

- Moving the island closer to the bus stop would increase congestion. It would restrict turning into/out of Highfield Drive
- The latest scheme is less objectionable in design and scale
- The tracking information appears to show conflict with dustbin lorry manoeuvring
- Moving the crossing will encourage cars to drive faster on the hill.
- Inaccuracies within the safety audit
- Accidents already have occurred close to these junctions
- The road conditions will result in the position of the new crossing being obscured
- Will not be sufficient space for residents of No 42 to manoeuvre in/out of driveway
- A second road safety audit should be undertaken at peak times
- Access should be from Winchester Avenue

The full content of the comments received are available to view on the file.

Drainage Officer - The applicant indicates that he intends to discharge surface water into the public sewer. This won't be possible as there is evidence that public sewers in the area are overwhelmed and flooding occurs in heavy rainfall. The applicant is required to use SUDS and conditions relating to surface water drainage and SUDs are requested.

Highways officer - Further to the road safety audit; no objections are raised to the proposed. The applicant should be aware that all highway work inclusive or relocation of the street lighting column is subject to a Section 278 Agreement.

Please include the following with any permission:

CONDITION

H01 (Access and relocation of pedestrian island)

H03 (Car Parking)

H18 (Refuse)

H22 (Cycle)

H29 (Construction Management Plan)

H32 (Highway Drainage)

INFORMATIVE

DI16 (Crossover)

Nonstandard informative - Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant

Environmental Health Officer - No comments have been received in relation to the current application however the following comments were received in relation to the previous scheme and are still considered relevant:

The application site is within an Air Quality Management Area declared for NOx. I would therefore recommend that the following conditions are attached:

The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan)
and

An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces. (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policies 6.13 and 7.14 of the London Plan)

I would also recommend that the following informatives are attached:

Before works commence, 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.

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
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
NE7 Development and Trees
ER10 Light pollution
T3 Parking
T7 Cyclists
T18 Road Safety

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

London Plan (2016)

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.15 Reducing and Managing Noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Policy 8.3 Community infrastructure levy

Housing: Supplementary Planning Guidance. (2015)

DCLG: Technical Housing Standards (2015)

National Planning Policy Framework (NPPF) - Relevant chapters include Chapters 6, 7, 11, 12.

Emerging Plans

According to paragraph 216 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process.

The following emerging plans are relevant to this application.

Draft Local Plan

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the draft Local Plan to the Secretary of State will be in the early part of 2017.

Policy 1 Housing Supply
Policy 3 Backland and Garden Land Development
Policy 4 Housing Design
Policy 8 Side Space
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 73 Development and Trees
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage
Policy 118 Contaminated Land
Policy 119 Noise Pollution
Policy 122 Light Pollution
Policy 123 Sustainable Design and Construction

Planning History

01/01844/FULL1: 1.8 metre high front boundary wall. Permission granted on the 11.07.2001

97/01955/FUL: Boundary fence. Refused on the 03.09.1997

97/03138/FUL: Boundary fence. Permission on the 14.01.1998

07/01252/FULL1 Two-storey detached house with accommodation in roof space/2 car parking spaces and bin stores on land adjacent to no.44 Cumberland Road with new access fronting Winchester Road. Refused on the 17.05.2007

Refused for the following reasons:

1. The proposal involves the unsatisfactory sub-division of an existing plot resulting in a cramped overdevelopment of the site and a retrograde lowering of the spatial standards of the area, harmful to the character of the streetscene and contrary to Policies H7, H9 and BE1 of the Unitary Development Plan.
2. The proposed building, because of its design siting and materials, would result in a structure out of character with and harmful to the appearance and character of its surroundings, contrary to Policies H7 and BE1 of the Unitary Development Plan.

The above was subsequently dismissed at appeal on the 8th April 2008 (APP/G5180/A/07/2059853).

15/03404/OUT: Demolition of existing dwelling and erection of single block containing 6 x 2-bed flats with associated parking and access. Refused on the 15.1.2016.

Refused for the following reasons:

1. The proposed development, by reason of its scale, mass, intensification, prominent siting and encroachment onto the open setting of the junction would result in a cramped overdevelopment that would result in a retrograde lowering of the spatial standards of the area, harmful to the character of the streetscene contrary to Policies 3.4 Optimising Housing Potential, 7.4 Local Character of the adopted London Plan (2015); Policies BE1 Design of New Development , H7 Housing Density and Design and H9 Side Space of the Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 1 and 2 and the National Planning Policy Framework.
2. The proposed development by reason of its layout, scale, mass, intensification and proximity with the side boundary would result in a dominant and intrusive form of development harmful to the visual amenities of neighbouring properties contrary to Saved Policy BE1 Design of New Development of the adopted Unitary Development Plan (2006) and the Council's adopted Supplementary Planning Guidance 1 and 2
3. The proposed balconies and intensification of the site would result in unacceptable overlooking and a loss of privacy for neighbouring residents contrary to Policy BE1 Design of New Development of the adopted Unitary Development Plan (2006).

An appeal against the refusal, PINS Ref. APP/G5180/W/16/3144993, was dismissed on 2nd August 2016. The Inspector noted the contribution that the side garden at No44 made to the open, spacious character of the acute Cumberland Road/ Winchester Road corner, and that although some of the side garden would be retained the proposed flats would erode this character. The closer proximity and the additional depth of the building, together with the more bulky roof form and gables to front and rear would result in an intrusive and discordant building on a prominent corner site and also when viewed along Winchester Road where the flats would project in front of the building line. The existing and proposed boundary screening would fail to mitigate against this impact. (paragraph 6). The Inspector also agreed that the corner site required a higher standard of spatial separation and considered that the proposal conflicted with policies BE1, H7 and H9 of the Unitary Development Plan.

In regard to the impact on the living conditions of surrounding residents, the Inspector found that the appeal proposal would roughly align with the front and rear elevations of the detached house at 42, Cumberland Road and he therefore thought that there would therefore be no perceptible effect on outlook from its windows. Whilst acknowledging that the flats at the rear would have balconies at

first and second floor levels the Inspector noted that these would be screened with solid sides and it was thought that only oblique views would be provided over the rear garden of No.42. The rear elevation would be set back from the rear boundary with No.39 and there would be screening proposed to mitigate the impact. Two windows at No.39 were identified, both serving bedrooms. He identified potential for inter-looking between the front bedroom window and two balconies at the rear of the proposed block of flats but considered that the oblique nature of this together with the separation between the properties and boundary screening (not yet specified, as in outline) would offset this.

16/01121/OUT - Demolition of the existing dwelling and erection of single residential block containing 6x2 bed flats, with associated access and parking.

Refused for the following reasons:

1. The proposed development, by reason of its scale, mass, intensification, prominent siting and layout would represent an incongruous form of development, which does not compliment or respect the scale, continuity or pattern of adjacent development, resulting in an encroachment onto the open setting of the junction and a cramped overdevelopment harmful to the character and appearance of the streetscene contrary to Policies 3.4 Optimising Housing Potential, 7.4 Local Character of the adopted London Plan (2015); Policies BE1 Design of New Development , H7 Housing Density and Design and H9 Side Space of the Unitary Development Plan, the Council's Supplementary Planning Guidance 1 and 2 and the National Planning Policy Framework.
2. The proposed development by reason of its layout, position, scale and mass would result in a dominant, overbearing and intrusive form of development harmful to the visual amenities of neighbouring properties at No 39 Winchester Road and 42 Cumberland Road contrary to Saved Policy BE1 Design of New Development of the adopted Unitary Development Plan (2006) and the Council's Supplementary Planning Guidance 1 and 2
3. The location of the proposed vehicular access, in close proximity to a pedestrian crossing on Cumberland Road, would be prejudicial to the free flow of pedestrian and vehicular traffic, thereby constituting a safety hazard contrary to Policies H7 Housing Density and Design, T6 Pedestrians, T11 New Accesses and T18 Road Safety of the Unitary Development Plan (2006).

The above application was appealed under ref: APP/G5180/W/16/3156491. The inspector of the above appeal found in favour of the applicant in relation to the scale and mass of the development and also in respect of neighbouring amenity. Objections were however raised to the proximity of the entrance to an existing pedestrian crossing, thereby being prejudicial to highway safety.

Conclusions

The main issues relating to the application are the principle of the development and the effect in principle that a residential development would have on the character and appearance of the locality, the effect of the design layout and scale on the locality and visual amenity of the area, access arrangements and the impact the scheme would have on the living conditions and amenities of nearby properties. Consideration should also be given to the previous reasons for refusal and a number of recent appeal decisions.

Principle of development

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Policy H7 of the UDP sets out criteria to assess whether new housing developments is appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is currently in residential use and is located adjacent to residential dwellings to the north east and south east of the site. In this location the Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the layout makes suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

Therefore the provision of the new dwelling units on the land is acceptable is subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

Scale and Layout

The National Planning Policy Framework (NPPF) states that a key role for planning is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Further to this, paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments

function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials; and are visually attractive.

The London Plan further reiterates the importance of ensuring good design, and states, in Policy 7.4, that development should improve an area's visual or physical connection with natural features and, in areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 of the London Plan also states that development should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and should comprise details and materials that complement, not necessarily replicate, the local architectural character.

BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The existing development within Cumberland Road is a mixture of single residential dwellings and flatted developments. The architectural language is also varied. However, it is noted that the pattern of development and space surrounding the buildings within the locality has a regular continuity and rhythm, allowing for a suburban and spacious character.

The junction setting of the site also has a relatively spacious feel as original intended in the street layout. In this location any intervention on the flank of properties on any of the corner areas may appear obtrusive and incongruent unless they were of a subservient mass and scale. The existing property on this site forms one of four, two-storey detached dwellings, which step down in height towards Winchester Road. The existing built form is set back from this junction and provides a generous side space. The neighbouring properties to the north east (39-35 Winchester Road) are also two-storey detached dwelling that have also been set back from the highway adding to the spatial qualities of this junction and wider locality.

Policy H9 requires proposals of two or more storeys in height to be a minimum of 1m from the side boundary. However, H9(ii) states that 'where higher standards of separation already existing in residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties'. Para 4.48 explains that the Council consider it important to 'prevent a cramped appearance and is necessary to protect the high spatial standards and visual amenity which characterise many of the Borough's residential areas'.

The proposed building would have a staggered building line, measuring 11 m in width and 15.2m along Winchester Avenue. This would result in 2.6m spacing between the proposed development and No 42 Cumberland Road. It would also include a 10m separation from the common side boundary with Winchester Road at its widest point and 5m at its narrowest. The case considered a the most recent appeal had a similar scale and its frontage along Cumberland Road measured 10m at its maximum point and 15m along Winchester Avenue. In relation to the most recent appeal, the Inspector considered that whilst the 'the footprint and bulk of the proposed building would be greater than that of the existing dwelling; a significant gap would be retained (2.4m) along its side boundary with No 42. Furthermore, when viewed from Cumberland Road, the building would be situated at a lower ground level compared to this adjacent dwelling, in accordance with the slope of the road. In this context the proposal would not appear obtrusive'. The relationship within the current application is not dissimilar to this most recent appeal and weight is therefore given to the Inspectors conclusions. The current scheme has marginally reconfigured the layout of building and narrowed the main bulk of the structure fronting Cumberland Road to 8.2m, whereas the main structure of the previous scheme measured 10m. However, the reconfiguration of the layout and narrowing of the main building has subsequently increased the depth and size of the flat roof side element along the Winchester Avenue frontage and this is no longer as set back from Cumberland Road as with the previous scheme.

The Inspector of the above appeal stated that 'The depth of the proposed building would be greater than that of the existing dwelling. Whilst this would be evident in the side elevation and prominent at higher ground level in relation to Winchester Road, the building would be sited sufficiently inside the plot to ensure the retention of generous spacing to the north-west side boundary. With the probability of additional landscaping, the building would not therefore appear cramped or dominant in this corner plot location'.

There have been a number of schemes refused at the application site, two of which were dismissed partially on design grounds at appeal, one for a detached dwelling (APP/G5180/A/07/2059853), the second for an apartment block (APP/G5180/W/16/3144993). In both cases, the buildings would have encroached further into the spacious corner and garden area of the plot, significantly more so in the case of the dwelling. The Inspector of the most recent appeal however (APP/G5180/W/16/3156491), noted that these examples were 'not therefore readily comparable to the current proposal'. Subsequently, the Inspector concluded that 'the proposal would not harm the character and appearance of its surroundings.

The current application is similar in form to the most recent appeal and also achieves a similar spatial relationship with the corner. It would incorporate a projecting side element along the Winchester Road frontage, which is not as subservient as the previous scheme, however this would still be recessed from the front and rear elevations and the main bulk of the building has been narrowed to broadly adhere to the proportions of the existing property. The current application also includes a smaller number of units and achieves a greater separation with No 42 (2.7m). The spacing at the corner is slightly larger than previous schemes and the flat roof of the projecting element, together with its recessed design, would

narrow the form of the building when viewed from Cumberland Road. Therefore, when taking the most recent appeal decision into account, Members may consider that the proposal is on balance acceptable and would not result in harm to the character and appearance of the streetscene.

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments and Prescribed Housing Standards states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The proposal would provide 4 two-bed 3 person units. The proposed units would provide a level of accommodation, which complies with the prescribed housing standards.

All rooms would achieve a reasonable level of light and outlook.

In relation to amenity space the development would provide a communal garden to the side/rear. This is considered to be acceptable.

Neighbouring amenity

Policy BE1 seeks to ensure that new development proposals respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The main impact of the proposed development would be on neighbouring residential occupiers.

No 39 Winchester Road is located directly to the rear of the site and sits at a right angle to the proposed development. Whilst No 42 Cumberland Road is located to the south east of the application site and is set at a slightly higher ground level.

The proposed building would project 3.5m beyond the rear of No 42 but would include a setback from the common side boundary. There would also be 9m between the rear elevation of the development and the side elevation of No 39 Winchester Road. The spatial relationship between the development and neighbouring properties is similar to the recent application considered at appeal, however the layout had been marginally reconfigured and there has been a reduction in the number of units.

Concerns were raised within the previous application in relation harm to neighbouring residential amenities. However at appeal, the Inspector considered that whilst there would be some impact on outlook from the rear of No 42, the degree of projection (also 3.5m) was limited and the building would have been at a

markedly lower level compared to No 42 and off set from the boundary. The Inspector concluded that "The proposal would not result in a significant degree of enclosure that it would result in an overbearing presence and cause oppressive living conditions for residents". No 42 is also located to the south east, which would prevent any significant loss of light or overshadowing.

In relation to No 39 the inspector observed that the front elevation of the property would be 'Perpendicular to and further away from the rear of the proposed building. As such the orientation of the proposal would not interfere with the outlook for residents of that dwelling. Whilst it would be possible to overlook No 39 from windows in the proposed apartment block, the relative orientation of the buildings means that such views would be over the area forward of the front elevation of the dwelling, which being close to the public realm would, not enjoy high standards of privacy in any event'.

Finally, in relation to overlooking the Inspector considered that 'The proposed building, including terraced areas would be sufficiently separated from the house on the opposite side of Winchester Road, No 63 St Mary's Avenue, not to result in any undue loss of privacy to that property from overlooking'. Accordingly the development was found to not conflict with Policy BE1 of the UDP or the SPG insofar as they seek to protect the living conditions of residents.

The location, position and separation of the proposed development from No 42 Cumberland Avenue and 39 Winchester Avenue is not dissimilar to the previous scheme and the overall scale of the development is now marginally smaller. Therefore, in light of the conclusions drawn by the Inspector, no objections are raised to the current proposal. Members may therefore consider that the impact on neighbouring amenity would be acceptable.

Highways, Car Parking and access

Cumberland Road is an unclassified local distributor road that links St Marys Avenue with Westmoreland Road in a north / south direction. It is a 2 way single carriageway road and has footways present along both sides. Residential properties front on both sides with off road parking provision. During the course of the previous application concerns were raised with regard to the location of the proposed vehicular entrance adjacent to an existing pedestrian crossing/refuge, which is located outside of the site on Cumberland Road, and the potential harm to pedestrian and vehicular safety. These concerns were subsequently upheld by the Inspector of the most recent appeal. In assessing the appeal scheme the inspector stated that 'The relevant drawing suggests that there would be vehicle conflict with the existing crossing and a requirement for it to be relocated'. He goes on to state that 'There is no evidence before me to provide satisfactory reassurance that the pedestrian crossing could be relocated to a safe and convenient alternative location'.

In response to these concerns the applicant now proposes to relocate the existing pedestrian crossing approximately 10.5m to the southeast along Cumberland Road. The application is supported by a Stage 1 Road safety audit relating to the relocation of the crossing and this has been reviewed by the Council's Highways

Team. There have been a significant number of objections relating to the relocation of this crossing, with many representations raising concerns with its proximity with Highfield Drive and a bus stop. The existing crossing is also used by families of the nearby Highfield Junior School. However, no objections have been raised by the highways off regarding the content of the Audit, feasibility of relocation or subsequent safety issues. If Members are minded to approve, it is considered reasonable and necessary to condition the applicant to enter into a S278 agreement with the Highway Authority in order to finalise the technical details of the relocation.

The application would provide off-street vehicular parking for 4 cars. The level of parking provision is considered to be acceptable and generally accords with the London Plan, which seeks less than one space per unit for 1-2 bedroom dwellings. The highways officer has not raised any objections to this level of parking provision and the proposal is therefore considered to be acceptable in parking terms.

Trees/Landscaping/ecology

The application is for outline permission with matters of landscaping and appearance reserved. There are a number of trees and shrubs within the site, however they are not subject to Tree Preservation Orders.

Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL contributions will be sought in connection with any subsequent reserved matters applications.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/03768 and any other applications on the site set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 (i) Details relating to appearance and landscaping shall be submitted to and approved by the Local Planning Authority before any development is commenced.**
- (ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.**
- (iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: No such details have been submitted and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 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 visual amenity and the amenities of adjacent properties.

- 3 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

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.

- 4 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.

- 5 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.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan (2006)

- 6** 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.

- 7** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 8** Details of the layout of the access road and turning area including its junction with Cumberland Road and dimensions of visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.9m in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 9** 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.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

10 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

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan

11 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.

- 12 (i) Prior to commencement of the works the applicant shall enter into a S.278 Agreement with the Local Highway Authority in order to:
- o Relocate the pedestrian island opposite the site entrance as outlined within the application hereby approved.
- (ii) All highway works shall be completed prior to the first use of the development to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety and to comply with saved Policy T18 Road safety of the adopted Unitary Development Plan (2006)

You are further informed that :

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 2 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant
- 3 Before works commence, 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.
- 4 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