

SECTION '2' – Applications meriting special consideration

Application No : 18/03151/FULL6

Ward:
**Bromley Common And
Keston**

Address : Holwood House Westerham Road
Keston BR2 6HB

Objections: Yes

OS Grid Ref: E: 542272 N: 163569

Applicant : Mr P Waddell

Description of Development:

Application for the construction of deer proof fencing, security fencing, railings and new gates

Key designations:

Areas of Archeological Significance
Ancient Monuments Ancient Monument - LO101
Biggin Hill Noise Contours
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 14

Proposal

Planning permission is sought for the construction of deer proof fencing, security fencing, railings and new gates.

There are two different types of fence proposed, metal deer railings which will be along the western boundary and then timber deer fencing which would be located along the southern and eastern boundaries all at 2m high. Additional landscape planting is proposed along the western boundary.

The proposed new gates to the Sothern entrance would match the exiting northern entrance gates.

Location and Key Constraints

The site is located to the south of Keston Village and Westerham Road and set within approximately 50 acres of parkland and gardens. Holwood Mansion is a grade I listed dwelling and the site is also a Grade II registered historic park.

The list description for Holwood Manson is as follows:

"William Pitt the younger had a house here on this site. This was demolished and rebuilt by Decimus Burton for John Ward in 1825. Lord Cranworth, who was Lord Chancellor from 1852-8 and from 1865-6 also lived here. 2 storeys. 13 windows. White brick on a stone base with stone stringcourse cornice and parapet. The north-west or entrance front has a central projecting portion of 3 windows with a recessed porch in this having 2 fluted stone Greek Doric columns, a window on each side of the porch flanked by pilasters and a stone entablature with pediment over. At each end is a one-storey pavilion of 3 round-headed windows with a pediment over. At the north-east end is a service wing of 9 windows. The south-east or garden front has a central bow with 4 free-standing fluted Ionic columns and 2 Doric pilasters standing on a plinth of 6 semi-circular steps and rising the whole height of the house with a stone entablature above. The 3 window bays at each end are recessed. Their ground floor has 2 fluted Doric columns and 2 pilasters. To the south-east of the house is a very fine cedar tree at least as old as Pitt's time.

Comments from Local Residents and Groups

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

- Concern over the impact on the deer and other wildlife who currently roam free around the estate;
- Applicant should consider protecting the trees with metal cowl at the lower trunk instead of the fencing;
- Solid boundary treatments would be out of keeping with the Holwood estate and Grade I listed building;
- Concerned that wooden/mesh fencing as proposed by Historic England would be out of keeping with this part of the Holwood estate;
- Think metal/clear deer fencing would be better;
- Loss of the open views though the parkland;
- Point 10 on application form is incorrect as there are trees and hedges on the land adjacent to the proposed fencing.

Amended plans were received 04/10/2018 which replaced the solid deer fencing with metal deer fencing along the western boundary. A further consultation was carried out and a number of letters of support were received and confirming this has elevated their previous concerns. Objection was still received with regards to the limiting the roaming of the deer and wildlife though boundary enclosures.

Comments from Consultees

Conservation Officer - No objections raised.

Historic England - Conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The Garden Trust – No comments have been received. Any comments will be reported verbally.

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 takers 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 Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

The London Plan (2016):

- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure

BE8 Statutory Listed Buildings
BE15 Historic Parks and Gardens
H8 Residential Extensions
G1 The Green Belt

Draft Local Plan (2016):

Policy 6 Residential Extensions
Policy 37 General Design of Development
Policy 38 Statutory Listed Buildings
Policy 45 Historic Parks and Gardens
Policy 49 The Green Belt
Policy 73 Development and Trees

Other Guidance:

Supplementary Planning Guidance 1 - General Design Principles

Planning History

There is a long planning history for this site however none are relevant to this current proposal. A full list of the planning history can be found on the Council's website.

Considerations

It is considered the planning issues and considerations relate to:

- Impact on the Statutory Listed Building
- Impact on the Green Belt
- Neighbouring amenity
- Mayoral CIL

Impact on the Statutory Listed Building:

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The host building is Grade I Listed, Policy BE8 of the UDP and Policy 38 of the Draft Local Plan states that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. In the case of a change of use, the applicant needs to additionally demonstrate that the existing or last use is not viable or is no longer compatible with the building's fabric, interior or setting. These policies are supported by London Plan Policy 7.8.

The site is also a Grade II registered historic park and as such Policy BE15 of the Unitary Development Plan and Policy 45 of the Draft Local Plan needs to be considered. These policies state that application within or adjoining a registered historic park or garden will be expected to protect the special features, historic interest and setting of the park or garden. The Council will seek to ensure that the park or garden is appropriately managed or maintained in a manner which reflects its status and designation.

The Register does not provide statutory protection, nor does it imply any additional powers to control development. However, the historic interest of a park or garden has been established as a material planning consideration, and in considering applications on the sites in the London Borough of Bromley, the Council will consult English Heritage. The Council will review from time to time other historic parks and gardens within the Borough with a view to identifying their special interest. English Heritage, London Historic Parks & Gardens Trust and others will be consulted as part of the review process.

National policy on design is set out in the National Planning Policy Framework, this states that the appearance of proposed development and its relationship to its surroundings are material planning considerations. Therefore development plans should provide clear indications of a planning authority's design expectation and concentrate on broad matters of scale, density, height, layout, landscape and access.

New development should contribute towards a better quality of environment as part of a coherent urban design framework, which looks at how the urban form is used and how that form has an impact on the way development is planned. The Unitary Development Plan contains policies designed to promote very high standards of design, to preserve and enhance the existing character of areas to promote environmental importance, and to ensure that the natural environment is not adversely affected.

Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan requires all development proposals, including extensions to existing buildings, will

be expected to be of a high standard of design and layout. Policy H8 of the Unitary Development Plan and Policy 6 of the Draft Local Plan states that proposals for alterations and enlargements should respect and complement the host dwelling and be compatible with the surrounding area, this is supported by London Plan Policies 7.4 and 7.6.

With regards to the entrance gates these are a replacement of the entrance gates along the south west driveway, which are currently basic in appearance and do not reflect the style or grandeur one would expect to find on one of the principle routes through to the Grade I listed property. By replicating the gates and piers to the northern entrance, it is considered that this element of the proposals would be an enhancement to the setting of the manor house and wider historic landscape.

In terms of the boundary treatment the principle of the works seek to improve the security and deer proofing of the estate, which at present is not fit for purpose and has resulted in trespassing and fly tipping activity.

The applicant has proposed a variety of fencing and railings that align with the existing modern land ownership boundaries, the historic designed landscape extends beyond this. Historically, the emphasis would have been on keeping the deer in the parkland and out of the pleasure ground, both of which are partially owned by the applicant.

Wire mesh fencing is proposed along less visible boundaries and the formal metal parkland rail along the western drive and adjacent to the northern gates; the proposed use of high quality metal deer railing would not adversely impact visually on the Registered Park and Garden and is more formal in character and maintains a sense of permeability and connection between the historic pleasure grounds that have been bisected by modern ownership boundaries.

The proposed planting is appropriately located along boundaries within the historic extent of the formal gardens, which gives way to grass and standalone tree specimens as the boundary extends into the historic parkland. This helps to provide a clear distinction between the historic extents of the C18 and later pleasure ground and parkland beyond that was historically more open in character.

For these reasons, it is therefore considered that the proposed works would not detract from the character and appearance of this listed building.

Impact on the Green Belt:

Paragraphs 133 - 147 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 143 - 147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraphs 145 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Policy 7.16 of the London Plan similarly indicates Green Belts should be protected from inappropriate development. Saved Policy G1 of the UDP remain broadly in accordance with the Framework, confirming a presumption against inappropriate development unless very special circumstances exist although some of the detailed criteria set out within them no longer remains relevant.

The Council wishes to ensure that there is no incremental harm to the Green Belt by that collectively may jeopardise the open nature of the countryside, or other open land. Development which falls outside the appropriate uses is, by definition, harmful to the Green Belt. The openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design.

Boundary enclosures up to 2m in height are normally permitted development not requiring planning permission. In this case planning permission is required primarily as the proposed boundary treatments are within the curtilage of a Grade II listed garden. The reason for this exception, although not set out in the legislation, is considered to be so that the Local Planning Authority can consider the impact of any proposed treatment on the setting of the listed garden.

The boundary treatments proposed constitute inappropriate development in the Green Belt as they do not fall into any of the exceptions set out in current policy. As set out above the treatment is considered acceptable in relation to the historic importance of the site and as concluded below, there is considered to be no conflict with any other established policy. The boundary treatments in part replace existing and are not considered to cause any substantive harm to the openness of the Green Belt or the character of the area by reason of their design and siting. There are also well justified reasons for requiring the development proposed (eg preventing deer from encroaching into the recreational areas of the land). As such, all of the factors set out above are considered to be very special circumstances which outweigh the harm caused by the inappropriateness of the development, and the proposed is thus considered acceptable in Green Belt policy terms.

Neighbouring Amenity:

Policy BE1 (v) of the UDP and Policy 37 of the Draft Local Plan state that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

Due to the location of the proposed gates and new fencing the proposed works would not impact on any of the neighbouring occupiers in terms of creating a sense of enclosure loss of sunlight / daylight and loss of outlook from the rear of the adjoining neighbours. Concerns have been raised over the loss of the view through to the mansion and grounds. The loss of a view is not a material planning consideration and as such cannot be taken into account.

For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

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 visually interrupt the architectural composition of the Grade I Listed Building in a harmful manner, nor result in a significant loss of amenity to local residents or impact detrimentally on the character of the area and Green Belt.

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.

as amended by documents received on 18.09.2018 26.09.2018 28.08.2018

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, 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 BE1 of the UDP and in the interests of visual and residential amenity.

- 3 The landscaping details as set out on drawing No. EA 2081-17 REV A, Planting Plan (18.09.2018) and Planting Schedule (18.09.2018) shall be implemented in the first planting season following the occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted. Furthermore all boundary treatments shall be maintained in perpetuity.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.