

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

Application No : 14/02141/FULL1

Ward:
Kelsey And Eden Park

Address : Land Rear Of 107 To 111 Monks
Orchard Road Beckenham

OS Grid Ref: E: 537461 N: 166597

Applicant : Avakas Developments Ltd

Objections : YES

Description of Development:

Erection of 3 storey (third floor in roofspace) detached block comprising 7 x 2-bedroom flats and 1 x 3 bedroom flat; associated car parking, refuse store, bicycle store, landscaping and boundary enclosures.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
Flood Zone 2
London City Airport Safeguarding
Local Distributor Roads
Sites of Interest for Nat. Conservation

Urban Open Space

Proposal

This application proposes the erection of a three storey detached block comprising one x 3-bedroom flat and seven x 2 bedroom flats, with associated car parking, refuse store, bicycle store and boundary enclosures. Trees and landscaping are indicated to be subject to Local Authority in the event of a planning permission.

Location

The site is located to the east side of Monks Orchard Road and to the north of Eresby Drive. It is situated to the rear of Nos. 107-111 Monks Orchard Road with the site accessed between Nos. 107 and 109. Residential is located to the north, south and west of the site and to the east is High Broom Wood which is designated Urban Open Space and a Site of Interest for Nature Conservation. The site is within a Flood Zone 2.

Comments from Local Residents

Nearby neighbours were notified of the proposal and representations received can be summarised as follows:

- not against development but this application is overdevelopment
- noise and disturbance
- unauthorised felling of protected tree
- destruction of badgers sett
- land levels have been raised
- due to raising of levels the impact of the building will be greater
- drainage
- impact on lighting
- impact on privacy/overlooking
- impact on already busy road
- discrepancy between description and number of bedrooms to each flat

Comments from Consultees

With regard to the Environment Agency, the site lies partially within Flood Zone 2 (medium risk flood zone) and within 20 metres of the River Beck. The proposal is therefore considered to be low risk and the Council are referred to the Flood Risk Standing Advice.

On the basis of the information provided no objections are raised by Thames Water in respect of the sewerage infrastructure, surface water drainage or water infrastructure. Conditions and Informatives are suggested in the event of a planning permission.

Conditions in respect of drainage are suggested in the event of a planning permission.

Highways considerations note that the site is located in an area with a low PTAL rate of 2. It is noted that the car parking spaces are accessed from Monks Orchard Road via an existing vehicular crossover by the way of a service road 4.10m wide. This is considered to be satisfactory. The eight parking spaces provided to the rear are considered satisfactory. Nine cycle spaces are required. It is noted that the refuse store is set too far from the highway and refuse collection arrangements would need to be agreed with Street Services. Conditions are suggested in the event of a planning permission.

Planning Considerations

The application falls to be determined in accordance with the NPPF, the London Plan and the following policies of Bromley's Unitary Development Plan:

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and design

H9 Side Space
NE7 Development and Trees
T3 Parking
T7 Cyclists
T18 Road Safety

Supplementary Planning Guidance (SPG) 1 General Design Principles
Supplementary Planning Guidance (SPG) 2 Residential Design Guidance

Planning History

There is an extensive planning history relating to this site, summarised below:

Ref. 02/03675 - consent refused for two storey block and three storey block comprising 8 one bedroom, 6 two bedroom and 10 three bedroom self-contained and shared key worker flats, with 19 car parking spaces, cycle stores and refuse storage facilities, and including vehicular access from Eresby Drive (105, 107 and 109 Monks Orchard Road)

Ref. 03/01798 - permission refused 2 two storey blocks comprising 8 one bedroom, 8 three bedroom and 4 four bedroom self-contained and shared key worker flats with 19 car parking spaces, cycle stores and refuse storage facilities and formation of vehicular access from Eresby Drive (105, 107 and 109 Monks Orchard Road)

Ref. 05/02899 - permission was initially refused but later allowed on appeal for the demolition of Nos. 105, 107 and 109 Monks Orchard Road and the erection of 3 two storey blocks of self-contained and shared key worker accommodation with car parking, cycle and refuse storage. This comprehensive redevelopment scheme comprised 2 two storey blocks on the road frontage and 1 two storey block to the rear of the site adjacent to Eresby Drive.

Planning permission was granted under ref. 10/01926 to extend and sub-divide No.109 into two semi-detached houses. A subsequent permission was granted under ref. 10/03160 to sub-divide one of the semi-detached houses into two flats.

Ref. 10/02576 - permission was refused and subsequently dismissed on appeal for the construction of an additional block to the side of No.109 to provide 3 two bedroom self-contained flats, car parking, refuse store and cycle store.

Ref. 10/03160 - permission was granted for part one/two storey rear extensions with balconies, elevational alterations and conversion into 2 semi-detached houses with residential curtilage and associated parking (amendment to permitted scheme ref. 10/01926 to include increased depth of part one/two storey rear extension along northern flank increased balcony area and the conversion of one semi-detached unit into 2 two bedroom units).

Ref. 10/03175 - an application was refused and later allowed on appeal for a two storey side extension to No.109 Monks Orchard Road to form 1 three bedroom self-contained dwelling with associated parking at the rear and residential curtilage

which is currently being constructed at the site. Permission was subsequently allowed at appeal for use as 3 flats.

Ref. 11/00278 - planning permission was refused and dismissed on appeal for a three storey detached block comprising 4 two bedroom, 2 three bedroom flats with 8 car parking spaces and access road, (Land to the rear of 107 and 109 Monks Orchard Road). The Inspector considered in his conclusions that, given the planning history, the proposal would not have such an effect on the living conditions of neighbours as to cause real harm. However, he considered that the block 'would represent a singular incursion of larger scale built form, a failing not shared in the 'three block' scheme which would have been seen to be a complete, integrated, development rather than the piecemeal now proposed...'. He considered the scheme contrary to policy with regard to quality of housing development and its relationship to its surroundings.

Planning permission was granted in 2011, ref. 11/03450, for the erection of 3 two storey terraced houses (1 x four bedroom and 2 x three bedroom) with accommodation within roofspace with associated car parking and landscaping at land rear of 107 - 109 Monks Orchard Road.

Following this permission an application, ref. 12/03904, for the erection of a 3 storey detached block comprising 1 x 3 bedroom flat and 7 x 2 bedroom flats with associated works was refused:

'The proposed development by reason of its size, bulk, height, prominence and amount of site coverage by buildings and hard surfaces would result in a cramped overdevelopment of the site, out of character with the existing pattern of development thereby contrary to Policies H7 and BE1 of the Unitary Development Plan'.

as was a subsequent, similar application ref. 13/01448, for the following reasons:

The proposed development, by reason of the type and number of units proposed, would be out of character with the pattern of surrounding development, resulting in a cramped overdevelopment and overintensive use of the site and would therefore be contrary to Policy H7 and BE1 of the Unitary Development Plan.

The proposal would be detrimental to the amenities of nearby residential properties by reason of excessive noise, disturbance and car fumes created by the development and associated access road, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposed development would provide an inadequate standard of accommodation for future occupants by reason of inadequate ventilation, light and outlook, contrary to Policies BE1 and H7 of the Unitary Development Plan.

Applications refs. 12/03904 and 13/01448 were both dismissed at appeal; reference to the appeal decisions is made below - 12/03094 is referenced Appeal A and 13/01448 is referenced Appeal B (as per the Planning Inspector's referral).

Conclusions

In the light of the appeal decision the main issues for consideration are the effect on the amenity of occupiers of neighbouring buildings and those of future occupants and whether this application has sufficiently addressed the previous grounds of refusal so as to merit a planning permission.

The most recent appeal decision in relation to application refs. 12/03904 and 13/01448 is relevant to the consideration of the current scheme. The Inspector noted that the proposed schemes would be consistent with the density requirements set out in the London Plan 2011 and that the proposed block of flats in Appeal B (planning ref. 13/01448) would be very similar in scale and mass to the approved scheme for the three houses and would not cause harm to the character and appearance of the area. In respect of the current application it is noted the proposal is marginally larger with the overall height at 9.10m as opposed to 8.8m for that submitted under ref. 13/01448 (Appeal B).

Although the Inspector found that the proposal would not cause harm to the character and appearance of the area they did find that the proposed scheme would cause harm to the living conditions of the occupiers of No. 105 which was sufficient to dismiss the appeal. The Inspector opined that the particular layout in that scheme, '... the combination of additional parking and manoeuvring close to the boundary with No. 105, with the expected level of use of the communal garden area in the north part of the site, would result in an increased amount of activity here, above that generated by the scheme for three houses. This in turn would lead to an unacceptable increase in noise and disturbance that would result in a material reduction in the ability of the occupiers of No. 105 to enjoy the use of their garden in a way that would be reasonably expected...'.

Within the current scheme four parking spaces and refuse store are proposed to the northern boundary, with No.105, with the garden area to the east of the parking allocation now allocated as a private garden area to Unit 1. Units 1, 2 and 3 each have allocated private garden areas and units 4, 5, 6, 7, and 8 have balcony areas. Compared to the previous proposal this scheme now offers a reduced shared amenity area located away from No105 and adjacent to the south west corner of the site. The shared area will be adjacent to the proposed parking and turning areas of the development and to the rear of gardens 107a,109 and 111 Monks Orchard Road, a corner of the rear garden of 113 Monks Orchard Road and to the front garden of 88 Eresby Drive and along the turning area for the end of the cul-de-sac.

It is for careful consideration as to whether the amendments have sufficiently addressed the Inspectors concerns in respect of the harm caused by the proposal to the living conditions of adjacent occupiers at No. 105. Four parking spaces remain to the north boundary along with the proposed refuse area. A very narrow buffer zone is indicated to the parking /refuse area. Bearing in mind the layout

approved under planning permission ref. 11/03450 (for the three houses) and given that private garden area is now proposed to Unit 1 along the remainder of this boundary, the revisions to the layout may be considered to address the concerns in respect of the combined additional parking and manoeuvring and expected level of use of the communal area and impact on neighbouring amenity at No. 105.

The impact of the re-siting of the shared amenity space is also for careful consideration. Under the previous scheme units 1, 4, and 6 had no private amenity space and unit 5 had a small balcony area. This scheme proposes private garden space to units 1, 2 and 3 and the internal layout of the proposed units has been amended to include balconies allowing access to private amenity space for proposed units 4, 5, 6, 7 and 8. The units will also have access to the proposed shared amenity space.

It is for Members to consider if the move of concentration of activity to the south west area of the site and the reduced shared amenity area will result in a satisfactory living environment for current and future occupiers.

Given the proposed private amenity areas to each unit and that the shared amenity space will abut mostly the rear boundaries (rather than side boundaries) of gardens facing onto Monks Orchard Road Members may consider, on balance, that the scheme now proposed is acceptable.

In the event of a planning permission it should be noted that the development will be CIL (Community Infrastructure Levy) liable.

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

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 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. No loose materials shall be used for surfacing of the parking and turning area 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.
ACA04R Reason A04
- 3 ACC01 Satisfactory materials (ext'nl surfaces)

	ACC01R	Reason C01
4	ACB10	Trees - details of protective fencing
	ACB10R	Reason B10
5	ACB11	Trees - Details of trenches etc.
	ACB11R	Reason B11
6	ACB19	Trees - App'ment of Arboricultural Super
	ACB19R	Reason B19
7	ACH03	Satisfactory parking - full application
	ACH03R	Reason H03
8	ACH04	Size of parking bays/garages
	ACH04R	Reason H04
9	ACH16	Hardstanding for wash-down facilities
	ACH16R	Reason H16
10	ACH18	Refuse storage - no details submitted
	ACH18R	Reason H18
11	ACH22	Bicycle Parking
	ACH22R	Reason H22
12	ACH29	Construction Management Plan
	ACH29R	Reason H29
13	ACH32	Highway Drainage
	ADH32R	Reason H32
14	ACK01	Compliance with submitted plan
	ACK05R	K05 reason
15	ACK05	Slab levels - no details submitted
	ACK05R	K05 reason
16	Before any part of the development hereby permitted is first occupied certification must be provided to the Council in writing that lighting of the access/car parking is in accordance with BS 5489-1:2003 and that such lighting will be maintained permanently thereafter.	
	ACH23R	Reason H23

INFORMATIVE(S)

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

- 2 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

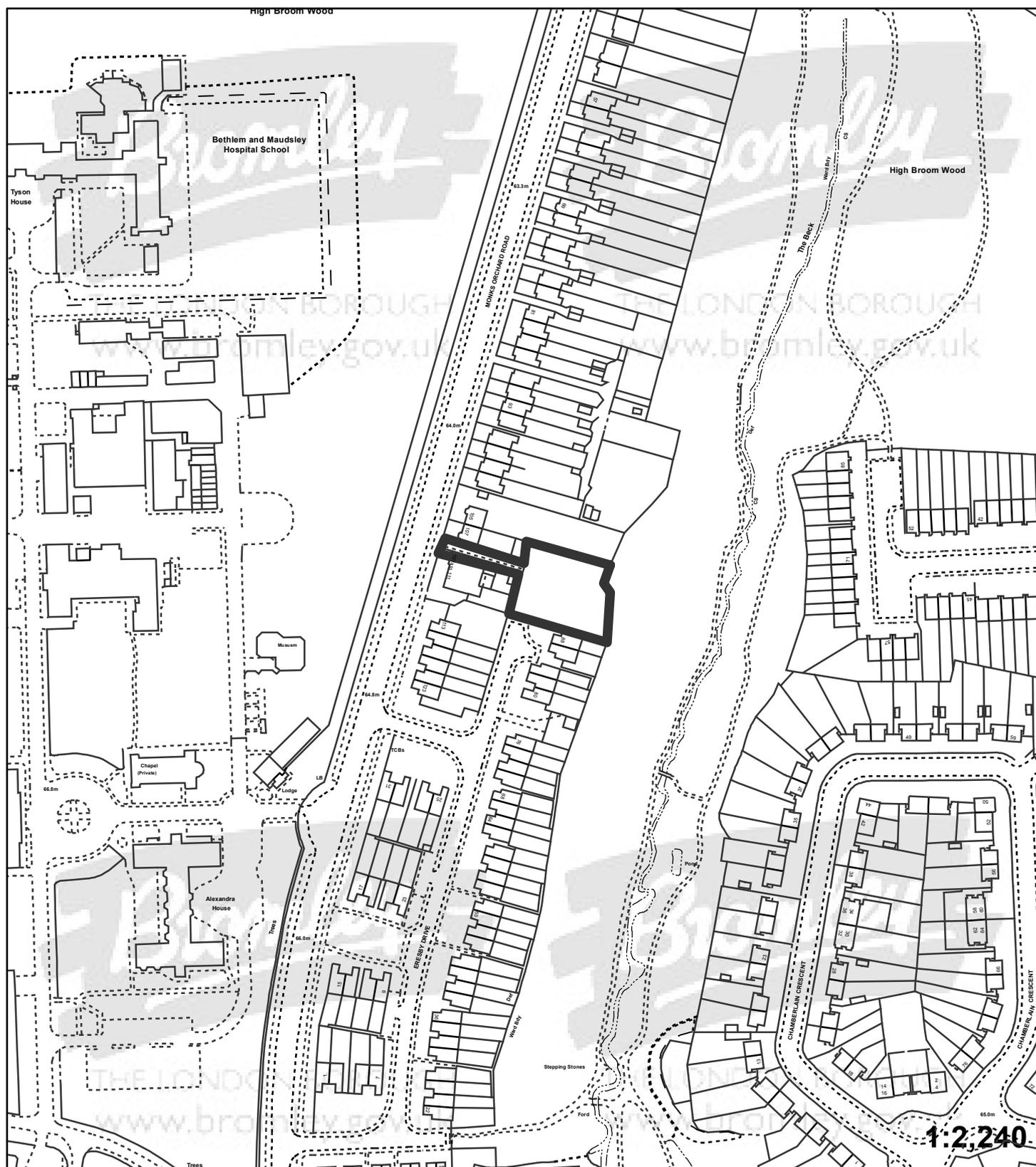
notice to prohibit further development on the site and/or take action to recover the debt.

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

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

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