

SECTION '2' – Applications meriting special consideration

**Application No :** 12/02162/FULL1

**Ward:**  
**Bromley Common And  
Keston**

**Address :** Land At Westerham Road Entrance To  
Forest Drive Keston

**OS Grid Ref:** E: 542079 N: 164534

**Applicant :** Keston Park (1975) Ltd

**Objections : YES**

**Description of Development:**

Entrance gates and columns (max height 2.275m) to Forest Drive (at junction with Westerham Road)

Key designations:

Conservation Area: Keston Park  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding

**Proposal**

The proposal is for the five columns (with a height of 2.27m) between which two pedestrian and two vehicular gates (3.33m in width) are proposed to be constructed. The vehicular gate to the north would provide access to the estate with the gate to the south for egress. The gates are proposed to be kept shut with electronically controlled access via a keypad/fob operating system. The gates are proposed to be wrought iron set between stone columns which would replace a timber post and gate which is manually operated and according to the Design and Access Statement is periodically locked to prevent through traffic.

On the 21st July 2012 revised plans were received which removed the central island and resulted in the relocation of the concierge panel to the pillars adjoining the footpath. On the 17th September 2012 confirmation was received that the applicant wished to revert to the original proposal with central island containing concierge panel, as such the application shall be determined on the basis of the Drawing No. KPRA-604-PD-01 received on 4th July 2012. On 21st July 2012 additional information was received to indicate the swept paths for vehicles entering Forest Drive including that for a 10m vehicle. These swept paths did not include illustrations for a 10.3m vehicle (the size of a refuse collection unit) and as such further plans were submitted on 17th September which demonstrated the swept paths as requested.

The Design and Access Statement states the gates are required due to the high volume of through traffic when surrounding roads from Croydon Road/Locksbottom to Westerham Road (in order to avoid traffic lights at Keston Mark) are congested and to improve security for residents.

## **Location**

The proposed entrance gates and columns would according to the accompanying Design and Access Statement be set back approximately 13.6m from the junction with Westerham Road within Keston Park Conservation Area. The Keston Park Conservation Area is comprised of mainly inter-war detached houses produced by developers within the Arts and Crafts or Garden City movements set on large plots within a mature sylvan landscape.

## **Comments from Local Residents**

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

- concerns from No. 1 Forest Drive that will no longer be able to exit their property via entrance closest to Westerham Road due to raised island for control keypad.
- concerns that pedestrians will walk onto No. 1 Forest Drive to bypass the electric gate as garden wall of No. 1 adjacent to proposed pedestrian entrance is less the 0.5m high.
- no details have been proposed in relation to lighting which could affect No. 1.
- residents will suffer light nuisance from intense lighting equipment required to permanently illuminate gates to enable traffic to see automated gates and security cameras which are an insurance requirement.
- concerns no plans have been provided showing measurements of gates, pillars and control panel in relation to driveway of No. 1.
- once gates have been installed parking for visitors will be restricted outside adjoining properties as this would restrict entry/exit of traffic into/out of Keston Park.
- concerns in relation noise and disturbance due to gates opening and closing 24 hours a day.
- nuisance and loss of amenity for residents adjacent to entrance and proposed gates which will be opening up to 200 times per day according to recent traffic survey.
- application fails to mention loud intercom system required to provide means for non-resident traffic (approximately 50% of all traffic) to exit through automated gates.
- one resident will lose ability to turn from drive and exit through gates in one movement.
- entrance provides widest access for 2.8m wide HGVs and wider articulated lorries and is preferred route in and out of Keston Park. Halving the width from 8m to 3m will prevent large vehicles from entering in one sweep. Busy

Westerham Road will be dangerously affected by HGVs and lorries reversing into the road in order to attempt straight entry.

- there are currently approximately 40 active construction projects in Keston Park requiring regular deliveries from large HGVs on a daily basis.
- if permitted large vehicle traffic will be required to enter at next widest point Croydon Road/Forest Ridge concealed entrance which is recognised as a dangerous blackspot.

Any further representations received shall be reported verbally.

### **Comments from Consultees**

The Advisory Panel for Conservation Areas object to the proposal which is not in keeping with the Arcadian nature of the estate, contrary to Policy BE1 paragraph 1.1 and Policy BE11 of the Unitary Development Plan.

From a Heritage and Urban Design perspective it is considered that these gates are inconsistent with the Arcadian character of Keston Park. It is recommended that a less ornate painted timber gate would be suitable for this location. In the accompanying Design and Access Statement makes reference to the proposed gates being similar in appearance to that at the entrance at Holwood Park Avenue. This entrance is one of the original entrances to the Holwood estate and therefore is different in character to later entrances such as Forest Drive which were created in the 1930s. Therefore it would be more historically accurate for the entrance at Forest Drive to take its design from this later phase of development, which was very much in the Arcadian Arts and Crafts style.

No comments have been raised from the Council's Waste Advisors.

The Council's Highways Division have been consulted who state the proposal is to replace the existing barrier with a pair of remotely controlled gates. The proposed gates are set on the same line as the previous barrier. Each vehicular gate is about 3.5m wide with separate pedestrian gates. There is a central island on which is a key pad and intercom.

Swept paths of various size vehicles were provided with the application. These show that that, due to the kerb radius, larger vehicles have to swing across the carriageway of Westerham Road in order to be able to make the turn through the gates in one movement which will still be tight. If vehicles do not make this movement then they will have to reverse and manoeuvre within Forest Drive in order to line up with the entrance gate. There is 10m between the new central island in Forest Drive and the carriageway of Westerham Road so vehicles of this length or longer will protrude into the carriageway.

Westerham Road is a classified road, part of the A233, and a London Distribution Route. This section of road has a 40mph speed limit. Either lorries crossing over to the opposite side of the road or reversing back out while manoeuvring will cause a road safety hazard. It will also block the footway in Westerham Road. Given that the full width of Forest Drive is available at present this is introducing a problem that is not there at present.

No indication of the likely number of such vehicles using the entrance has been given. Any control of delivery vehicles would need the participation of all residents and delivery companies.

Based on these circumstances, the proposal is introducing a road safety hazard on a busy classified road and as such from a highways perspective it is suggested this is contrary to policy T18 of the UDP 2006.

Any further comments from consultees shall be reported verbally.

## **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  
BE11 Conservation Areas  
T14 Unadopted Highways  
T18 Road Safety  
Supplementary Planning 1 General Design Principles  
Supplementary Planning Guidance for Keston Park Conservation Area

The London Plan and National Planning Policy Framework are also a key consideration in the determination of this application.

## **Planning History**

In 2009 under planning ref. 09/01663, permission was granted for entrance columns to entrances in Ninhams Wood, Longdon Wood and Forest Drive (Keston Park).

In 2012 under planning ref. 12/00426, was submitted entrance columns and gates to Keston Park entrances in Ninhams Wood, Longdon Wood, Holwood Park and Forest Drive (facing both Keston Road and Croydon Road) which was subsequently withdrawn.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Policy BE7 of the Unitary Development Plan would be a key consideration in the determination of this application, it states:

The Council will:

- (i) seek to ensure the retention of railings, walls, plantings and hedgerows of native species and other means of enclosure where they form an important feature of the streetscape; and
- (ii) resist the construction or erection of high or inappropriate enclosures where such boundary enclosures would erode the open nature of the area, or would adversely impact on local townscape character.

In 2009 under planning ref. 09/01663, permission was granted for the erection of entrance columns (to a height of 2.5m) which included the entrance to Forest Drive. Effectively it may be considered that the principle of constructing entrance columns at this location has been established. On balance, it is not considered that the construction of an additional central entrance column and gates at this location would significantly erode the open character of the Keston Park Conservation Area.

Concerns have been raised by APCA and from a heritage perspective in relation to the proposed design of the gates and columns being Victorian in appearance in contrast to the Arts and Crafts character of the area. While wooden gates may be most appropriate in this instance it is not considered that the wrought iron gates proposed would be sufficiently detrimental to the visual amenities or character of the Keston Park Conservation Area to such an extent as to warrant refusal.

The applicant has raised the issue that were the gates to be reduced in height by approximately 0.27m to a height of 2m that planning permission may not be required as the proposal would constitute permitted development. Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), Class A, states that the following is permitted development:

- A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

A.1 states that development is not permitted by Class A if –

- (a) the height of any gate, fence, wall or other means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would after the carrying out of the development exceed one metre above ground level in height; and
- (b) the height of any other gate, fence, wall or other means of enclosure erected or constructed would exceed two metres above ground level.

The applicant contends that given Forest Drive is a private road and does not front a public highway the height limit of 2m as opposed to 1m is applicable in this instance. While the only way of formally determining whether or not planning permission would be required for a 2m high gate and entrance columns would be by way of a Certificate of Lawfulness, an Appeal Decision (APP/G1580/C/08/2076403) at No. 28 Camden Park Road against an enforcement notice issued by the London Borough of Bromley for a front boundary wall, railings and gates above 1m and below 2m in height is of interest.

In this case the Planning Inspector found that given Camden Park Road is an unadopted highway with public right between the gates at the western end of road and those at the eastern end being by foot only with the gates preventing the public in vehicular traffic passing or repassing as of right that there was no restriction for boundary enclosures to be less than 1m in height at this location, with the result that the Planning Inspector quashed the enforcement notice. Therefore, Members are asked to consider whether the impact of the current proposal for entrance column and gates to a height of 2.25m would be excessively detrimental to vehicular and pedestrian safety and to the character of the area to such an extent as to warrant refusal given that such a proposal with a height of 2m may constitute permitted development.

In terms of the impacts on residential amenity the proposal will revert back to the original plan which proposes to locate the concierge panel on a central island. The now superseded scheme with concierge panel located to the left of vehicles entering/exiting the site would have required drivers to exit their vehicle to reach the panel which would have increased noise and disturbance for adjoining properties, contrary to Policy BE1 (v). The current proposal with central island is not anticipated to result in a significant loss of amenity for neighbouring properties particularly given the front elevations of Nos. 1 and 4 Forest Drive would be located approximately 13m distance from the gates. No information has been supplied in relation to the lighting at the gate, however, were permission to be granted a condition could be attached requiring the submission of means and level of lighting to the Local Planning Authority for approval prior to construction to ensure this does not adversely affect the residential amenities of neighbouring properties.

Concerns have been raised that were the proposal to be permitted parking would be restricted for visitors along Forest Drive, there is however, sufficient space for the parking of a number of vehicles on the forecourts of Nos. 1 and 4 Forest Drive at present with both properties having double garages on their front elevations and as such it is not considered planning permission could be refused solely on this basis.

The technical highways issues have been raised above and Members are asked to consider whether these would be sufficiently detrimental to vehicular and pedestrian safety to such an extent as to warrant refusal.

Having had regard to the above it was considered that the development in the manner proposed is not acceptable in that it would result in a loss of amenity to local residents or impact detrimentally upon the character of the Conservation Area. While permission has been recommended from a planning perspective Members are requested to consider the potential impact of the proposal on highway safety in the area.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02162 and 12/00426,, excluding exempt information.

As amended by documents received on 21.07.12 and 17.09.12

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
ACA01R      A01 Reason 3 years

- 2      ACK01      Compliance with submitted plan

**Reason:** In the interests of the residential amenities of the adjoining properties and the visual amenities of the area, in line with Policies BE1 and BE11 of the Unitary Development Plan.

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

**Reason:** In order to comply with Policy BE11 of the Unitary Development Plan and in the interest of the visual amenities of the Conservation Area.

- 4      Should lighting be provided, details of the method of lighting including level of luminance for the hereby permitted entrance gates and columns shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

**Reason:** In the interests of the residential amenities of the adjoining properties, in line with Policy BE1 of the Unitary Development Plan.

### **Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development  
BE7 Railings, Boundary Walls and Other Means of Enclosure  
BE11 Conservation Areas  
T14 Unadopted Highways  
T18 Road Safety  
Supplementary Planning 1 General Design Principles  
Supplementary Planning Guidance for Keston Park Conservation Area

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding Conservation Area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the implications on highways safety.

and having regard to all other matters raised.

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