

Agenda Item: 6.10

06/01366/P

05/04/2006

Kenley

Application for full planning permission

Agent:

Andrew Williams

Lennon Planning

Uk House

82 Heath Road

Twickenham Middlesex

TW1 4BW

Applicant:

Anwick Homes

Location: Land R/O 1-17 Roke Road, 2-3 Oaklands Gardens, Kenley, CR8

Description: Erection of two storey building comprising 2 two bedroom flats and 2 one bedroom flats; formation of vehicular access and provision of associated parking

Drawing No(s): MDL-2113-1B; MDL-2113-2B; topographical survey; 6274/01; 6274/02

Recommendation: **Grant Permission**

Subject to the following condition(s) and reason(s):-

1. Unless otherwise previously agreed by the Local Planning Authority in writing the following shall be provided as specified in the application before any part of the development is occupied and those in Section A shall also be retained for so long as the development remains in existence.

Section A

(1) car and bicycle parking arrangements

(2) vehicular turning area

(3) speed control hump & rumble strip

(4) communal amenity areas

(5) security lighting

Section B

(6) refuse collection facilities

(7) boundary fences

(8) footpaths

Reason: To ensure that an acceptable standard of development is provided and retained having regard to the policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

2. Development shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(1) the foundations of the building,

(2) the construction of the access road, turning area and parking bays, including existing and proposed levels of the road and building,

(3) site huts, storage of materials and spoil.

Reason: To ensure that an acceptable standard of development is

provided and retained and that the retained trees are not damaged by the construction and associated works in accordance with the Policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

3. Prior to the commencement of the development, a soft and hard landscaping scheme to include existing and proposed planting shall be submitted to and approved by the Local Planning Authority; the approved planting shall be provided before any part of the development is occupied or within such longer period or periods as the Local Planning Authority may previously agree in writing and shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided
Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
4. The existing planting specified in the application as being retained shall not be felled, lopped, topped or otherwise removed during the course of development or within five years after completion, without the prior written consent of the Local Planning Authority; any planting which is removed without consent, or dies or is severely damaged or becomes seriously diseased before the end of that period shall be replaced with planting of such size and species as may be agreed with the Local Planning Authority; this condition shall not be construed as overriding the requirements to obtain consent under any Tree Preservation Order or the legislation concerning trees in Conservation Areas
Reason: To ensure that the specified planting enhances the appearance of the development in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
5. No cement, diesel, oil or tar, bitumen or other similar material shall be stored within 10 metres of the trunk of any tree to be retained without the prior written approval of the Local Planning Authority
Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
6. Fencing for the protection of the preserved trees on this site shall be erected in accordance with Plan No. 6274/02 before any materials, equipment or machinery are brought onto the site for the purposes of development, including demolition. The fencing shall be retained in position until the development is complete and nothing shall be placed within the fencing, nor shall any ground levels within be altered, nor shall any excavation within be made without the prior written consent of the Local Planning Authority.
Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
7. The provision of functional services below ground shall follow the line of the existing drain as shown on the submitted site plan and, if within 6m of any tree to be retained, trenches shall be hand dug in accordance with British Standard 5837:2005 (Trees in relation to construction). Written notification of not less than one week shall be provided to the Local Planning Authority prior to the

commencement of hand digging to enable monitoring of these operations.
Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

8. Prior to the commencement of the works to establish hard surfacing, retaining walls and fencing within the Tree Protection Zones around trees shown as retained and as referred to in Condition 4, a method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include:

- (i) the method of construction (i.e. if any excavation will be required)
- (ii) the depth of any excavation and the method of excavation (i.e. by hand or light plant machinery)
- (iii) details of the mitigation measures to be put in place (i.e. geo-web cellular confinement system using non-fines aggregates)
- (iv) a timetable showing each stage of the process

Once approved the works shall be implemented as specified in the method statement.

Reason: To ensure that the trees to be retained are not damaged by the construction and associated works in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

9. No window or glazed door shall be provided in the southern elevation other than as specified in the application

Reason: To protect the privacy of adjoining occupiers in accordance with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) and the Supplementary Planning Guidance Note No.2 on Residential Extensions

10. Before the development is begun a report of historical uses of the site shall be carried out to the approval of the Local Planning Authority, to provide an assessment into the possibility of soil contamination.

If the report indicates the possibility of soil contamination an intrusive site investigation and assessment into the possibility of soil, water and gaseous contamination must be carried out to the approval of the Local Planning Authority. The investigation report shall include a risk assessment and details of remediation if required.

Remedial works which are shown to be required must be approved by the Local Planning Authority before any such works are carried out and completed prior to the occupation of any building. A validation report detailing evidence of all remedial work carried out must be submitted to and approved in writing by the Local Planning Authority at the conclusion of the work and before any occupation of the properties.

The developer shall notify the Local Planning Authority of any on site contamination not initially identified by the site investigation so that an officer of the Council may attend the site and agree any appropriate remedial action.

Reason: To ensure the safe development of potentially contaminated land in accordance with Policy EP3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

11. Details of the acoustic installation to the windows of the development shall be submitted to and approved by the Local Planning Authority in writing and shall be installed as approved before the development is occupied and shall be retained for so long as the development remains in existence.
Reason: To protect the amenities of future occupiers of the building and having regard to Policy EP1 of the Croydon Replacement Unitary Development Plan (the Croydon Plan)
12. The construction of the surface water drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning authority before the development commences.
Reason: To prevent pollution of the water environment.
13. With the exception of roof water drainage, no surface water or other type of drainage should discharge to ground.
Reason: To prevent pollution of controlled waters.
14. Any soakaway must be constructed in natural ground, such that its base is at least 1m above the highest seasonal water table and in any case no deeper than 3m.
Reason: To prevent pollution of groundwater.
15. No development shall take place until a survey and report of the badger sett and its usage by the badger colony, including access routes, has been carried out by a suitably qualified ecologist acceptable to the Local Planning Authority. If the badger sett is found to be active, then the report shall identify elements of the development that would require licensing, ways of protecting the sett and access to it and of preventing undue disturbance to badgers during building works. The report is to be submitted to and approved in writing by the Local Planning Authority before any work takes place that might disturb the sett. Measures recommended in the report to safeguard access routes and foraging areas around the sett shall be implemented prior to the occupation of the building.
Reason: To ensure that the development would not cause demonstrable harm to protected species in accordance with Policies SP8 and NC2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
16. The development shall be begun within three years of the date of the permission.
Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

In granting permission the local planning authority had regard to the following policies:-

- . The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1-3, UD1-3, UD6-8, UD12-15, SP8, NC2, NC4, SP9-10, EP1-4, EP6, SP14, T8, T11, SP18, SP20, H2, H5.

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

- . (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties

- (d) the light and outlook of occupiers of adjacent and nearby properties
- (e) the privacy of occupiers of adjacent and nearby properties
- (f) the relationship of the development to trees to be retained
- (g) the safety of pedestrians and motorists on the adjacent highway
- (h) the safety and security of buildings and the spaces around them
- (i) accessibility to buildings
- (j) the housing policies of the development plan
- (k) the environmental protection policies of the development plan

and having regard to all other matters raised.

Informative(s) :-

- 1 The applicant is advised to consult the Council's "Code of Practice on the Control of Noise and Pollution from Construction Sites" before commencing work on the site. The Code gives advice on how to undertake work on site in a considerate manner. A copy can be obtained by calling 020 8760 5483.
- 2 In considering any request to vary Condition 9 attached to this permission, the Local Planning Authority will need to be satisfied that the purpose, position, design and glazing of a proposed window or other opening is such that the amenities and privacy of adjoining occupiers will be maintained

Ward: Kenley
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
12 October 2006

APPLICATION NO. 06/1366/P: LAND R/O 1-17 ROKE ROAD AND 2-3 OAKLANDS GARDENS, KENLEY

1. SUMMARY

- 1.1 This report concerns an application for full planning permission for the erection of a 2-storey building comprising 2 two-bedroom flats and 2 one bedroom flats; formation of access road and provision of 4 parking spaces.

2. RECOMMENDATIONS

- 2.1 Grant planning permission subject to the conditions, reasons and informative set out in the Agenda.
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3. BACKGROUND

Site and Surrounding Area

- 3.1 The application site is triangular in shape and overgrown and has an area of 0.17ha. It formerly contained 23 garages which were demolished in 1994. Part of the site was also formerly part of the gardens of Nos. 2 and 3 Oaklands Gardens. The site is approached by means of an unmade access drive alongside the garden of No. 1 Roke Road. A Tree Preservation Order (No. 16, 1970) covers two ancient Oak trees on the site. A separate Order also covers fourteen Lime trees alongside the northern boundary with a railway line – 10 of these trees are

within the application site (TPO No.7, 2001). The ground level rises slightly from west to east through the site.

- 3.2 The surrounding area is entirely residential in character, comprising detached houses of the inter-war period in Roke Road. Nos. 1 - 6 Oaklands Gardens are two-storey detached houses which were constructed around the turn of the century. No. 4 has a single-storey rear extension with a balcony over. Nos. 7 - 17 Oaklands Gardens are two-storey terraced houses constructed in 1970. The ground falls by approximately 1.0m - 1.5m from the rear of the properties in Oaklands Gardens to the railway line.

Relevant Planning History

- 3.3 The site has an extensive planning history. Between January 1990 and August 1992, 7 outline planning applications were submitted and refused permission for a variety of schemes ranging from proposals for 8 and 6 flats to separate developments for 6 and 4 houses and three separate proposals for 3 and 2 bungalows. In two of these cases the decisions were dismissed at Appeal.
- 3.4 94/133/P - In November 1994, outline planning permission was granted for the demolition of the garages, alterations to the vehicular access and erection of a bungalow with a detached double garage. This has now expired.
- 3.5 97/2093/P – In October 1997, outline planning permission was granted for a renewal of the permission set out in paragraph 3.4 above. This permission has also expired
- 3.6 98/2403/P- In July 2001, full planning permission was refused for the erection of a 2-storey building comprising 2 two-bedroom flats and 1 two-bedroom maisonette, formation of access road and provision of 4 parking spaces. The gross floor space was shown as 289sq.m. The ground of refusal was that the development would put at risk the 2 ancient trees protected by a Tree Preservation Order. An appeal against this refusal was allowed on 4 December 2001. It is still extant, but development has not yet commenced.
- 3.7 04/2808/P- In September 2004, full permission was refused for a two-storey building comprising 4 two-bedroom flats and 1 two-bedroom maisonette. The gross floor space was shown as 436sq.m.
- 3.8 04/4748/P- In March 2005, full permission was refused for a two-storey building comprising 2 two-bedroom and 2 three-bedroom flats. The gross floor space was shown as 392sq.m.
- 3.9 05/2391/P- In November 2005, full permission was refused for 1 four bedroom house with attached garage and 2 detached 4 bedroom houses with 4 parking spaces. The total gross floor space was shown as 334sq.m.
- 3.10 06/1368/P- In May 2006, full permission was refused for 3 four-bedroom two-storey houses with accommodation in the roof space and provision of 4 parking spaces. The total gross floor area was given as 372sq.m.
- 3.11 06/1385/P- This is a duplicate application for the same development described in paragraph 3.10 and was refused on the same date. An appeal has been lodged against the Council's decision and a decision is awaited.

Proposal

- 3.12 The application is for the erection of a two-storey building comprising 2 two-bedroom flats and 2 one-bedroom flats, with provision for 4 car parking spaces (including 2 disabled spaces) and formation of a new access road and turning area. The total floor area is given as 293sq.m.
- 3.13 The building would be sited at the end of the access road with communal gardens backing onto the rear gardens of properties in Roke Road and Oaklands

Gardens. The building would have a split ground floor to accommodate the fall in levels across the site. It would have a hipped clay tiled roof with small gable features on the front elevation. The building would have mainly rendered elevations with a lower brick plinth and soldier course band. Along the northern boundary of the site would be a 1.8m high close boarded fence.

- 3.14 The access road would have a tarmac finish and 4 parking spaces would be formed off the turning area. There would be a small pedestrian path formed along the northern side of the access road and around the building finished in block pavers. This would serve the refuse collection point and bicycle store, off the access road. There would be low level security lighting to the access road and pathways. New tree planting is proposed around the existing Oak trees.
- 3.15 The application has been amended during the course of consideration to show a reduction in parking from 6 to 4 spaces, omission of a secondary dining room window to the first floor of flat 3; provision of a refuse collection point; provision of a land survey; and submission of an Environmental Noise Assessment, an Arboricultural report on existing trees at the site and a schedule of external materials to be used.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan are SP1-3, UD1-3, UD6-8, UD12-15, SP8, NC2, NC4, SP9-10, EP1-4, EP6, SP14, T8, T11, SP18, SP20, H2 and H5.

5. CONSULTATIONS

- 5.1 Forty-one occupiers of adjoining and nearby property have been notified of the application. Replies have been received from 36 occupiers objecting on the following grounds:-
- (a) loss of privacy and light;
 - (b) noise pollution;
 - (c) visual intrusion;
 - (d) loss and damage to existing trees (has one of the ancient Oak trees died as a result of poisoning?);
 - (e) unsuitable access would be a hazard to pedestrians;
 - (f) problems for emergency and service vehicles;
 - (g) detrimental to wildlife interests;
 - (h) problems of flooding and drainage-surface water run off;
 - (i) out of character, overdevelopment and increase in density;
 - (j) lack of parking space;
 - (k) would put a strain on local services.
- 5.2 Windermere Court Residents Association objects to the scheme on grounds that the development would create extra traffic on surrounding roads.
- 5.3 The Environment Agency has no objections in principle, subject to their suggested conditions being imposed.
- 5.4 The Specialist Pollution Section has no objection subject to the building having regard to the design criteria for habitable rooms set out in British Standard 8233-Sound Insulation and noise reduction for buildings. A condition is suggested so that sound insulation measures can be submitted for prior approval.
- 5.5 The applicant has submitted a letter from East Surrey Badger Protection Society stating that badgers still enter the site, but there is no evidence they are spending time foraging. The two-hole sett in the far western corner shows no evidence that

badgers have been using it recently, but the site should be re-surveyed prior to any site clearance.

6. CONSIDERATIONS

6.1 The principle of a development of flats on this site has been established by the previous Appeal decision in 2001. The issues now are:-

- (a) the effect of the development on the character of the area
- (b) the effect on the amenity and privacy of occupiers of adjoining property
- (c) whether there would be an unacceptable environment for future occupiers
- (d) the effect on existing trees at the site
- (e) whether there would be any harm to protected species
- (f) traffic, highway and parking considerations

6.2 The development would have the same footprint as the building allowed on appeal and a similar floor area. It would be sited in the same position as the appeal scheme. The design and appearance of the new building would also be the same as previously shown, including the position of windows and doorways. However, an additional unit has been created by removing the internal staircase within the maisonette unit, previously approved, thereby forming two self contained units at first floor level. It would respect the height of other 2-storey buildings in the locality, and having regard to the previous 2001 decision, the development could not be said to be out of keeping with the character of the area.

6.3 The design of the proposed building would be the same as previously approved on appeal and would have a main roof which slopes away from the southern boundary. The building would be 13m from nos. 2 and 3 Oaklands Gardens. There would be some limited effect on the amenities of these occupiers, in terms of visual intrusion at these distances, however given that the building would be at a lower level, and it was not considered to be so detrimental to adjoining occupiers on the previous scheme, there would be no significant harm to their amenity. The only windows proposed in the southern flank elevation are secondary windows serving kitchens of 3 of the flats, and it is not considered there would be significant loss of privacy for adjoining occupiers. In addition, a condition is suggested to restrict the insertion of any further windows in this elevation.

6.4 There would be some overlooking from existing windows within the rear elevations of properties in Oaklands Gardens into the sitting-out area for the flats at the south-eastern end of the site. However, the harm from this would not be so significant for the new occupiers, given the distances between the windows and this area, and any harm could be mitigated by the provision of new fencing and planting along the southern boundary. A condition is suggested so that details of the windows of the building can be submitted and it can be adequately soundproofed against noise from the adjoining railway.

6.5 With regard to the protected trees at the site, the previous Appeal Inspector considered that "since the proposed access and hardstandings would be of a suitable no-dig construction, with permeable surface, and there would be no change in ground levels, the proposed arrangement would be unlikely to cause damage to the roots of the trees. In the circumstances, if the details of the access and hardstanding were made the subject of a suitable condition, I am satisfied that they could be detailed in such a way that they would be unlikely to cause any

harm to the root system of the Oaks.....” The applicant has submitted an arboricultural impact assessment report and supporting information. It is proposed to adopt a foundation design for the building as a suspended slab on mini-piles which requires only occasional holes for the supporting piles and would minimize the root loss to trees. There would be an area of “no-dig” form of construction to ensure retention of the rooting system of the preserved trees, where the proposed access road, turning area and parking bays are located. Conditions are suggested regarding the fencing during the construction period, a method statement for working within these areas, and that statutory services should follow the line of the existing drain across the site to avoid potential damage to the trees. However, where this is not possible or within 6m of protected trees, then trenches should be hand dug. With these precautions in place, it is considered the development would not cause significant harm to existing trees at the site.

- 6.6 With regard to the badger sett, having regard to the comments of the East Surrey Badger Protection Society, there would need to be a survey carried out at the time of clearance of the site to establish if it is active, and a condition is suggested to this effect.
- 6.7 There are no objections to the amended layout on highway or other traffic grounds. The proposed access drive would be a shared surface with traffic calming humps near to the entrance. The access drive and crossover entrance would be of sufficient width to accommodate emergency and service vehicles. The maximum number of parking spaces required for this development according to UDP standards would be 4, which have been provided. Given the importance of retaining trees at the site, any increase in this number of spaces would not be acceptable.
- 6.8 The scheme incorporates low level security lighting to accord with the requirements of Policy UD6 of the UDP (safety and security).

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 The development would involve building on land formerly occupied by garages and bring a previously developed site, which has become an eyesore, back into use. It would therefore have a positive environmental effect. The remediation of any contamination of the land would also be beneficial, and would be the subject of a condition.

8. EQUALITIES CONSIDERATIONS

- 8.1 Level threshold access would be achieved to the front entrance of the building. There are no other equality issues arising.

Case Officer: John Lawson

Background Documents: 36 letters from interested persons
Letter from Windermere Court Residents Association
Letter from the Environment Agency
E Mail from Specialist Pollution Section
Letter from East Surrey Badger Protection Society

Contact Officer: Mr P. Mills, Tel 0208 760 5419