

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
REPORT BY EXECUTIVE DIRECTOR,  
PLANNING AND BOROUGH DEVELOPMENT**

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**APP NO. PP/11/01941/Q18  
PLANNING APPLICATIONS COMMITTEE 06/03/2012  
AGENDA ITEM NO. C31**

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**SITE ADDRESS**

<b>Marlborough Court Pembroke Road LONDON W8 6DE</b>	<b><u>APPLICATION DATED</u></b>	<b>20/06/2011</b>
	<b><u>APPLICATION COMPLETE</u></b>	<b>20/06/2011</b>

**APPLICANT/AGENT ADDRESS**

**Mr P Taylor  
Blenheims  
15 Young Street  
LONDON  
W8 5EH**

<b><u>LISTED BUILDING</u></b>	<b>N/A</b>	<b><u>CONS. AREA</u></b>	<b>N/A</b>	<b>WARD</b>	<b>Abingdon</b>
<b><u>CAPS</u></b>	<b>No</b>	<b><u>ENGLISH HERITAGE</u></b>	<b>N/A</b>	<b>ART '4'</b>	<b>No</b>

<b><u>CONSULTED</u></b>	<b><u>OBJECTIONS</u></b>	<b><u>SUPPORT</u></b>	<b><u>PETITION</u></b>	<b><u>COMMENTS</u></b>
<b>77</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>1</b>

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**Applicant**                      **Marlborough Court Freehold co Ltd**

**PROPOSAL:**    **Construction of access road and parking space on the forecourt of Marlborough Court.**

**RBK&C Drawing No(s):PP/11/01941**

**Applicant's Drawing No(s): Marlborough Court arrangement for parking space for flat 61, letter dated 29th November 2011 from Patrick Taylor Blenheims Estate and Assets Management Limited, letter dated 8th December 2011 from Patrick Taylor Blenheims Estate and Assets Management Limited, ordnance survey map indicating location of signs, Tree Protection Plan and Arboricultural Method Statement**

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**RECOMMENDED DECISION:**    **Grant planning permission**

## **CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**  
*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)*
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans , Marlborough Court arrangement for parking space for flat 61, letter dated 29th November 2011 from Patrick Taylor Blenheims Estate and Assets Management Limited, letter dated 8th December 2011 from Patrick Taylor Blenheims Estate and Assets Management Limited, ordnance survey map indicating location of signs, Tree Protection Plan and Arboricultural Method Statement (C068)**  
*Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)*
3. **The car parking space shall be for the sole use of the occupier of Flat 61 Marlborough Court only and shall not be available for any other private or commercial parking purposes.**  
*Reason - to protect the safe and free flow of traffic on the highway*
4. **The vehicle using the parking space shall exit onto Pembroke Road in a forward gear at all times.**  
*Reason - to protect the safe and free flow of traffic on the highway.*
5. **No more than one vehicle shall park on the parking area.**  
*Reason - to protect the amenities of the area and to protect the safe and free flow of traffic on the highway.*
6. **The access route to the car parking space hereby approved shall be kept clear at all times.**  
*Reason - to protect the safe and free flow of traffic on the highway.*
7. **Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:**

**(a) Details of a parking management plan. Parking shall be managed in accordance with the approved parking management plan thereafter;**

**(b) a landscaping and tree/shrub planting scheme.**

*Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)*

**8. For the duration of all works associated with carrying out the development hereby permitted, no tree within the curtilage of the site shall be lopped, topped, or felled, or root pruned, without the prior written approval of the Local Planning Authority. (C023)**

*Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the amenities of the area. (R020)*

**9. The tree(s) existing on the site at the date of this permission shall be protected against damage as per the Arboricultural Method Statement authored by Christopher Fair, throughout the period of building and other operations pursuant to this permission, including site preparation. (C020)**

*Reason - To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R020)*

## **INFORMATIVES**

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|---|---|
| 1 | I09 Variations due to Building Regs.          |
| 2 | I10 Attention to Conditions                   |
| 3 | I21 Building Regs. - Separate Approval        |
| 4 | I21A Building Regs Separate Approval (not PP) |
| 5 | I67A Construction Management                  |
| 6 | I68 TFL - Olympic Route Network               |

## **SITE**

- 1.1 Marlborough Court is located on the Southern side of Pembroke Road, close to Earls Court Road to the West. It is comprised of self-contained flats.
- 1.2 The premises are not listed, nor located within a conservation area.

## **2.0 PROPOSAL**

- 2.1 Planning permission is sought for the construction of a parking space within the forecourt of Marlborough Court. The access to the proposed parking bay will be from the existing driveway off Pembroke Road.
- 2.2 The proposal would involve the felling of a Lilac and Ornamental Apple tree. Work would also need to be undertaken to protect the existing Thorn tree, which is proposed to be retained.
- 2.3 Following Officer advice further information has been sought which includes details of wording and location of the signs to prevent parking on the forecourt and an Arboricultural Method Statement has been submitted.

## **3.0 RELEVANT SITE HISTORY**

- 3.1 There are numerous planning entries relating to this property between 2008 and 2011. The most relevant are as follows;
- 3.2 In June 2008 planning permission was granted for the proposed development of pre-existing basement storage area into a 3 bedroom residential apartment (ref:PP/08/0664). This permission has been implemented.
- 3.3 In April 2011 planning permission was refused for the construction of a parking space on the forecourt of Marlborough Court (ref:PP/11/425). The reasons for refusal were as follows;
  - 1) The proposed parking bay by virtue of its location would block the pedestrian route around Marlborough Court. Therefore, it is considered that the proposal would be contrary to this Council's Planning Policies as contained within the Core Strategy in particular Policy CT1.
  - 2) The creation of the proposed car parking space would result in significant damage to the Thorn tree protected by a Tree Preservation Order. Therefore, it is considered the proposal would be contrary to this Council's Planning Policies as contained within the Core Strategy. In particular Policy CR6.

## **4.0 PLANNING CONSIDERATIONS**

4.1 The main planning considerations to be taken into account in determining this application are the impact of the proposal on the appearance of the building, highway implications and the impact of the proposal of the trees on the site.

4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8<sup>th</sup> 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan Consolidated with Alterations since 2004, plus relevant 'saved' policies from the UDP.

The relevant core strategy policies are:

CL1 (context and character)

CL6 (small scale alterations)

CE2 (Flooding)

CT1 (Improving alternatives to car use)

CR6 (Trees and Landscaping)

There are no relevant 'saved' UDP Policies.

4.3 The proposal involves the construction of a parking bay within the front garden of Marlborough Court, to provide an off-street parking bay for the new basement flat which was granted planning permission in 2008. This basement flat is subject to a permit free agreement. The construction of the parking bay would involve the removal of the existing planting and the laying down of bitumen with a resin-bonding gravel dressing.

4.4 It is considered that the proposed materials to construct the parking bay would not result in harm to the appearance of the building or the surrounding area.

4.5 Policy CE2 [inter alia] resists impermeable surfaces on front gardens. The proposed surface is impermeable and would result in the loss of the existing planting at the property which currently helps with the absorption of surface water run-off. However, the majority of the existing surfacing at the property is constructed from an impermeable material and given that some planting would remain at the property it is considered that the lack of permeable materials to construct the parking bay would not warrant a refusal of planning permission.

4.6 The Director of Transportation and Highways has commented on the application. Policy CT1 (d), requires parking in new residential development to be at or below adopted car parking standards. The provision of a single space in respect of a three bedroom flat is not considered to be in conflict with CT1 (d).

- 4.7 The previous application was refused on the grounds that a parked car would block the pedestrian route around the west site of Marlborough Court contrary to CT1 (g) and (p).
- 4.8 The proposed layout has not changed however the revised application provides some additional background information. The application states that an existing security gate, usually locked, already prevents access to the path on the west side of Marlborough Court from Pembroke Road. This gate is only opened for occasional maintenance. It appears that the path is not used as a primary access route to any of the flats in the complex. Notwithstanding this point, it is considered that the proposal would reduce the attractiveness of the pedestrian environment within the grounds of Marlborough Court. However given the circumstances this impact is not sufficient to warrant a refusal under CT1 (g) and (p).
- 4.9 Vehicular access to the parking space would be via an existing crossover to Pembroke Road. There would be a long drive leading up to the space which would also be used by pedestrians. The proposed parking space satisfies the Council's minimum dimensions.
- 4.10 It should be possible to turn vehicles on site so that any vehicle using the space could egress onto Pembroke Road in forward gear. A tracking diagram has been submitted to demonstrate that this is possible when the western part of the front forecourt is free of parked cars. The applicant has advised that the forecourt will be actively managed to ensure that it is not used for parked cars. It is intended as a drop off facility only and for occasional servicing. Additionally the applicants have agreed that no parking signs shall be attached to the building to discourage vehicles from parking in the forecourt. Details of this are provided in letters from Blenheims dated 29<sup>th</sup> November 2011 and the location of these signs is detailed in the letter from Blenheims dated 8<sup>th</sup> December 2011.
- 4.11 The introduction of an off-street parking space at this location is not entirely desirable as it would result in additional movements onto and off the busy Pembroke Road. However, any impact would be limited given that there is no need for an additional crossover and that it should be possible for vehicles to egress from the site in forward gear.
- 4.12 There are numerous crossovers to Pembroke Road currently in use. These have been used safely without incident. Accident statistics data for this part of the road indicated that there have been relatively few accidents on this part of Pembroke Road over the last 15 years. None of the recorded accident relate to the use of crossovers. The proposal would not result in any highway safety concerns.

- 4.13 In light of the above, the proposal complies with Core Strategy Policy CT1.
- 4.14 The Council's Arboriculturist has also been consulted with regard to the application. The proposal would involve the removal of two trees, a Lilac tree and Ornamental Apple tree. It is considered that the condition of these trees is poor and therefore there is no objection to their removal.
- 4.15 On the site there is a Thorn tree protected by a TPO. It is the Arboriculturist's opinion that the proposed excavations to create the parking bay would come within 1m of its stem. The tree has a diameter of approximately 250mm. Therefore, using the guidance in BS 5837 2005: Trees in Relation to Construction-Recommendations, the Root Protection Area would be approximately 3m. Therefore, the proposed excavation would be a significant encroachment. Work appears to have commenced on site and damage has already been undertaken to the protected Thorn tree.
- 4.16 A revised Tree Protection Plan and Arboricultural Method Statement has been submitted. It is considered that, providing the methodology is followed, the tree would not come to any further harm.
- 4.17 In light of the above the proposal is considered to comply with Core Strategy Policy CR6.

## **5.0 PUBLIC CONSULTATION**

- 5.1 Seventy seven properties along Pembroke Road were notified of this application. Letters of objection have been received regarding this application including a letter of objection from the Edwardes Square, Scarsdale and Abingdon Residents Association and the Kensington Society.
- 5.2 These letters of objection are summarised as follows;

**The proposed car parking space would result in the loss of garden and amenity space and would have a negative impact on the appearance of the building.**

The proposal would result in a loss of a small area of grass to the front of Marlborough Court. However, given that only a small area would be lost and that a planning condition could be attached to the permission to ensure that the remaining part of the garden is landscaped, it is considered that this would prevent the entire loss of amenity space at the property and would not have a detrimental impact on the appearance of building or the surrounding area..

5.3 **The proposal would result in the loss of trees.**

The Council's Arboriculturalist has commented on the application and it is considered that the trees which are proposed to be felled are in a poor condition and as a consequence do not have a significant amount of amenity value to justify a refusal of planning permission on this basis.

5.4 **The proposed materials would not be permeable, contrary to Policy CE2 resulting in a loss of natural drainage.**

Given that a sufficient amount of garden would remain on the site and the existing paving at the property is not permeable, it is considered that the proposal would not result in a significant loss of natural drainage that would warrant a refusal of planning permission.

5.5 **The proposed car parking space would have a detrimental impact on traffic and pedestrian safety.**

The Director of Transportation and Highways has commented on the application as detailed in section 4.0 of the report. The applicant has demonstrated through the submission of a tracking diagram that a car will be able to access the parking space without impinging on traffic and pedestrian safety. Conditions are also recommended to ensure that the use of the proposed car parking space does not have a negative impact on traffic and pedestrian safety.

5.6 **The proposal would result in a material increase in noise and disturbance.**

Whilst an increase in noise and disturbance is a material planning consideration, it is considered that in this case the impact of one car parking bay is not considered to result in a material increase in noise and disturbance for occupiers of neighbouring residential properties such would warrant a refusal of planning permission on this basis.

5.7 **The proposed car parking space would result in light and air pollution and would harm people's health.**

It is considered that one additional car parking space is unlikely to cause serious health problems. A refusal of planning permission on the grounds of impact upon health could not be substantiated or justified in this case.



## **6.0 CONCLUSION**

6.1 The proposed parking space by virtue of the proposed materials and location would not harm the appearance of the building or the surrounding area. The proposed Arboricultural Method Statement would prevent harm to the Thorn tree protected by a Tree Preservation Order and the proposal would not impinge on the safe and free flow of traffic along Pembridge Road or the safety of pedestrians on the Marlborough Court forecourt.

## **7.0 RECOMMENDATION**

7.1 **Grant planning permission**

**JONATHAN BORE  
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

### **List of Background Papers:**

**The contents of file PP/11/01941 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By: HES  
Report Approved By: ER/DT  
Date Report Approved: 22/02/2012**

**PSC03/12/HES.REP**

23/02/2012 12:32:04

**Construction of access road and parking space on the forecourt of  
Marlborough Court.**

**SUMMARY OF REASONS FOR DECISION**

You are advised that this application was determined by the Local Planning Authority with regard to Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

**Core Strategy adopted 8 December 2010**

CL1	Context and Character
CL6	Small-scale Alterations and Additions
CE2	Flooding
CT1	Improving alternatives to car use
CR6	Trees and landscape

The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The proposed parking space by virtue of the proposed materials and location would not harm the appearance of the building or the surrounding area. The proposed Arboricultural Method Statement would prevent harm to the Thorn Tree protected by a Tree Preservation Order and the proposal would not impinge on the safe and free flow of traffic along Pembridge Road or the safety of pedestrians on the Marlborough Court forecourt.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.