

SECTION '2' – Applications meriting special consideration

Application No : 18/04857/FULL1

Ward:
Shortlands

Address : 76 Hayes Lane, Beckenham BR3 6RW **Objections: Yes**

OS Grid Ref: E: 538750 N: 168458

Applicant : Hayes Property Services Ltd

Description of Development:

Demolition of existing bungalow and garage and erection of 2 x detached two storey dwellings with garages and formation of new vehicular entrance to House 2.

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 9

Proposal

Planning permission is sought to construct two detached properties on the site of No.76 Hayes Lane, which is currently occupied by a single storey bungalow. The footprint of the existing bungalow sits centrally within the plot with the front elevations facing out onto Hayes Lane, whilst the rear elevations abuts the rear gardens of No. 55 & 57 Hayes Way, Beckenham.

The accompanying drawings indicated that each house will benefit from a driveway to park at least two cars. Each property will also benefit from a garage to the side of the property. two car parking space will be provided to the side of each house. Access to the properties will be from the existing dropped kerb for property one and a new dropped kerb is proposed to provide access for property two.

The indicative front elevation design depicts a modern style design approach.

A Planning Statement, Design & Access Statement, Arboricultural Report, Sustainability and Energy Efficiency Statement, Transport Review.

Location and Key Constraints

The application site is located on the south western boundary of Hayes Lane, Beckenham and is occupied by an existing bungalow. The site is rectangular in shape and was most likely the rear portion of the gardens of No. 55 & 57 Hayes Way some years ago.

The Ordnance Survey map indicates that an electricity substation is located on the eastern boundary of the site.

The general character of the area is residential consisting of a mixture of semi & detached properties which have extensive rear gardens.

The site is located within an area classified as having public transport accessibility level (PTAL) rating of 1b on a scale of 0 to 6b where 6b is the most accessible. There is a bus stop & cover immediately outside of the front of the property.

The site is not located in a Conservation Area but is designated as lying within in the Park Langley Area of Special Residential Character (ASRC).

Comments from Local Residents and Groups

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

Objections

- I disagree with the Arboricultural Report
- Both proposed houses, but particularly house 2, would have a big negative impact on 57 Hayes Way, particularly with the issue of privacy and overlooking the use of their rear garden and will have a detrimental effect on the visual amenity of 57 Hayes Way.
- The proposal to build two houses of the size described by the drawings is too much on this site, both in terms of density of building and I consider it to be over development of the site.
- The end of the gardens to 55 and 57 Hayes Way were sold by the previous owners and recorded on 21st July 1961 for a specific limited development of a single bungalow and garage to avoid loss of privacy and outlook from both 55 and 57 Hayes Way.
- These two houses do not constitute high quality design nor do they sit comfortably in the context of the site.
- The proposals to have new vehicle entrances to the site so close to the bus stop in my opinion is dangerous and unrealistic.
- I disagree with the description of both houses being described as 2 storey dwellings, when the plans clearly show that they intend to be used as 3 storey dwellings as the loft space is clearly laid out to be bedroom space with ensuite.

- I disagree with the layout of the site which states there is adequate 'swept path' for the property potentially owning 2 cars. The driveways need to be far larger. Any additional car visiting the site whilst the proposed houses are being built and once occupied need ideally to be located on site also. Whilst there are currently no parking restrictions along Hayes Lane, parking of vehicles for contractors, builders and visitors will cause the road to become virtually one lane and forcing traffic in both directions to share a single lane. The site is located very close to an already very dangerous 5 way junction and would cause severe disruption to a busy main road potentially endangering road users. If the site is developed, I urge you to install a traffic management system. I therefore object on the grounds of inadequate off road parking and turning space for vehicles owned by or visiting the site.
- The proposals to have new vehicle entrances to the site so close to the bus stop in my opinion is also dangerous and unrealistic.
- The house is currently being redeveloped and a massive ground water system has had to be installed. The knock on effect of local ground water being managed well is unknown) I suspect that the issue of ground water and heave in clay (as it swells and contracts with the English weather) has not been addressed during the design and the current proposed plans will have a negative effect on the level of the water table in the surrounding gardens.
- There is insufficient information on the drawings regarding heights and how the ground levels relate to the surrounding properties to allow me to get a true understanding of the proposals and their affect on 57 Hayes Way.
- It is also noted that a number of recent appeal decisions have been rejected in respect of proposals for residential developments on sites fronting Hayes Lane/B251, as the provision of additional dwellings on this stretch of Hayes Lane/B251 would be unacceptable and detrimental to the character and appearance of the area.
- The mature trees that surround the site will cast considerable shade when the sun in at a lower angle in the sky. This will affect the light levels in the proposed properties.
- There is inadequate parking space for such residents of those properties in Den Close, who would be likely to cause significant congestion if seeking to park in Hayes Lane, an already busy and congested highway. Ingress and egress from Den Close would be extremely difficult and sometimes impossible during the development.
- The proposed development is substantial which will require heavy plant equipment and transporters delivering that equipment. When the building commences deliveries and large heavy goods vehicles will be attending a small site which cannot accommodate such vehicles. As there is a bus stop outside the address no parking is suitable without disrupting two bus services which regularly stop at this location. When a bus stops for passengers to alight or embark traffic is held behind the bus due traffic flow in both directions preventing overtaking. Any vehicles held stationary on this stretch of Hayes Lane creates instant traffic flow problems and then congestion.

Local Groups

(Park Langley & Shortlands Residents Associations)

- While recognising the obligation on LBB to provide a large number of new dwellings each year, particularly family properties, this needs to be balanced with the potential damage to the existing community.
- The full planning application does not deal with the disruption which will be caused during the demolition of the existing bungalow and the building of two new relatively large properties.
- The only access appears to be from Hayes Lane. Although a B road it is busy but narrow. It is directly opposite Den Close and close to the five way junction with Shortlands Road and Scotts Lane. There is a bus stop immediately outside the existing property.
- Local residents point out to traffic jams which can form with a bus stopping so it would appear that there will inevitably be a very considerable amount of traffic issues during any development period. Den Close could become the subject of substantial additional parking.
- Once the proposed development is completed there would be a second access to and from Hayes Lane which could be complex to negotiate and add additional traffic.
- The proposal is for the part demolition of a hedge which is undesirable in any circumstances.
- As I interpret the plans within the Design and Access statement there will be a substantial change to the existing street scene. It is difficult to measure the plans accurately but it does appear that the existing bungalow is a maximum of about 6.5 m tall whereas the new buildings would be in the region of 7.5m.
- Again, I believe I have interpreted this correctly in that the present footprint of 164m² would be increased to 443m² over the two buildings leaving a relatively small garden area in each case.
- Would like to object on two main points: possible infringements against the Bromley UDP, and a potential legal impediment to the proposed development.
- The design of the proposed houses would directly overlook the properties at 55 and 57 Hayes Way intruding on their privacy. We consider this to be contrary to policy BE1 of the Development Plan (UDP). Further, although the proposed development, in theory meets adequate standards, we consider that it does not meet the special standards of new development (plot width, garden depth) in this Area of Special Residential Character (ASRC), and is contrary to policy H10 of the UDP. We are also concerned that access to and from an additional property in Hayes Lane could have serious road safety implications contrary to policies T11 and T18 of the UDP.
- In addition, there is a potential legal impediment to the development. The land at Hayes Lane on which the bungalow (proposed to be demolished) is built, initially formed part of the rear gardens of Nos. 55 and 57 Hayes Way. The gardens were sold in 1961 by the owners of Nos 55 & 57 Hayes Way to a developer who built the bungalow. The conveyance - dated 21 July 1961 -

for the sale of the freehold land specifically states in paragraph 2.(3) that the developer must "NOT erect on the property conveyed (i.e. the land sold) any building except a single bungalow with the usual and necessary garage and outbuildings.....".

- Based on the above, the PLRA oppose the application, and in particular urge the Council to obtain clarification of any potential legal complications.

Comments from Consultees

Environmental Health Pollution Officer: I have looked at this application and in principle would have no objections to permission being granted. I would however recommend that the following Informative be attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

Drainage Engineer: The submitted information including "Drainage Scheme" Plan DRW No. 1034/23 dated 03/10/2018 to incorporate two tanks with 4x4x0.4m deep and 3.5x3x0.4m deep storage capacity to restrict surface water run-off to 5l/s are acceptable. Please impose ND07.

TfL: Following the joint site meeting and subsequent confirmation from the safety auditors, I have no objections to the placement of the proposed access.

Highways:

I refer to the additional information (received on 28/03/2019) regarding the bus stop and bus cage.

The site is located to the south of Hayes Lane; Hayes Lane (B251) is a London Distributor Road. Also the development is in an area with PTAL rate of 1a/ 1b on a scale of 0 - 6b, where 6b is the most accessible.

Vehicular access - two access points are indicated on the submitted plans, the existing crossover will lead to two car parking area which is acceptable. However the proposed crossover is located where there is bus stop and bus cage immediately outside the site. This is acceptable in principle.

The Authority will endeavour to sustain grass verges and amenity areas maintained by the highway authority as an important and integral part of the Borough's street scene wherever possible. The Authority reserves the right to reject on amenity grounds an application for a Vehicle Crossover across a verge or

amenity area. When considering an application for a Vehicle Crossover or an extension to an existing Vehicle Crossover in a grass verge or amenity area greater than 4 metres in depth, the presumption shall be to reject it. However it is possible to provide the minimum size of 3.6m wide crossover.

Car parking - Acceptable
Cycle parking - Acceptable
Refuse Store - Acceptable

Please include conditions regarding car parking, visibility splays, refuse storage, cycle parking, construction Management Plan and Highway Drainage together with informative relating to the cross over and street furniture with any permission.

INFORMATIVE

DI16 Crossover

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs

Nonstandard informative - Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification/ creation of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant

Street Trees: I have reviewed the Arboricultural report and I have no objection to the proposal. As long as the tree protection plan is implemented as described, the impact on the street tree (T2) should be minimal.

Trees: no objections, subject to compliance with the tree protection details supplied in support.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- (a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- (b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The development plan for Bromley comprises the Bromley Local Plan (2019) and the London Plan (2106). The NPPF is also relevant.

The application falls to be determined in accordance with the following policies:

National Planning Policy Framework (NPPF)

- 14: Achieving sustainable development
- 17: Principles of planning
- 29 to 32, 35 to 37: Promoting sustainable transport
- 47 to 55: Delivering a wide choice of high quality homes
- 56 to 66: Design of development

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure

- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.3 Community Infrastructure Levy

Bromley Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 44 Areas of Special Residential Character
- 73 Development and Trees
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015).

Planning History

There is no planning history associated with the site.

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- CIL

Principle

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016, Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and

cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 3 & 4 of the Local Plan set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy 37 of the Local Plan requires development to be imaginative and attractive to look at and to complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and the relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy 8 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is

maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

The justification paragraph in respect of Policy 8 details that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. This is to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

The property is located within the Park Langley Area of Special Residential Character. Policy 44 states that development in Areas of Special Residential Character (ASRC) would be required to respect and complement the established and individual qualities of the individual areas. The original Edwardian core of the Park Langley "garden suburb" is a Conservation Area. The remainder, built sporadically between the 1920's and 1950's, whilst not of the same exceptional standard, has the character of a garden estate given by the quality and appearance of the hedges, walls, fences, and front gardens. The area, which comprises almost exclusively large detached two storey family houses on generous plots, is bounded by Wickham Way to the west, by Barnfield Wood Road to the south, and by Hayes Lane to the north and east. It represents a coherent, continuous and easily identifiable area, which has maintained its character and unity intact.

Notwithstanding the above questions of the acceptability of any form of residential development in principle on the land, the suitability of the design and layout of what is proposed is assessed further below.

Residential dwellings surround the site in a primarily residential area. Therefore, in this location the Council may consider further residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, flooding, biodiversity or open space will need to be addressed.

Planning permission is sought to demolish the existing bungalow and construct two detached dwellings with a garage to the side. House 1 (located closest to the boundary with the neighbour No.72 Hayes) measures 14.7m in width x 8.5m in height x 9.4m in width. The property has a garage located to the side, incorporating bicycle storage. Development in the form of bedroom accommodation is proposed above the garage. The property will have four bedrooms. The property is set 2.1m from the boundary of the site, reducing to 1.2m to the rear. The property has a rectangular rear garden. House 1 has an existing vehicular access to Hayes Lane will remain to allow parking of vehicles.

House 2 (located closest to the boundary with the rear garden of No.59 Hayes Way) measures 14.7m in width x 8.5m in height x 9.4m in width. The property has a garage located to the side which incorporates bicycle storage. The property will

have five bedrooms. The property will have a rear garden with a depth of just under 6m. The property will be set 2.1m from the boundary of the site, increasing to 3.1m to the rear. House 2 is proposing to create a new vehicle crossover to facilitate off-road parking into the site. The two properties are separated by a distance of 3m. A new vehicular access is proposed to House 2.

The overall design approach is modern yet traditional which is considered acceptable given the sites designation with the Park Langley Area of Special Residential Character (ASRC). This section of Hayes Lane is very long but makes a significant and distinct contribution to the garden estate character of the ASRC. Nos 70, 72 and 76 represent historic exceptions as dwellings fronting Hayes Lane. The site coverage would be increased towards the eastern boundary with the width and height of each of the properties resulting in additional development over and above that of the existing bungalow.

The existing bungalow is one of very few located on the road. Demolishing the bungalow and erecting two detached properties would result in a much bigger form of residential development occupying the site, particularly at first floor level. The impression of bulk would undoubtedly be added to the site both in terms of width and heights however the required distances would be maintained around the properties to comply with Local Plan Policy 8 (Side Space).

Both detached buildings would be deeper and taller than the existing bungalow however the proposed bulky, mass and scale of the two properties would be similar to those at No.70 & 72 Hayes Lane. The proposed dwellings are to be sited covering the foot print of the existing bungalow and would not project significantly ahead or beyond the existing front and rear building lines, and may therefore be considered to be in keeping with and complementary to the form, layout and scale of adjacent development.

Standard of residential accommodation

Policy 3 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance shall be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units with four bedrooms 5 persons is 100m² and 4b 6 persons is 107m². House 1 has an internal GIA of 237m² and House 2; 206m². Both properties meet the required standard.

Garden spaces for housing should also generally be in a proportion and configuration that is representative of the general context and pattern of development in the vicinity. House 1 has an approx. garden area of 105sqm whilst House 2; 108sqm.

The proposed gardens serving the application dwellings would measure between 6-8m in depth which is considered shallow for the size of the properties. The retention of space to the rear of the dwellings would contrast unfavourably with the pattern of development in the locality and would tend to undermine the spacious character of the area. As such, the proposed amenity space would appear somewhat cramped, however, it is similar to the properties at 70/72 Hayes Lane.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The drawings show each property would benefit from off road parking with a driveway and garage. The site lies on a busy main road and a bus stop and cage lies directly in front of House 2. House 2 is also proposed to have a new vehicle crossover whilst House 1 will use the existing crossover.

TfL & the Council's Highway Officer were consulted regards the application and both initially raised objections. TfL initially raised objections to any vehicle attempting a left turn whilst the bus stop being in use could potentially lead to a collision. Concern was also raised that anyone turning right from the property could potentially have sight line issues.

The Council's Highways Officer also raised objection to the introduction of the new vehicle crossover to House 2 where there is a bus stop and bus cage immediately outside the site. This was deemed unsatisfactory and a Stage 1 safety audit was required.

Following the objections a Stage 1 Safety Audit was completed by the applicants transport consultants and following an on-site meeting TfL were satisfied that the proposal would not interfere with the bus and cage and that highway safety was no longer a cause for concern. Likewise the Council Highways Officer also removed their objections.

Neighbouring amenity

Policy 37 of the Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In determining any application, a key consideration would be the impact of the development on the amenities of neighbouring properties. The main concern is overlooking and a loss of privacy to the rear gardens of No.55, 57 & 59 Hayes Way from the first floor of the proposed properties. The Council has been made aware of a covenant that exists on No.76 that no property shall be erected except for a single storey bungalow. This is not considered a planning matter but a legal issue that the neighbours should seek their own advice on. The rear windows of the new properties would look into the rear gardens of No.55, 57 & 59 but on balance a similar arrangement exists of the two neighbouring properties No.70 & 72 which overlook the rear gardens of properties in Hayes Way. Furthermore the gardens of No.55, 57 & 59 are all relatively deep and the level of direct overlooking and loss of privacy is not considered to be so intrusive to warrant refusal of the application.

Concerns have also been raised about highway safety and how delivery vehicles would access the site given the busy nature of Hayes Lane. These issues have been addressed above in the Highways section and appropriate conditions can be attached to ensure that the construction period is adequately safeguarded.

CIL

The Mayor of London's CIL is a material consideration. CIL would be payable on this proposal.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the Area of Special Residential Character.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

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: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 4 The surface water drainage system indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan

- 5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6 Before any part of the development hereby permitted is first occupied the access shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m; in height within**

these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

Reason: In order to comply with Policy 32 of the Bromley Local Plan and in the interest of pedestrian and vehicular safety.

7 (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects

8 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

9 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

10 (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan

11 The tree protection plan should be implemented as described in the Arboricultural Report submitted to the Council during the application process.

To ensure that trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy 37, 73 and 74 of the Bromley Local Plan.

You are further informed that :

1 You are reminded of your obligation under Section 80 of the Building Act 1984 to notify the Building Control Section at the Civic Centre six weeks before demolition work is intended to commence. Please write to Building Control at the Civic Centre, or telephone 020 8313 4313, or e-mail: buildingcontrol@bromley.gov.uk

2 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

3 With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2

4 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

5 Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification/ creation of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

6 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.