

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/01846/RECON

Ward:
Plaistow And Sundridge

Address : Imani Court, 49 Park Avenue, Bromley
BR1 4EG

OS Grid Ref: E: 540126 N: 170600

Applicant : Mr D Francis

Objections : YES

Description of Development:

Variation of conditions 3, 6, 8 and 9 (relating to soft landscaping, hard landscaping, waste and recycling facilities and cycle storage respectively) of permission 14/02727 allowed on appeal for the demolition of existing dwelling and erection of two/three storey building containing 3 no. 1 bed flats and 5 no. 2 bed flats with associated parking and landscaping, to allow the retention of soft and hard landscaping, refuse and cycle storage as built/provided.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 7

Proposal

Permission is sought to vary conditions 3.6.8 and 9 of permission reference 14/02727 (allowed on appeal) for the demolition of the existing dwelling and erection of a two/three storey block of residential flats.

Following the grant of planning permission on appeal the applicant submitted details pursuant to conditions imposed by the appeal Inspector. Among these details were those relating to:

Condition 3 - soft landscaping
Condition 6 - hard landscaping

These details were approved.

The construction of the residential block has been completed and it is apparent that the development does not accord with the details approved under reference 14/02727/CONDIT. The hard and soft landscaping has not been provided in accordance with the approved details.

Furthermore, conditions 8 and 9 imposed by the Inspector required that prior to the occupation of the residential block the proposed refuse/recycling storage and cycle

parking be provided in accordance with the details submitted with the application. The application flatted block is now occupied and the refuse and cycle storage provision does not accord with the details assessed as acceptable by the Inspector and referred to in conditions 8 and 9.

This application seeks approval retrospectively for the hard and soft landscaping as has been provided on site as well as for the cycle parking and refuse/recycling storage.

With regards to condition 3, the planting provided within the site and to the site boundaries is less varied than that which was approved, with the soft landscaping limited to the laurel shrubs along the outside boundaries. Where the approved layout provided for the planting of beds in front of the application building, that area is instead hard landscaped with the block paved parking area covering the frontage with the exception of the somewhat shallow beds at the front on either side of the vehicular access and to either side.

With regards to condition 6, the hard surfaces within the site comprise a wholly block paved front parking area, along with a block paved pathway on either side of the host building. The front block paved area incorporates a two tone effect with inset pattern and a grey block to define the individual parking bays. The pathways to the side of the building are predominantly a single colour with grey blocks marking the outer edges of the paths. At the rear the patio/terrace areas are as approved in terms of their extent, finished in larger stone paving slabs. A patio area has also been provided towards the rear of the site. The submitted drawings and as built front boundary treatment includes brick piers to either side of the front boundary landscaping planting (with this provision covered by the description of development to refer to Condition 6 of the Inspector's decision notice which referred to details being required of boundary treatments).

Refuse storage is provided by way of an open area to the left hand (western) side of the main building. The area is openly accessible from the front of the site and no gates were provided at the time of the officer site visit. The area is uncovered and there is no enclosure - the various bins are arranged adjacent to the boundary fence with the adjacent care home. A site visit confirmed that a large Euro 1100 bin has been provided along with 5 wheelie bins in different colours to mark what recyclable refuse should be placed in each bin.

A cycle storage area has been provided at the north eastern corner of the rear amenity space. The storage structure has the appearance of a timber pergola with a flat roof but the storage is open-sided. 8 metal cycle stands have been provided. An exterior light appears to have been fixed to the inside of the structure. It is noted that no security gate has been provided to the eastern flank passageway between the building and the eastern boundary as a consequence of which there is free passage from the front to the rear of the site. With regards to the lighting to the facility, the applicant's agent has confirmed:

"The lighting to the cycle store are up and down lights with no side spillage. The lights also have a dusk till dawn timer."

The applicant's agent has stated that the applicant is awaiting the outcome of the planning application prior to the completion of the work which would include the installation of the side gates.

Site and surroundings

The application site was formerly occupied by a detached, two storey single family dwelling house. The site is now occupied by a two/three storey residential flatted block providing 8 flats. It is located on the north side of Park Avenue, within a predominantly residential area. There is a nursing home immediately adjacent to the west (No. 47) and a single storey dwelling to the east (51A) with a two storey building converted into flats (51) attached. To the north of the site lie the rear gardens of properties in Quernmore Road and Quernmore Close.

Park Avenue is a wide, straight road with mature street trees and mostly single dwelling houses, some of which have attractive landscaped front garden areas although it is noted that the immediately adjacent property at No. 47 has a front parking/access area that is almost wholly block paved. Generally the residential dwellings and flats in the locality have front amenity areas that are marked by planting to the front and side around hardstanding parking areas.

Consultations

- Brick pillars have been constructed in front of the site
- Overdevelopment of the site by a combination of the building and hard surfaces
- Out of character with and harmful to the area
- The brick pillars have a detrimental impact on the street scene
- Installation of meter boxes along the front of the building has replaced soft landscaping
- The soft landscaping planted has not been maintained and failure to maintain the soft landscaping adversely affects the street scene
- The refuse store required under the terms of the approval should be installed. The existing bin storage is unsightly and the bins are directly exposed to the sun for long periods during hot days
- The site plan submitted by the applicants shows only one wheelie bin for waste and recycling rather than the four waste and recycling bins required under the terms of the approval
- The rear of the building and the cycle racks are readily accessible to intruders.
- Conditions 6, 8 and 9 of the approval has been breached and cannot be remedied because the flats are already occupied.
- The side gates should be installed.
- The hard landscaping at the rear of the site would provide a location for bonfires and barbeques and is close to the boundary with neighbouring properties

Technical Comments

From a technical highways perspective concern is expressed regarding the adequacy of the cycle storage as installed, with particular reference to the need for a covered and secure cycle storage facility such that can accommodate 13 cycles.

No comments have been received regarding the refuse storage facility. Any comments will be reported verbally at committee.

Planning Considerations

The application falls to be considered in the context of the following planning policies and guidance:

Unitary Development Plan

Policy H7 - Housing Density and Design
Policy BE1 - Design of New Development
BE7 - Railings, Boundary Walls and other Means of Enclosure
Policy T3 - Parking
Policy T7 - Cyclists

Draft Local Plan (November 2016)

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policies of relevance to the assessment of the proposals include:

Policy 4 - Housing Design
Policy 37 - General Design of Development
Policy 30 - Parking
Policy 122 - Light Pollution

London Plan

3.5 Quality and Design of Housing Developments
5.3 Sustainable Design and Construction
5.13 Sustainable Drainage
6.9 Cycling
6.13 Parking
7.4 Local Character
7.6 Architecture

National Planning Policy Framework

Planning History

The planning history of the site includes proposals under application refs. 05/03784 and 06/00980 to demolish the house in order to extend the adjacent nursing home. These applications were refused by the Council and dismissed at appeal, regarding issues such as overdevelopment and intensification of use by the Nursing Home.

More recent history includes permission for a two storey side extension, ref.11/03069.

Planning permission was refused by the Council for a residential redevelopment under reference 13/04198 for the following reasons:

1 The extent of proposed development would leave a deficiency in the provided amenity area resulting in an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces and would be out of character with the area contrary to Policies H7 and BE1 of the Unitary Development Plan.

2 The proposed development by reason of its excessive bulk, mass and site coverage, and insufficient car parking would constitute an overdevelopment of the site, harmful to the character of the area, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

Planning permission was refused under reference 14/02727 for the development which has now been implemented. An appeal against the Council's refusal of planning permission was allowed. The Inspector imposed a number of conditions on the permission.

Under reference 15/02783 permission was refused for a material amendment to the scheme which proposed the installation of enlarged balconies.

Under reference 16/02066 approval was granted for the variation of condition 16 to allow the installation of a side dormer projection to serve a lift shaft.

Conclusions

The main issue in the determination of this application is whether the variation of the conditions as proposed would have/has a serious detrimental impact on the visual and residential amenities of the occupiers of neighbouring residential properties and the locality in general.

It is acknowledged that there is local concern at the retrospective nature of the application, which seeks approval of alterations to the approved scheme which have already been implemented. That the application is retrospective cannot weigh against the proposals and is not a material consideration in the assessment of the proposals. The amendments are readily visible at the site and photographs are available on file of the development as it stands.

It is noted that the development as constructed provides overall enlarged areas of hardstanding within the site and that the proportion of the site given over to the building and hard surfaces has changed as a consequence. On balance, however, while in terms of the frontage of the site it is noted that a less substantial scheme of soft landscaping has been implemented what soft landscaping is provided is broadly complimentary when the front of the site is viewed in the context of surrounding sites including the adjacent nursing home and the frontage of dwellings opposite and on the same side as the application site. The concerns expressed regarding the health and long-term retention of the frontage planting are noted although it is considered that the terms of the condition regarding the 5 year maintenance/replacement requirements is satisfactory in the context of the development site.

While it would have been preferable for the development to have provided the level of landscaping shown in past applications, including in the discharge of the conditions pursuant to 14/02727, it is not considered that the soft landscaping as provided would be unsatisfactory in the context of the site and surroundings, nor that grounds exist on this basis to refuse to vary the details. This assessment is in the context of the arrangement and layout of frontages in adjacent and opposite sites and it is considered that the layout and quantum of the soft site landscaping is not uncharacteristic of the locality.

With regards to the cycle storage provision at the site, it is noted that the storage facility as provided is open in appearance and would appear to accommodate less than the 13 bicycles considered appropriate from a technical highways perspective. However it is also noted that the documents submitted with the application granted on appeal (14/02727) included drawing PA-655-PD-030 which showed an open storage area and a number of storage racks commensurate with that which has been installed although the structure under consideration has a more residential gazebo-like appearance than the structure shown in the previous application. Condition 9 referred to the need for the bicycle storage facility to be provided in accordance with the approved drawing (referred to above), including covered storage facilities where appropriate. It is not considered that the installation currently in place is significantly different to that which was considered acceptable by the Inspector in allowing the appeal ref. 14/02727.

With regards to the lighting to the cycle store, it is noted that there is a light affixed to a vertical pillar, which faces into the site and is positioned at a slightly lower level than the flank boundary fencing. The drawing approved under reference 14/02727 showed the provision of small low level bollard lights but did not further detail the operation of the lighting (i.e. whether motion/light triggered). It is not considered that the operation of this light on a dusk to dawn timer would have a significantly adverse impact on residential amenity.

With regards to the refuse storage, it is noted that on site the provision does not tally with that which was shown on drawing PA-655-PD-030 and required by condition 8. It falls to consider whether the lack of a covered/enclosed storage shed would in itself have a significant impact on the quality and standard of refuse storage at the flatted site so as to warrant the refusal of planning permission. The refuse storage area lies adjacent to a blank side elevation associated with the

adjacent nursing home and the bins are stored set back from the main front elevation along the side accessway. On balance, it is considered that the storage as provided is satisfactory and that while the provision of a storage building as conditioned by the Planning Inspector would be preferable, the refusal of planning permission on this basis would not be reasonable. If the application is approved it would be appropriate to condition the provision of a side gate (along with the gate proposed to be provided on the other side of the building) so as to further screen the refuse storage area and to improve the security of development site.

It is noted that the application and previous applications relating to the site have elicited a number of local objections to the proposals. The concerns raised are acknowledged, but on balance it is not considered that there are strong and reasonable grounds to refuse to vary the conditions as submitted.

The applicant was asked to confirm that the side gates as shown on the approved drawing would be installed and has confirmed (via the agent) that this is correct. If members are minded to grant this application it would be appropriate in view of the completion of the development to impose a condition setting a time limit for this security measure to be implemented as in the absence of side gates the rear cycle parking area and refuse storage area are exposed and easily accessible from the front of the site.

Background papers referred to in the preparation of this report comprise all correspondence on files refs. 14/02727, 15/02783, 16/02066 and 17/01846 excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 Within 3 months of the date of this decision side gates to the eastern and western boundaries of the site shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority (these details to provide the height and position of gates). The side boundary gates shall be permanently retained as such thereafter.**

Reason: In the interest of the residential amenities and security of residents, to accord with Policies BE1 and H7 of the Unitary Development Plan.

- 2 The soft landscaping works as provided shall be maintained hereafter, and any trees, shrubs or hedges which die, become seriously damaged or diseased within a period of 5 years shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3 The refuse and recycling facilities provided on site shall be permanently retained for their designated use.**

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.

- 4 The bicycle/parking storage facilities hereby approved shall be permanently retained as such 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.

- 5 The access drive and car parking space lighting scheme shall accord with the details approved on drawing PA-655-PD-SITE PLAN rev. B.**

- 6 The windows to the first and second floor flank western and eastern elevations of the building shall be permanently retained as obscure glazed as per the details submitted under reference 14/02727 and approved by decision notice dated 12th August 2015 unless agreed in writing by the Local Planning Authority.**

Reason: In the interest of the residential amenities of the occupiers of neighbouring properties and to accord with Policy BE1 of the Unitary Development Plan.

- 7 No windows or doors additional to those shown on the permitted drawings shall at any time be inserted in the flank walls of the development hereby permitted without the prior written consent of the Local Planning Authority.**

Reason: In the interest of the residential amenities of the occupiers of neighbouring properties and to accord with Policy BE1 of the Unitary Development Plan.

- 8 The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Security measures shall be implemented in accordance with the details submitted under reference 14/02727/CONDIT and approved by decision notice dated 12th August 2015, shown on PA-655-PD-02 COND dated March 2015.**

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

- 9 No windows shall at any time be inserted in the dormer roof projection shown on the plans approved under reference 16/02066, without the prior approval in writing of the Local Planning Authority.**

Reason: In the interest of the residential and visual amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

- 10 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 the interest of the residential and visual amenities of the area and to accord with Policies BE1 and H7 of the Unitary Development Plan.