

SECTION '2' – Applications meriting special consideration

Application No : 19/02089/FULL6

**Ward:
Shortlands**

Address : 59 Hayes Way Beckenham BR3 6RR Objections: Yes

OS Grid Ref: E: 538753 N: 168404

Applicant : Ms Elisabeth Lombardo

Description of Development:

Formation of vehicular access onto Hayes Lane to serve the rear of the existing dwelling

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 21

Proposal

The application seeks planning permission for the formation of vehicular access onto Hayes Lane to serve the rear of the existing dwelling.

The proposed vehicle crossover would be 3m in width with 0.9m reducer kerbs either side making the overall width 4.8m and would lead from Hayes Lane into the rear garden of No. 59 Hayes Way. The access would lead from Hayes Lane which is a classified road and London Distributor Road and as such the proposed crossover would require planning permission.

A supporting letter has been submitted on behalf of the applicant to accompany the application.

This application was Called-In to Committee by a Local Ward Member.

Location and Key Constraints

The application site hosts a two storey detached dwellinghouse located on the north-eastern side of Hayes Way, Beckenham. The rear of the site borders the footway of Hayes Lane. Hayes Lane is a classified road and a London Distributor Road and leads from the junction with Pickhurst Lane, Barnfield Wood Road and Westmoreland Road, Bromley to the Chinese Roundabout junction with Wickham Way, South Eden Park Road, Stone Park Avenue and Wickham Road, Beckenham.

The application site and surrounding properties to the South, East and West lie within the Park Langley Area of Special Residential Character.

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 from Park Langley Residents Association

- Potentially dangerous both for those using the access and to the current heavy traffic which uses Hayes Lane
- Due to the proximity to the bus stop the visibility from the proposed access could be severely limited if a bus was at the stop
- Taking the application in conjunction with 19/01407/FULL6 exacerbates concerns about an eventual development of a dwellinghouse (subject to planning permission) to replace the games rooms as proposed in 19/01407/FULL6.

Full comments are available on the file.

Comments from Consultees

Highways Officer:

The applicant proposes the construction of a new vehicular access to the rear garden of number 59 Hayes Way from Hayes Lane. B265 Hayes Lane is not only a classified road but also a Local Distributor. The applicant has already a vehicular access in shape of in and out drive to their property from Hayes Way. However, it would be hard to resist this application as the neighbour's at No 76 Hayes Lane have permission for a vehicular access. A number of conditions are recommended on any approval regarding details of turning areas and car parking, visibility splays and highway drainage. Informatives relating to the construction of the crossover are also recommended.

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 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

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

London Plan Policies

- 5.13 Sustainable drainage
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 7.4 Local character

Bromley Local Plan

- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General Design of Development
- 44 Areas of Special Residential Character
- 116 Sustainable Urban Drainage Systems (SUDS)

Planning History

The relevant planning history relating to the application site is summarised as follows;

Under ref: 74/01394, outline planning permission was refused and dismissed at appeal for a detached three bedroom bungalow with garage at the rear of no. 59 and 61 Hayes Way.

Under ref: 79/02666, outline planning permission was refused for a detached bungalow at the rear of no. 59 Hayes Way.

Under ref: 86/00348/FUL, planning permission was granted for a single storey rear extension.

Under ref: 18/00693/FULL6, planning permission was allowed at appeal for a two storey side/rear extension and single storey rear/front extensions. Formation of rooms in roof space with rear dormers and installation of Velux rooflights and alterations.

Under ref: 18/02359/FULL6, planning permission was granted for a two storey side/rear extension and single storey rear/front extensions. Formation of rooms in roof space with rear dormers and installation of Velux rooflights and alterations.

Under ref: 18/04698/PLUD, a lawful development certificate for the proposed erection of single storey outbuilding within rear garden to be used for purposes incidental to the enjoyment of the existing dwelling was refused for the following reason;

"The proposal as submitted would not constitute permitted development under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as on the balance of probabilities, the proposed building would not be reasonably required for purposes incidental to the enjoyment of the dwellinghouse."

The applicant has lodged an appeal to the decision of this lawful development certificate application. However, no decision has been made at this time.

Under ref: 19/01573/PLUD a lawful development certificate for the proposed erection of single storey outbuilding within rear garden to be used for purposes incidental to the enjoyment of the existing dwelling was refused for the following reason;

"The proposal as submitted would not constitute permitted development under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as on the balance of probabilities, the proposed building would not be reasonably required for purposes incidental to the enjoyment of the dwellinghouse."

The applicant has lodged an appeal to the decision of this lawful development certificate application. However, no decision has been made at this time.

Considerations

The application proposes a vehicular access from Hayes Lane to the rear garden of Hayes Way. The statement submitted with the application states that the proposed access would serve a proposed outbuilding within the rear of the application site. It should be noted that recent lawful development certificate applications, ref: 18/04698/PLUD and ref: 19/01573/PLUD, which both proposed outbuildings to the rear of the site were refused, but are both awaiting consideration by the Planning Inspectorate through the appeal process. Nevertheless, the proposed outbuilding is the subject of separate lawful development applications.

The application proposes the vehicular access only and no parking spaces or hardstanding is indicated. Accordingly, the main issues to be considered in respect of this application are:

- Impact on Highway Safety
- CIL

Impact on Highway Safety

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Policy 34 of the Bromley Local Plan states that the Council will consider proposals for new vehicle accesses and new or extended vehicle crossings subject to road safety requirements and their compliance with the Council's Vehicle Crossing guidelines. The following principles will be applied for new accesses:

- Strategic routes: no direct access will normally be permitted;
- All other classified roads: vehicle crossings will be permitted, subject to a road safety audit demonstrating acceptability to the Council, and;
- The impact of vehicle crossings upon the availability of on-street parking will need to be considered

Policy 32 of the Bromley Local Plan is also relevant and refers to Road Safety. It states that the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.

The proposed access would be from Hayes Lane and it would have a total width of 4.8m (including 0.9m reducer kerbs either side of the 3m wide dropped kerb). The submitted drawings indicate a bus stop to the north-west on the same side as the application site and the junction with Den Close lies on the opposite of the Hayes Lane.

It is noted that No. 61 Hayes Way (the neighbouring dwelling to the south-east) benefits from an existing crossover from the rear onto Hayes Lane. No. 76 Hayes Lane, an existing bungalow which fronts Hayes Lane and borders the side boundary of the application site to the north-west, also benefits from an existing vehicular access. A recent planning application at No. 76 was also granted for the demolition of existing bungalow and garage and erection of 2 x detached two storey dwellings with garages and formation of new vehicular entrance from Hayes Lane to House 2.

The Council's Highways Officer has advised that the applicant already has an in and out drive to the front of the property from Hayes Way; however, given the recent permission for a new vehicular access at the neighbouring property of No. 76 Hayes Lane during which a road safety audit was undertaken, they consider it would be difficult to resist an additional access in this location. Accordingly, no objections have been raised from a Highways perspective with regards to the proposed access in terms of highway safety or on-street parking and therefore the application may be considered to be compliant with Policies 32 and 34 of the Bromley Local Plan.

The Council's Highways Officer has recommended a number of conditions on any approval relating to sightlines, turning areas, parking arrangements and highways drainage. Details of turning areas within the site were requested by the Local Planning Authority to ensure that adequate arrangements can be accommodated within the site to enable vehicles to enter and leave the site in a forward direction prior to the determination of the application. However, no details were provided by the Applicant as they considered this should be dealt with by way of a condition on any approval. A condition requiring this information to be submitted and approved in writing by the LPA prior to the commencement of development has therefore been recommended.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

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 any significant impact to highway safety or existing on-street parking conditions. The application is therefore considered to generally accord with the overarching aims and objectives of Policies 32 and 34 of the Bromley Local Plan, subject to the recommended conditions on any approval.

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 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.

3 (a) Prior to commencement of the development hereby approved (excluding demolition) details of turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority.

(b) The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that adequate arrangements can be secured in order to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety and to comply with Policies 30 and 32 of the Bromley Local Plan

4 (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 London Plan Policy 5.13 Sustainable Drainage and Policies 115, 116 and 117 of the Bromley Local Plan

5 Before commencement of the use of the vehicular access hereby approved it shall be provided with 43m x 2.4m x 43m 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.

You are further informed that :

1 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

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

- 3 Please be aware that no loose materials should be used for surfacing of any parking and turning areas.**