

SECTION '1' – Applications submitted by the London Borough of Bromley

Application No : 19/03637/FULL1

Ward:
Darwin

Address : Leaves Green Common Leaves Green Road Keston **Objections: Yes**

OS Grid Ref: E: 541481 N: 161864

Applicant : Mr Toby Smith

Description of Development:

Installation of earth mound 0.4m-0.5m high and 1.228km in length around the perimeter of Leaves Green Common

Key designations:

Biggin Hill Noise Contours
Biggin Hill Safeguarding Area
Former Landfill Site
Green Belt
London City Airport Safeguarding
London Distributor Roads
Smoke Control SCA 24
Technical Sites BH

Proposal

Planning permission is sought for the installation of an earth mound around the perimeter of the Leaves Green Common. The mound will have a height of 0.4-0.5m and a width of 1.0m. The overall length of the mound will be 1.228km and will be installed around the edge of the common on both sides of Leaves Green Road. The mound will be constructed with earth and will provide a grass surface

Location and Key Constraints

The sites is located on the western and eastern side of Leaves Green Road and comprises an area of commons land. The site is bound on the west and east by residential development with Leaves Green Road running through the centre. The site is located within the Metropolitan Green Belt.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

Objections:

- Concern is about the meadow grass used to top the mounds. If it's going to look like the meadow areas in the middle of the Green it's scruffy and unattractive. Don't want it looking like a piece of waste land.
- Front windows are very close to the proposed mounds and view will definitely be spoilt if it grows too high

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Highways Officer: These proposed mounds should be no higher than specified especially at junctions as this could cause concerns over visibility and the grass mounds be maintained and kept below half a metre in height as again this could affect visibility. Taking into account the above no objections are from a highway perspective.

Drainage Officer: Please consult Thames Water as a public foul sewer is in close proximity.

Thames Water: No comments received.

Tree Officer: The excavation required is minimal. Whilst it cannot be certain that no trees are implicated due the lack of tree info it would appear that the proposal does not appear to threaten any trees of great significance. Therefore, no objection.

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 and updated in 19th February 2019.

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

The London Plan (2016)

Policy 5.13 Sustainable Drainage
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.16 Green Belt

Bromley Local Plan

Policy 37 General Design of Development
Policy 38 Statutory Listed Buildings
Policy 49 Green Belt
Policy 73 Development and Trees
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems (SUDS)
Policy 123 Sustainable Design and Construction

Other Guidance

SPG1 – General Design Principles

Planning History

None.

Considerations

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

- Design
- Green Belt
- Neighbouring amenity
- Highways
- Trees
- Sustainability

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 Bromley Local Plan policies further reinforce the principles of the NPPF (2019) setting out a clear rationale for high quality design.

Policy 37 of the Bromley Local Plan sets 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 38 provides guidance relating to Statutory Listed Buildings and 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. Where a proposal is judged to cause harm then it will be assessed against the relevant test in the National Planning Policy Framework (NPPF) depending on whether the harm caused is substantial or less than substantial. In the case of change of use, it is often preferable that a building is used for the purpose for which it was built, but where new uses are proposed the impact of these on the special interest of the heritage asset will be considered carefully.

The mound will have a low height of 0.4-0.5m and will not create a vertical barrier. The mound will be constructed with earth and will provide a grass surface. In

general design terms, the mound appearance will not be detrimental to the character of the area. The mound will retain a separation to the Statutory Listed Coal-Tax Post on the western side of the Common, which does not have a separate curtilage, and on balance it is considered that the setting and historic significance of the structure would not be impeded or impacted on detrimentally.

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. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF, including Policy 49 of the Bromley Local Plan.

As set out in para 143 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

Para 144 of the NPPF advises that LPAs should give substantial weight 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, is clearly outweighed by other considerations.

Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

The proposal does not constitute inappropriate development in the Green Belt as the provision of a perimeter earth mound would not be considered a new structure. Along with the consideration of appropriateness of the development in the Green Belt, the impact on openness must also be assessed. Regardless of the appropriateness of the development, the exceptions for new buildings or any development in the Green Belt must not have a greater impact on the openness of the Green Belt.

Openness can be defined as a lack of built form. Although the length of the mound's coverage around the common will be substantial at 1.2km, the mound will have a low height and a sloped side. In light of the design, height, and materials to be used, the mound would not be considered to have a detrimental impact on the openness and visual amenity of the site. The design will retain views around the common and will not conflict with the openness of the Green Belt and the purposes of retaining land within it.

On balance therefore the proposal would not constitute inappropriate development in the Green Belt and would not have a detrimental impact on the openness and visual amenity of the Green Belt.

Neighbouring amenity

Policy 37 of the Bromley 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.

The proposed mound would be sited with a generous separation to the neighbouring properties that surround the site. The mound will have a low bulk and height and would not impact detrimentally on the visual amenity of neighbouring properties. The proposal would therefore comply with Policy 37 of the Bromley Local Plan.

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 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

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

The proposal is unlikely to result in any significant impact on highway safety provided that the mounds are no higher than specified in the application. A condition can be imposed to secure compliance with the approved drawings in this regard.

Trees

Policy 73 relates to development and trees. This policy states that new development will need to take particular account existing trees on the site and on adjoining land, which in the interest of visual amenity and or wildlife habitable, are desirable of being retained.

No trees are proposed to be felled as part of this application and none stand to be significantly impacted. The level of required excavation will be minimal and therefore the proposal would not impact on the future health of existing trees on the common.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Conclusion

Having regard to the above it is considered that the proposal is acceptable in that it would not result in a harmful impact on the openness and visual amenity of the Green Belt. The development would not impact on highway safety, the amenities of neighbouring residential properties or trees on the common.

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.