

SECTION '2' – Applications meriting special consideration

Application No : 16/03549/FULL1

Ward:
Shortlands

Address : 9 Rosemere Place Shortlands Bromley
BR2 0AS

OS Grid Ref: E: 539237 N: 168249

Applicant : Mr M Tawanaee

Objections : YES

Description of Development:

Provision of Communal Entrance Gates and Lighting Bollards into Private Road (Rosemere Place)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

UPDATE - The application was initially reported Plans Sub Committee 3 on the 17th November 2016, and was deferred without prejudice to seek a relocation of the proposed entrance gates and the removal of a lighting bollard adjacent to Kingswood Avenue. A revised scheme has now been submitted by documents received on the 12th December 2016. The entrance gates are now located 22m back from the junction with Kingswood Avenue (Originally 12m). One lighting bollard, which was originally proposed to the front of Rosemere Place and immediately adjacent to Kingswood Avenue has now been removed.

The proposed communal entrance gates would therefore consist of metal railings with a maximum height 2.3m and 1.9m to the top of the pillars. The applicant has confirmed that the gates will be controlled by automatic sensor. The application also proposes the installation of 3 additional lighting bollards measuring 775mm in height.

Location

The application relates to a private close. The site is accessed via Kingswood Avenue and the surrounding area is residential in character. Rosemere place comprises 9 detached dwellings and the entrance is set between No 44 and No 40 Kingswood Avenue. There is existing landscaping along each side of Rosemere place. There are also a number of existing lighting columns sporadically located along the road.

Consultations

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

- o Look and nature of the gates and their inappropriateness in the setting of Kingswood Avenue. The idea that gates are needed is of itself detrimental to the rest of the street.
- o Out of context in the setting of Kingswood Avenue. No similar gates in the street
- o The gates appear very large and the mock Victorian style is not in keeping the street
- o The additional lighting would make Kingswood Avenue oddly bright relative to Kingswood Avenue.
- o The gates not only create a physical barrier but have a detrimental impact by implying it is somehow safer within Rosemere Place and the gates are necessary.
- o Reason for the gates are not stated but assume it relates to reduced crime, traffic, parking or an effort to increase house prices.
- o Any crime benefits from gates estates are debateable and often offset by the difficulty for emergency access. More about false perception of crime in a low crime area. The gates are harmful because they increase that false perception by implying that fortifying the street is necessary.
- o As it is a cul-de-sac it is difficult to see how traffic would change. Cars are rarely ever parked on the access road so this is not a problem.
- o Kingswood Avenue is low crime, low traffic. It is not clear what benefits would accrue to the residents of Rosemere place to justify this ugly, inappropriate and divisive fortification.
- o Looking onto steel gates rather than a residential close.
- o Destruction of part of the landscaping and additional lighting is a significant loss of amenity for neighbours
- o Inadequate submission and lack of information about size and design or associated brick piers. The planning department cannot make a proper assessment on the impact without this information.
- o Gates were part of the original submission for the development but were dropped following discussions with residents.
- o No rationale for gates or lighting
- o The application included landscaping conditions and the gates would involve major changes to visual aspect of the close.
- o Would appear incongruous
- o Light shining into neighbouring properties
- o Noise and disturbance from gates, electric motors, noise from opening/closing, idling vehicles. Kingswood Avenue is quite, especially at night.
- o No indication about sensors and who could enter such a delivery vehicles
- o Headlights shining into neighbouring properties opposite, would be made worse due to vehicles waiting for gates to open.
- o Increased parking pressures for Kingswood Avenue
- o Congestion hazard, particularly in the mornings and afternoons when parents park in Kingswood Avenue

- o Object in principle to privatisation of the street
- o Gates could be used to climb over boundary fence and access neighbouring gardens and windows
- o No information about the pedestrian gates
- o Error in the planning application form, section 15 trees and hedges. The landscaping will be tampered with and were part of the appeal conditions.
- o Previous applications include rumble strip. The inspector of the agreed with the rumble strip but did not condition the gates

Comments on the revised plans:

- o None of the points raised in previous objections have been addressed.
- o Moving the gates back a mere 10m and will hardly affect the street scene, does not address points raised at committee.
- o Understand the applicant is no longer claiming the needs for gates a security measure. It is now claiming the gates cannot be moved further back because trespassers have been loitering on the roadside with Rosemere Place. This is intimidating and caused concern for residents. The trespasser allegation is weak and moving the gates back will not reduce security. There is an active Neighbourhood watch group in Kingswood Avenue and the alleged behaviour would not have passed unnoticed. There has been work in the Rosemere Place over the summer and the alleged loiterers could have been workmen.
- o Citing of the gates would breach Condition 2 of the original planning consent.
- o The gates would not enhance security and no justification has been put forward for their provision such as to justify their deleterious impact on the pleasant streetscene.
- o Would set a planning precedent
- o The revised scheme does not preserve the streetscene and does not alter outlook, which would still be of steel gates rather than a residential close.
- o Destruction of landscaping would be very apparent in Kingswood Avenue
- o Locating the gates 40-45m back would mitigate our concerns about the size and design of the gates. Any modifications to the landscaping would also be less prominent. This may be more expensive but this is not a sufficient reason to fail to address legitimate concerns.
- o Noise and disturbance. Should be quiet closing and unauthorised vehicles such as refuse and delivery vehicles should have automatic access. If they don't open to these vehicles and visitors it will cause additional parking demand.
- o Location would enable people to climb over into neighbouring gates at 40 Kingswood Avenue.
- o Whilst the road does narrow near No 1, there is still plenty of width until about 45m from the boundary line with Kingswood Avenue. Siting the gates here would improve the streetscene and demonstrate the houses and gates are one community. Children would also be less vulnerable to moving cars.
- o Water seeping from Kingswood Glen and need for improved drainage.

Highways Officer (Revised Comments) - No objections to the revised scheme.

Highways (Original comments) - Rosemere Place is a private road. The gates are proposed to be set back 12.0m from the highway boundary and this would be sufficient for cars and delivery vehicles to wait clear of the highway whilst the gates open. There should thus be no issue with respect to free flow of traffic or conditions of safety in the highway.

It is not clear exactly how the gates would operate, especially in respect of visitor's/delivery vehicles e.g. refuse collection, and the applicant should be requested to provide details. Waste Services views on this should be sought.

Subject to the satisfactory conclusion of the above issue please apply the following to any permission

H29 (Construction Management Plan)

Waste Services - The gates should not be a problem as long as they are a minimum of 4.1m width and have access for collection; be it with key pad or sensor. If a sensor, or pressure pad - then it needs to be suitable for a large Refuse Collection Vehicle (RCV) as there is an overhang on the cab which may not trip the sensor effectively.

As long as we have the width and access, then there would be no objections

Environmental Health - No objections with regards to noise. However there doesn't appear to be any specifications and impact noise could be problematic, to avoid this you could place a condition requiring soft closers on the gates.

I assume that the design of the lighting columns have the led fitting in the roof of the column, so as to minimise the upward spread of light, near to or above the horizontal. If this is the case then the design and illuminance level is acceptable as opposed to an unshielded light source.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
H8 Residential Extensions

SPG 1 General Design Principles
SPG 2 Residential Design Guidance

Planning History

05/02817/FULL1 Demolition of No. 42 Kingswood Avenue and erection of 3 two/three storey three bedroom terraced houses, 8 two/three storey three/four bedroom semi-detached houses, and 3 two storey four bedroom detached houses (2 with integral garages), with 20 car parking spaces and estate road (at No. 42 Kingswood Avenue and land rear of Nos. 51-63 South Hill Road). Refused 15.12.2005

06/00785/FULL1 Demolition of No. 42 Kingswood Avenue and erection of 5 two/three storey four bedroom detached houses and 3 two/three storey four bedroom semi-detached houses and 3 two storey three bedroom semi-detached houses with integral garages and car parking spaces and estate road at No. 42 Kingswood Avenue and land rear of Nos. 51-63 South Hill Road. Refused 26.04.2006

06/00786/FULL1 Demolition of No. 42 Kingswood Avenue and erection of 9 two/three storey four bedroom detached houses with integral garages and car parking spaces and estate road at No. 42 Kingswood Avenue and land rear of Nos. 51-63 South Hill Road. Refused 26.04.2006

07/02184/FULL1 Demolition of No. 42 Kingswood Avenue and erection of 5 four bedroom detached houses with attached garages and two detached four bedroom houses with detached garage buildings and 2 five bedroom detached houses with attached garage. Plus associated car parking and estate road on land at No. 42 Kingswood Avenue and land rear of Nos. 51-63 South Hill Road. Refused 06.08.2007

The above application was subject to an appeal (appeal ref: APP/G5180/A/07/2054389) which was subsequently allowed on the 10th July 2008. This scheme included a gates to the access road and the inspector considered that 'subject to sensitive treatment of the design of the gates and the implementation of an approved landscaping scheme to its margins, the appearance of the access road with dwellings in the background would not harm the street scene in Kingswood Avenue.'

09/01048/FULL1 Demolition of No. 42 Kingswood Avenue and erection of 3 four bedroom detached houses with integral garage. 1 four bedroom detached house with attached garage. 2 four bedroom detached houses with attached double garage. 1 four bedroom detached house with detached double garage and 2 three bedroom detached houses with integral garages plus associated car parking and estate road on land at No 42 Kingswood Avenue and land rear of Nos 51-63 South Hill Road. Permission 15.07.2009

Relevant conditions:

- (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. 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.

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

11/03798/FULL6 Single storey rear extension. Permission 07.02.2012

13/02270/FULL6 Roof alterations to incorporate side and rear dormer extensions and front porch Refused 09.09.2013

13/04017/FULL6 Roof alterations to incorporate rear dormer extension, roof lights to sides and front porch Permission 31.01.2014

16/03553/FULL6 Conversion of garage into habitable accommodation at No 9 Rosemere Place. Currently pending Consideration.

Conclusions

The main issues relating to the application are the impact of the proposed development on the character and appearance of the streetscene, any harm to neighbouring amenity and the highway impact.

Design

Rosemere Place is a small private road, which leads to a close of 9 detached dwellings. It is located between the residential properties of No 40 and 44 Kingswood Avenue. Rosemere Place is a relatively new development and landscaping has been included along the main access, which softens the appearance of the road within the streetscene. The proposed gates would be located 22m from the main junction with Kingswood Avenue. An area of landscaping along the northern boundary would need to be removed to facilitate the installation of the gates and the proposed new pedestrian entrance. The gates themselves would have a maximum height of 2.3m and would be of metal construction. The design would allow visibility through the railing, which creates a lighter appearance and the overall design is considered of high quality and generally acceptable in this context.

Concerns have been raised about the principle of development and perceptions of safety, together with the fortification of the street. It is noted that Bromley Council has no specific policy which restricts gated communities and there are examples found across the Borough for similar small private developments. The gates would be set well back from the junction with Kingswood Avenue and would not therefore appear overly prominent within the streetscene. It is noted that under planning ref: 07/02184/FULL1, entrance gates were also proposed. The Inspector of that appeal considered that 'subject to sensitive treatment of the design of the gates and the implementation of an approved landscaping scheme to its margins, the appearance of the access road with dwellings in the background would not harm the street scene in Kingswood Avenue.' In this case, a large area of landscaping would still be retained along the southern and northern boundaries of the access road. The existing landscaping treatment would also be retained at the junction with Kingswood Avenue. Whilst the installation of gates would have some impact on the character of the streetscene, this is not considered to be materially harmful. The applicant has previously stated that the gates are proposed for security reasons. Given the above, Members may consider that the proposed gates would not result in undue harm to the character and appearance of the streetscene.

The scheme would also see the installation of 3 additional light columns along the access road. These would replicate the existing examples found along the road and they would have a maximum height of 775mm, which would not appear significantly prominent or incongruous within the streetscene. They include LED fittings within the roof of column and given their height and location Members may consider the proposal would be acceptable.

Neighbouring amenity

Policy BE1 seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

Neighbours have raised concerns about potential noise and disturbance from the proposed gates and from idling vehicles waiting for the gates to open. The gates would be located adjacent to No 40 and 44 Kingswood Avenue Road along the existing access. It is noted that No 40 is located at a slightly lower ground level and the landscaping provides a screen along each of the two boundaries of the access road. However, the location of the gates and their overall size is not considered to be overly intrusive or visually dominant adjacent to these flank elevations.

The access road already has a level of vehicular traffic generated from residents of Rosemere Place and from visitors/deliveries vehicles. A development of 9 dwellings is not considered to be large and, as noted within the 07/02184/FULL1 appeal decision, 'roads often run to the side of dwellings and their gardens resulting in vehicular movements'. The applicant has clarified that the gates would be controlled via a sensor and would open automatically for approaching vehicles. Cars would therefore unlikely sit idling for extended period of times and movements would be transient. It is considered that the noise generated from the gates would not therefore be significantly intrusive and whilst they be used more

frequent at certain times of the day, such as in the mornings and early evenings, this would not be constant. The Inspector of the above appeal did not raise objections to the gates in respect of noise or disturbance, but did raise concerns about a proposed rumble strip. This rumble strip has not been included within the current application and no objections have been received by the Council's Environmental Health Officer with respect to noise. Whilst it is accepted that the gates themselves may generate some noise, this is not considered to be materially harmful, or of a degree that would warrant a refusal. A condition could be imposed requiring the submission of specification details in order to ensure the gates are soft closing and maintained in perpetuity. This would limit any possible source of noise from the gate operation.

Similarly, concerns have been raised about car headlights shining towards neighbouring properties opposite at No 27-29 Kingswood Avenue. It was observed within the 07/02184/FULL1 appeal decision that 'Whilst there would be an access opposite No 27 and No 29 Kingswood Avenue, and so there would be potential for car headlights to shine towards those properties after dark, usually curtains are closed at such times. The effect would be intermittent and unlikely to cause unacceptable harm to the living conditions of the occupiers of these dwellings, which are set behind front gardens'. In relation to the proposed gates, the main impact would still be from cars exiting Rosemere Place and cars travelling towards the gates would not be moving at speed. This is however similar to the existing arrangement, as cars approaching the junction with Kingswood Avenue would also have to move slowly in order to exit Rosemere Place in a safe manner. The gates would therefore unlikely result in disturbance from headlights which is materially worse than the current situation.

The proposal would also include the installation of 3 new lighting bollards. They would have a maximum height of 775mm and would replicate existing examples. One bollard has been removed within the revised scheme and the rest would be set within the access road. It is considered that the low height would not result in significant disturbance to neighbouring properties from light spillage.

Given the above, Members may consider that the proposed gates and lighting would not result in harm to neighbouring residential amenities.

Highways

The Council's highways officer and waste services officer have been consulted and no objections have been received in respect of the highway impact or access for service vehicles. The applicant has clarified that the gates would be controlled by way of a sensor and would open automatically for approaching vehicles. They would not therefore impede delivery and service vehicles. The pedestrian entrance would however be controlled by a keypad. The gates would be set back 22m from the main junction with Kingswood Avenue and would not therefore represent a safety hazard to the main highway. A space of 4.3m would be retained on the access road, which complies with the minimum requirement of refuse vehicles.

Given the above, Members may therefore consider that the proposal would be acceptable in terms of the highway impact.

as amended by documents received on 14.09.2016 20.09.2016 12.12.2016
RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 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 order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 4 The entrance gates hereby approved shall incorporate a 'soft closing' mechanism and full specification details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved details shall be maintained and retained in perpetuity.**

Reason: In the interest of neighbouring residential amenities and in order to comply with Policy BE1 of the Unitary Development Plan (2006).