

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

Update

This application was previously deferred without prejudice from Plans Sub Committee 1 on 25th October 2012 for Members to undertake a site visit on 3rd November 2012. Following this additional information was provided on 19th November 2012 which provided swept paths for the existing entrance and that with the proposed gates in situ. In response to this additional information the Council's Highways Division state having examined the swept paths with and without the gates shown on drawings 29719 C.01 rev A and rev B, there does appear to be a difference between the paths taken between the 2 larger vehicles shown. The drawings show they have to make a more pronounced turn to the opposite side of the roads with the gates in place.

In addition, the agent has confirmed that in the event of loss of power the gates will have an automatic default open position. The agent has also confirmed the road is being widened on both the approaches to the gates and where the gates are located to improved the space for manoeuvring through the gates. It is also stated that the range of a 'zapper' being used to open the gates would enable the gates to open before the vehicle has reached the gates, thus reducing the possibility of queuing at the gates. If a resident has forgotten their 'zapper', they would be required to use the alternative Keston Park accesses. The agent also raised the issue of providing signage within Westerham Road to warn that there is a gated entrance in to the Park, similar to that at the entrance into Farnbough Park along

the A21. In relation to this the Council's Highways Division state If the application is approved then signing may assist in preventing drivers making the turn who cannot get through the gates. It is considered that once such drivers are aware of the gates they would not attempt the turn so perhaps temporary signing may be appropriate.

Issues were raised in relation to the safety and access arrangements for No. 1 Forest Drive with an addition plan provided on 5th December 2012 demonstrating access arrangements from the proposed entrance gate to No. 1. However, from a highways perspective this is a matter of agreement between them and the management company given the unadopted status of the road.

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 than 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 to 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.
- letters of support were received from Nos. 4, 5 and 6 which state the proposal would enhance the appearance of the entrance into the Park and will stop casual through traffic currently experienced.

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.

The Council's Waste Advisors state the overall width of refuse vehicles is 2.55m (3.55m including mirrors). There must be extra clearance to allow for this. Also access is required without the use of keys or fobs and no code preferably.

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. Members are however, requested to consider whether the highways issues raised above would be sufficiently detrimental to vehicular safety to such an extent as to warrant refusal.

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 21.07.2012 17.09.2012 19.11.12 and 05.12.12

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:

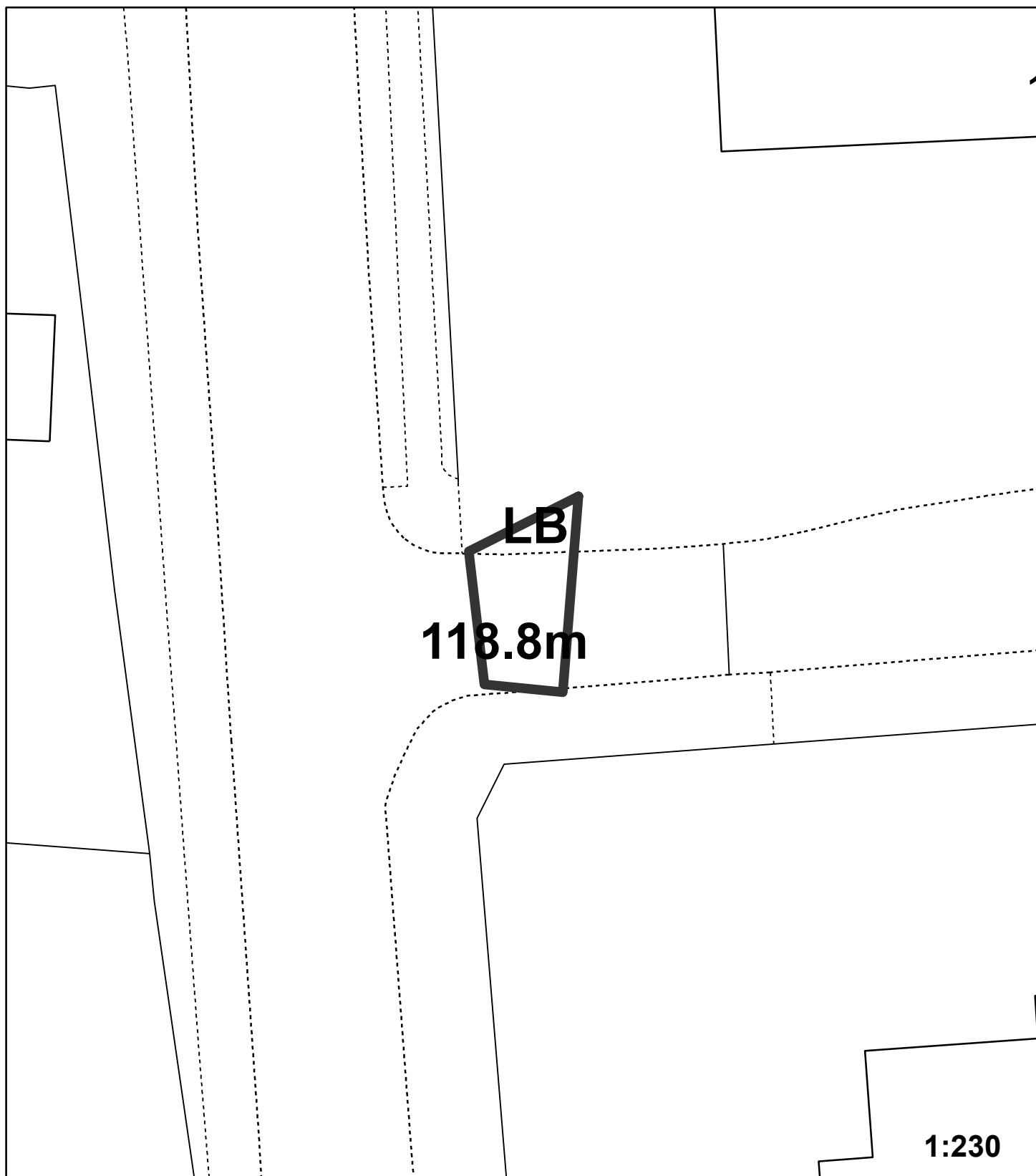
- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding Conservation Area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the implications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

and having regard to all other matters raised.

Application:12/02162/FULL1

Address: Land At Westerham Road Entrance To Forest Drive Keston

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



"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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