



Town Planning

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2 /19th March 2015
Application No : DC/14/05019/FULL1
Date : 25th March 2015

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the development, referred to in your application received on 24th December 2014.

at : 74 Madeira Avenue Bromley BR1 4AS

Proposal: Demolition of existing bungalow and replacement building comprising 5 x 2 bedroom apartment and off road car parking.

For following the reasons :-

- 1 The proposal would, by reason of its scale, height, massing, density, site cover and type of housing proposed, constitute an overdominant and incongruous form of development, out of character with neighbouring development, and harmful to neighbouring amenity by reason of loss of overlooking and 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.

You are further informed that :

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

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

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

Signed:

A handwritten signature in black ink, appearing to read 'J. Lowe', followed by a period.

CHIEF PLANNER

On behalf of the London Borough of Bromley Council

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website at www.bromley.gov.uk/planning. Through the provision of a pre-application advice service the Local Planning Authority encourages early engagement to resolve problems that can occur in relation to dealing with a planning application by providing clear guidance as to how the aims of the development plan can be achieved in a sustainable and appropriate manner in accordance with paragraphs 188 - 190 of the National Planning Policy Framework 2012.

Approvals with or without conditions, or refusals of applications for planning permission under the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Procedure) Order 1995 (as amended) and applications for Listed Building and Conservation Area Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

If you disagree with the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, you may appeal to The Planning Inspectorate (PINS). This is an independent Executive Agency which provides fair and impartial decisions on appeals against LPA decisions on planning consents in accordance with Section 78 of the Town and Country Planning Act 1990 and for Listed Building and Conservation Area consents in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeals must be made within 12 weeks of the Decision Notice date for householder planning applications and within 6 months for any other application. They must be submitted on a form, which is obtainable from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from www.planningportal.gov.uk. If an enforcement notice is or has been served relating to the same or substantially the same development as in your application, then the time limit to appeal will expire 28 days after the enforcement notice is served – except that you will have a minimum of 28 days to appeal after the right of appeal begins and the time limit will expire no later than it would if there were no enforcement notice.

The Secretary of State (including PINS) is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the Statutory requirements, to the provisions of the development order, and to any directions given under the order.

If planning permission, listed building or conservation area consent to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State (including PINS) on appeal, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Bromley a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Part VI Chapter 1 of the Town and Country Planning Act 1990 or in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission or consent is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 and in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Applications for Express Consent under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007

If you disagree with the decision of the local planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, you may by notice served within 8 weeks of the receipt of this notice, or such longer period as the Secretary of State may agree, appeal to the Planning Inspectorate in accordance with the provision of Part 3 Section 17 of The Town and Country Planning (Control of Advertisements) Regulations 2007. Forms are available from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from www.planningportal.gov.uk.

Town and Country Planning Act 1990 (as amended). A Certificate of Lawfulness for an existing proposed use or development

If you are aggrieved by a refusal to grant, a Certificate of Lawfulness, you may appeal to the Planning Inspectorate under Section 195 and 196 of the Town and Country Planning Act 1990 (as amended).

AN IMPORTANT FOOTNOTE

Permission or approval referred to overleaf is confined to permission under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, the Town and Country Planning General Development Order 1995 as amended, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and does not obviate the necessity of compliance with any other enactment, by law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, Building Regulation, consent, approval or authorisation which may be required.

You are reminded that the Borough Council's permission does not modify or affect any personal or restrictive covenants, easement, etc., applying to or affecting either this or any other land or the rights of any persons (including the London Borough of Bromley Council) entitled to the benefits thereof or holding an interest in the property concerned in this development or in any adjoining property.

ACCESS FOR PEOPLE WITH DISABILITIES

Your attention is drawn to British Standard and Government advice concerning means of access for people with a disability. This advice applies to educational, recreational and retail premises as well as office, factories and business premises.

Community Infrastructure Levy (CIL) Information Note.

The attached planning permission is considered to be liable for the Mayor of London's Community Infrastructure Levy (CIL). It is now the responsibility of an interested party to comply with the Community Infrastructure Levy Regulations 2010 (as amend 2011). The information sheet below outlines some next steps to help with that.

Next steps

Pre-commencement conditions:

If your permission is subject to pre-commencement conditions, planning permission is not first permitted until the last of these conditions is discharged. As per regulation 40 of the CIL regulations you are reminded that buildings that form part of the existing development, whether they are being demolished or form part of the new development, are required to be situated on the relevant land and in lawful use when permission is first permitted. Lawful use for the purposes of CIL is define in Reg. 40(10) as: a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

Assume Liability:

An Interested party (Developer, Land Owner or Tenant with a lease of at least 7 years) is required to assume liability to pay the Levy due. It is the responsibility of the interested party to submit a Form 1: Assumption of Liability form to the Local Authority before development is commenced. If an assumption of liability is not received before commencement the liability defaults to the landowner(s) and a surcharge will be applied to any levy due. On receiving the assumption of liability the local authority will issue a Liability Notice setting out the amount of levy due. The liability will also be entered as a financial charge on the Local Land Register. Further information on "Assuming Liability" and transferring liability can be found on <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Relief and Exemptions:

If you have not already submitted a Form 2: Claiming Exemption or Relief, this needs to be submitted before commencement of development, relief can be claimed for Social Housing or where development is for use by a charity purposes. Further information on reliefs and exemptions can be found at: <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurerelief/>

Commencement:

It is the responsibility of the liable party to inform the Local Authority when development is due to commence by submitting Form 6: Commencement Notice. Once a Commencement Notice is received the Local Authority will issue a Demand Notice requiring the payment of the Levy due.

Payment:

The Liable party will have 60 days in which to pay the Levy from the date of the commencement of development. Currently neither the London Borough of Bromley nor the Mayor of London has an instalment payment policy therefore the full amount will be due to be paid within those 60 days. Surcharges maybe added to the Levy if a Commencement Notice is not received before development starts or if payment is late.

Surcharges:

The Local Authority has the right to add surcharges to the Levy amount due if the liable party fails to comply with the CIL Regulation. It is therefore in your interest to submit the required forms and information in a timely fashion.

Further information on Community infrastructure Levy Regulations and the process involve can be found on: <http://www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy/>

A very useful document Community Infrastructure Levy: collection and enforcement – Information, which explains process and expectation on both the applicant and the local authority, can be found at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1995794.pdf>

Forms:

All the forms that need to be submitted during the CIL processes can be found at: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>