

Section “4” – Applications recommendation for REFUSAL or DISAPPROVAL OF DETAILS

Application No: 19/02578/TPO

Ward: Biggin Hill

Address: Former 41 Sunningvale Avenue,
Biggin Hill, TN16 3BX

OS Grid Ref: E: 541567 N: 159530

Applicant: Rowan Developers Ltd

Objections: YES

Description of Development:

To facilitate the installation of drainage in accordance with details submitted and approved in order to discharge a planning condition.
SUBJECT TO TPO 1517

Proposal

The application has been made on behalf of Rowan Developers Ltd. Permission is sought to allow the installation of services in accordance with the Engineering Layout (17-169-C01).

The application has been called in for a committee decision.

Location

The application site comprises a plot of land situated on the corner of Sunningvale Avenue and Sunningvale Close. The site was made the subject of the above Tree Preservation Order (TPO) prior to the development of Sunningvale Close. A number of applications relate to the land. The development of Sunningvale Close and Former 41 Sunningvale Avenue were determined at appeal.

The site subject of the TPO remains associated with 49 Sunningvale Avenue, although this address is no longer a residential property.

Consultations

Nearby owners/occupiers were notified of the application and two site notices were displayed at the site frontage. Representations were received which can be summarised as follows:

- The proposed drainage would destroy protected trees and wildlife contained within.
- The further removal of trees would damage an already fragile micro climate.
- A number of trees were illegally felled in a 2 day period. This is a criminal offence carried out at the request of the developer to facilitate the construction of more houses.
- The trees are vital to all, providing oxygen and reducing carbon dioxide.

- “The excavation of 1000s of tonnes of chalk/soil to build the foundations for the houses requiring this drainage - has SUBSTANTIALLY LOOSENED the ground surface, causing the collapse of the pre-existing drains (only 7 years since their construction) and HUGELY INCREASED SURFACE RUN-OFF and LOCALISED FLOODING.”
- The removal of trees would have a significant impact upon local flooding issues.
- A number of trees have been destroyed, died or poisoned.
- No mitigation has been provided.
- Trees bring enormous benefits to the Environment.
- Trees are important for cooling the environment as the climate becomes hotter.
- Trees improve air quality and absorb noise and pollutants.
- “Trees enhance health and well-being, add beauty to the surroundings and they screen ugly buildings.”
- “Skilled engineers can advise on suitable rerouting of drains.”
- “We ask that no further destruction is allowed to take place and that all the felled TPOs are replaced and nurtured.”
- Alternative drainage routes should be investigated and the TPO site preserved no matter what.
- If the developer wants to build on the TPO site, this will reduce the green space.
- “The Hodel drainage drawing 17-169C01 is missing and constructive observation based on fact cannot be made in accordance with planning procedure.”
- A photo submitted shows that there is ample space adjacent to Sunningvale Close to install drainage without impinging on the TPO.
- Further photos are submitted to show the toll on the protected trees.
- “The site is not formerly 41 Sunningvale Avenue and has never been at the road frontage or in the TPO site.”
- The past tree removal at the TPO site is a ploy to clear the site so they can build more properties.

Considerations

Former 41 Sunningvale Avenue is now being developed to provide an extension of Sunningvale Close. The most recent application determined at the site was 17/02081/RECON2. One of the conditions applied related to services. This was approved as the condition requirement was met. The approved details do not extend as far as permitting any necessary tree loss on the neighbouring site, subject of TPO 1517. The developer has therefore submitted this application to enable the services to be installed adjacent to the boundary with 47 Sunningvale Avenue.

The Engineering Layout has been supplied in support of this application. The plan shows a route of services that will link the development site to Sunningvale Avenue. The services will include water, electricity, gas and drainage. Due to standard requirements, two trenches will need to be constructed to allow separation. To prevent

structural failure of the trenches during excavation, the two trenches will need to be over a metre apart.

Officers have assessed the route the services will take and note a number of existing trees that would require felling to accommodate the installation of services. No tree survey information has been supplied in this regard. The most significant trees that will be impacted are the two yew trees situated along the frontage of the site, visible from the front of 47 Sunningvale Avenue.

Conclusion

The proposal has not addressed the tree constraints associated with the installation of services. It is impossible to fully understand the impact on existing trees. Tree survey information would be required to outline tree constraints and provide details on what trees need to be removed to facilitate the proposal. This does not suggest that consent would be gained by providing survey data, but will allow a process of consideration to proposed tree work that may be considered acceptable, regardless of the scheme.

No mitigation efforts have been submitted to offset the prospective impact.

No background on alternative options has been supplied to demonstrate why this option is necessary.

The application has failed to address Council policy and would negate the objectives of the TPO. The proposal and the wider construction zone would ultimately impact the few remaining trees at the site. The application should therefore be opposed.

Members are therefore recommended to refuse the application for the reason stated.

Response to objections

The objections raise a number of valid points. The above conclusion addresses a number of the points made. The statements made about the benefits of trees are agreeable.

The enforcement case related to the site is being dealt with separately. The Council must assess and determine this application on its own merits.

An error with the online documents has been noted and has been resolved. The plan is now available for viewing on the Council website. Any additional comments will be reported to Members at the Committee meeting.

RECOMMENDATION: REFUSAL

For the following reason:

- 1. The application has failed to address the tree constraints, investigate alternative solutions and demonstrate mitigation. The application is contrary to Policies 73, 74 of the Bromley Local Plan (adopted January 2019) and Policy 7.21 of The London Plan (adopted March 2016).**

INFORMATIVE

- . You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.