

Committee Date	10/12/2020		
Address	Parkside Luxted Road Downe Orpington BR6 7JS		
Application Number	20/01046/FULL1	Officer – Robin Evans	
Ward	Darwin		
Proposal	Subdivision of residential plot and erection of a detached dwellinghouse with curtilage and parking area. (Amended plans - red edging)		
Applicant Mr & Mrs Chamberlain	Agent Mrs Vicky Bedford		
c/o agent	77 Commercial Road Paddock Wood Tonbridge TN12 6DS		
Reason for referral to committee	Call-In	Councillor call in Yes	

RECOMMENDATION	PERMISSION
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KEY DESIGNATIONS Conservation Area: Downe Village Areas of Archaeological Significance Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3 (garden area)	825
Proposed	C3 (new plot, dwelling and access)	825

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total/Payment in lieu
Market			1		

Total			1		
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Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	n/a	2	+2
Cycle	n/a	0	0

Representation summary	Local resident letters (sent 09/04/2020 and 06/05/2020), newspaper advert (published 22/04/2020), site notice placed 01/05/2020).		
Total number of responses	116		
Number in support	7		
Number of objections	108		

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not comprise inappropriate development within the Green Belt by definition and would not detract from its openness,
- The proposal would not detract from the character and appearance of the area and the Conservation Area,
- The proposal would provide an appropriate living environment for the future occupants and would not detract significantly from the amenities of other properties,
- The proposal would not have significantly adverse highway impacts,
- There would be no other significantly adverse environmental or amenity impacts.

2. LOCATION

- 2.1 The application site is a parcel of land at the eastern side of Parkside; a detached single storey bungalow located on the northern side of Luxted Road, Downe, almost opposite the Baptist Church. Parkside was originally constructed as an agricultural worker's dwelling at Petleys Farm (70/1295) although the agricultural occupancy condition has since been removed; allowing it to be occupied by a non-agricultural worker (00/00141/FULL4). According to the original planning permission for the dwelling 70/1295 the curtilage of the dwellinghouse is from Petleys Farm to Snows Cottages and therefore it includes the strip of land comprising the current application site (see Fig 1 below). The application site currently resembles an area of maintained lawn/paddock/pasture accessible through a post and rail fence along the side of Parkside.

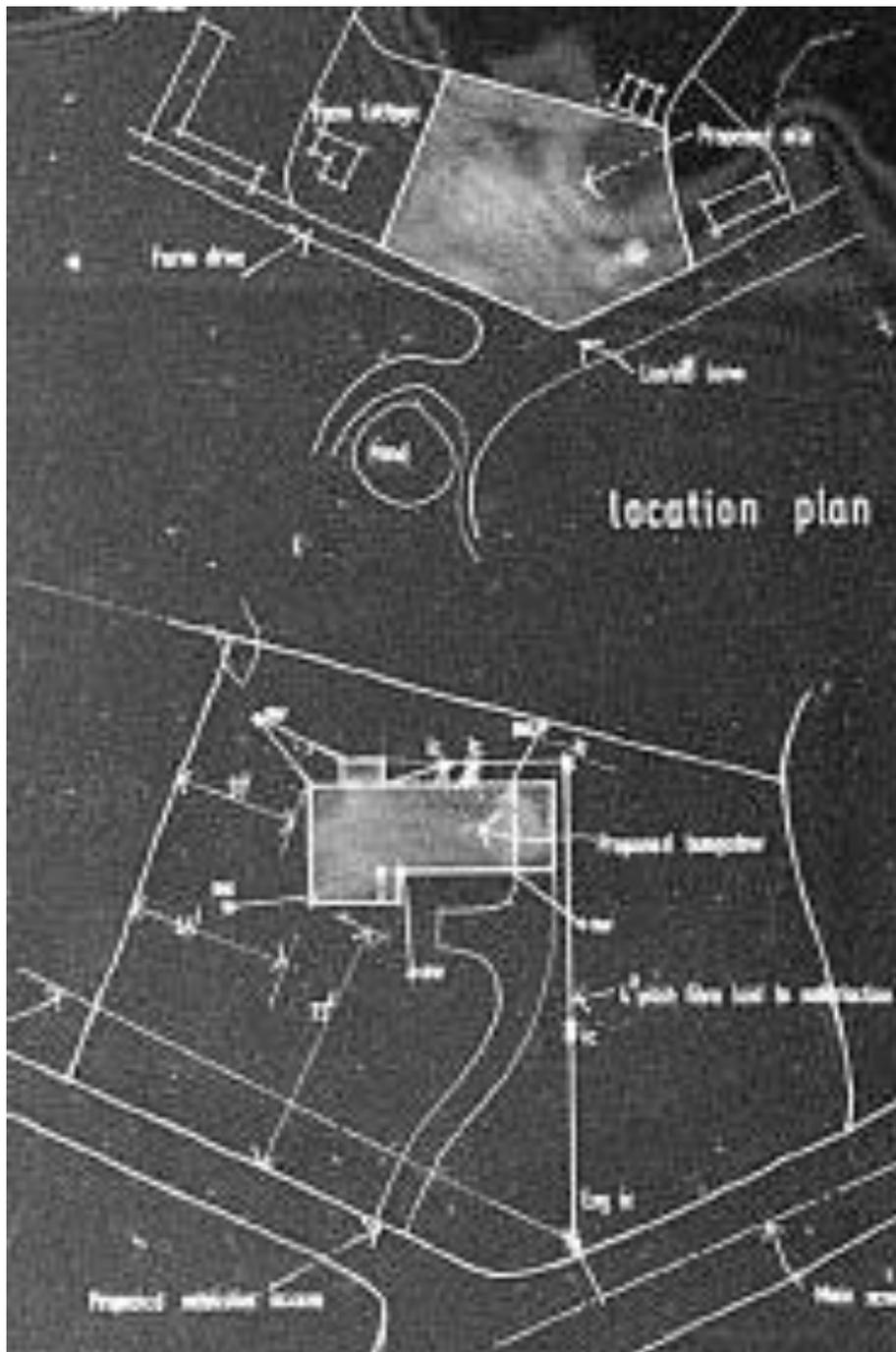


Fig 1 planning permission 70/1295 site location plan (extract) showing the curtilage of "Parkside"; the full parcel of land between Old Farm House and Snows Cottages.

- 2.2 The site lies within the Metropolitan Green Belt area. The site lies just beyond the Downe Village centre however it is within the Downe Conservation Area. As such there is a tighter urban grain at the village centre which is characterised by modest and attractive two-storey cottages, with larger properties and grounds, such as Parkside, at the village periphery. There are numerous Listed buildings in the Conservation Area the application site is directly flanked to the east by a row of Grade II listed cottages known as Snows Cottages and the Grade II listed building Petleys to the south west. There are also locally listed dwellings Old Farmhouse to the west and Trowmers to the south.

2.3 Downe is an historic village with a strongly nuclear form focused tightly on a small open area at a road junction, around which most of the main and indeed earliest buildings in the village are located including the 13th Century Church of St. Mary (restored in 1879), former village school, pub and shops. Most of the cottages date from the mid-19th century and there are a number of “Gentry Houses” built and occupied by more wealthy people. Downe is known more widely for Down House; former residence of Charles Darwin. Constrained by the Green Belt it has developed little and shows a diverse building stock; characteristic of Kentish villages. The street pattern and the large number of articulations and variations in the building line all serve to establish and emphasise a strong but informal village character. The main conservation objective is to ensure the survival of the village character of the conservation area. The Council will expect all proposals for new development to conform with the general character of the conservation area, especially in regard to the scale and height of construction, location within a plot (where material), design and materials used.

2.3 As the village has developed slowly over many hundreds of years it contains a broad range of building styles, materials and methods. In general, the buildings constructed before the end of the 18th century are within the vernacular tradition using locally available materials such as flint, timber, lime and red clay from locally available craft skills within an established tradition of building. Flint is in widespread use. Flint elevations are commonly stabilised by quoins on corners and around window and door openings. Cottages constructed prior to the early 19th century, most notably Snows Cottages, Luxted Road, use soft red brick quoins and stringcourses to bond the flint. The red brick is likely to be of local manufacture. The Green Belt location constricts new development however when considering new development the Council will:

- pay special attention to plot widths,
- the scale and bulk of proposed extensions and their relationship with adjacent buildings and views between buildings,
- increases in development density and height or the development of additional houses between existing frontages could damage the character of the area and proposals of this nature will not normally be permitted.
- trees are of great importance to the character and appearance of the area. The Council must be notified before works are carried out to any tree within a Conservation Area.

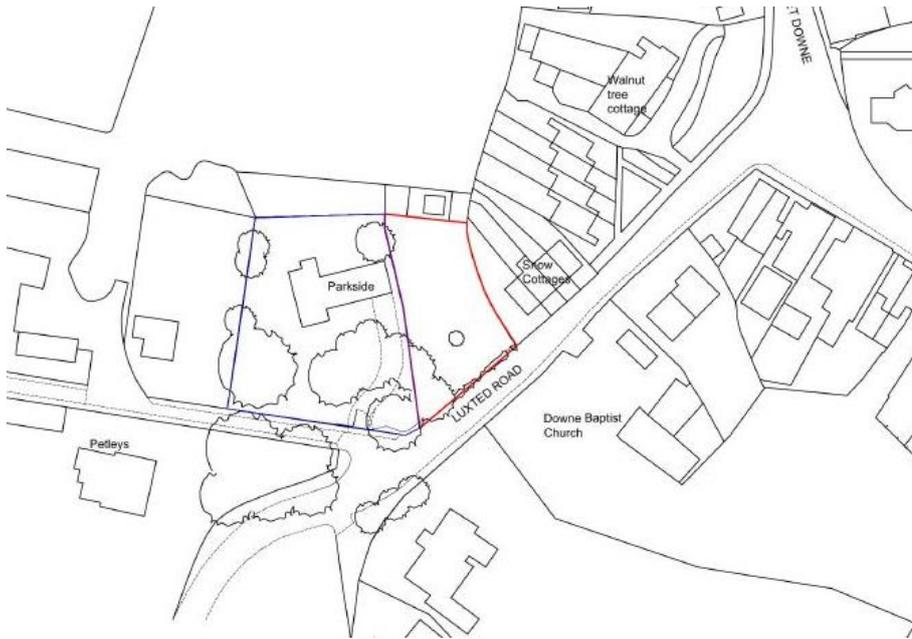


Fig 2 site location plan.



Photo 1. Luxted Road (looking northeast towards the application site and village centre).



Photo 2. Lusted Road (looking east away from the village centre and across the front of the application site).



Photo 3 application site (looking north).



Photo 4 application site (looking south towards Luxted Road).

3. PROPOSAL

- 3.1 The planning application form requests permission for subdivision of the residential plot of Parkside and erection of a detached dwellinghouse with curtilage and parking area; using the existing access serving Parkside.
- 3.2 Although the site address is given as “land adjacent to Parkside”, the current use of the site is stated to be “part of the garden serving Parkside” and the proposal is described as “subdivision of residential plot”. As mentioned above, the original permission for the dwelling 70/1295 included the whole parcel of land from Petleys Farm to Snows Cottages (shown in Fig 1 above) and therefore all of the land shown in the original site location plan lies within the original dwelling curtilage. Therefore, notwithstanding representations on the current application, the current proposal comprises the subdivision of the existing residential plot of Parkside.

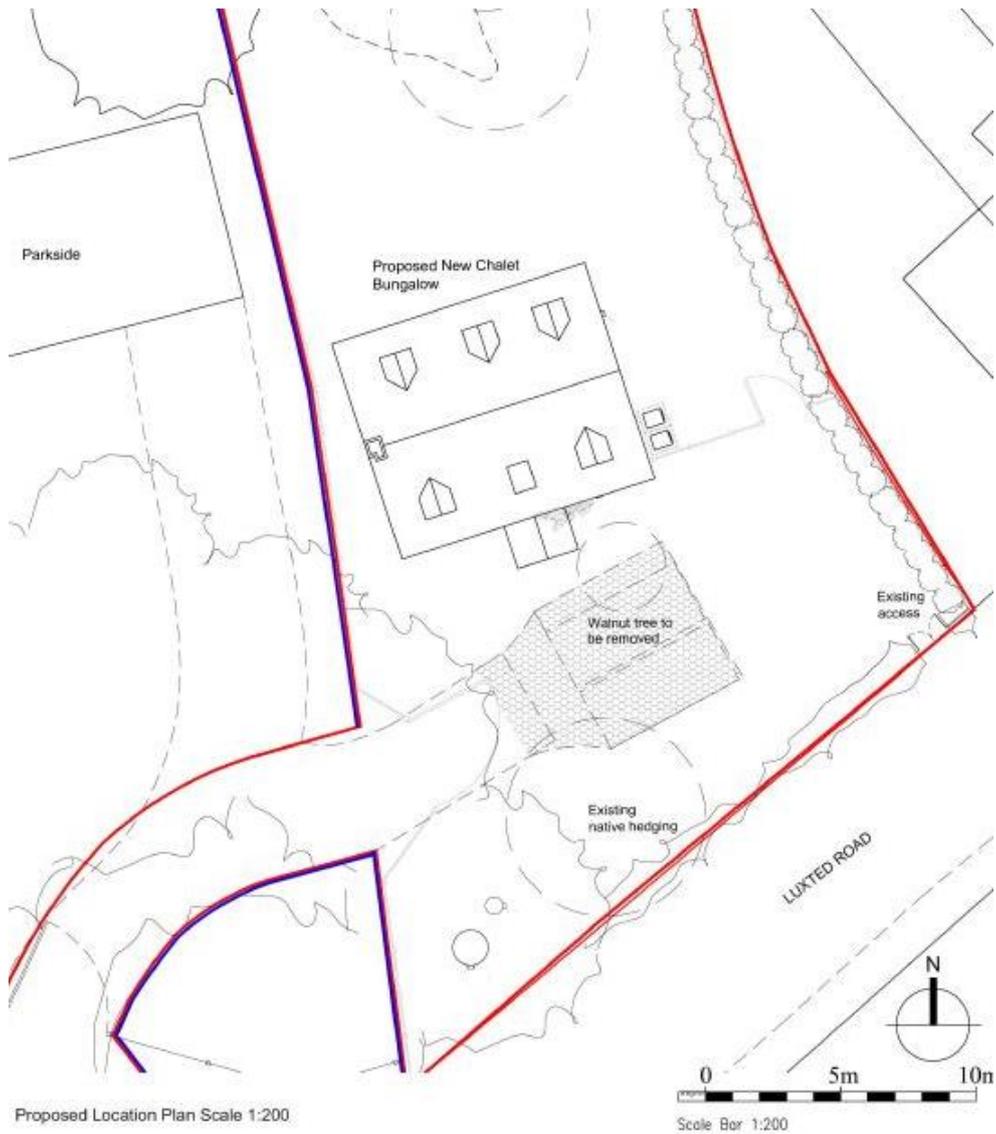


Fig 3 proposed site layout.

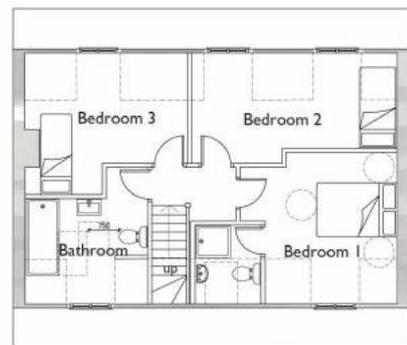


Fig 4 proposed floor plans.



Fig 5 proposed front elevation.



Fig 6 proposed street scene elevation.

4. RELEVANT PLANNING HISTORY

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

4.1.1 00/00141/FULL4 – Removal of condition No. 1 of planning permission 70/1295 relating to the dwelling to be occupied by persons engaged or employed in the use of Petleys Farm, Luxted Road for agriculture was granted on 8 February 2001. On this basis the dwelling known as Parkside can be lawfully occupied by persons not engaged or employed in agriculture. It is not clear from the application details whether the strip of land between the dwelling of Parkside and No. 4 Snows Cottages (the current application site) was subject to the removal of the condition and this is discussed in further detail below. Nonetheless, notwithstanding the application to remove the condition the land would nonetheless remain within the original residential curtilage of the original dwelling (70/1295).

4.2 Other relevant history:

4.2.1 Trowmers, Luxted Road

4.2.2 14/04878/FULL1 – Erection of detached two storey 4 bedroom dwelling with attached double garage and vehicular access from Luxted Road on Land Adjacent to Trowmers, Luxted Road, was dismissed by the Planning Inspectorate (against non-determination).

In relation to the Green Belt:

- The Appeal Inspector concluded that the proposal for a single dwelling sitting within the line of buildings along Luxted Road would fall within the NPPF (2012) definition of “limited infilling in the village” and that it did not comprise inappropriate development by definition. The Inspector; aware that one of the fundamental aims of the Green Belt is to keep land permanently open, and that its openness and permanence are its essential characteristics, concluded that the land between Trowmers and The Manse (to the east) reads as part of the village, and does not make the same contribution to the openness of the Green Belt as the more extensive areas to the south east and east on the opposite side of Trowmers. In this respect the Inspector acknowledged that the proposed property would cause some diminishment to the openness of the Green Belt, however he found it somewhat inevitable and unavoidable that this would occur to some degree in cases of limited infilling. As such the Inspector observed that sufficient distance between the proposed property and Trowmers would be retained so that views through the gap to the open land beyond would remain appreciable and concluded that the proposal would not significantly undermine or erode the overall contribution to the area’s openness made by Trowmers’ extensive grounds and that in addition to the absence of definitive inappropriateness the proposal would also not significantly harm the openness of the Green Belt.

In relation to the Conservation Area:

- The Appeal Inspector noted that the Council identifies openness and spaciousness, and the relationship between Trowmers and the wider countryside and the village as a key characteristic of the Downe Conservation Area. However, as per his conclusions on the Green Belt, the Inspector considered that the effect on openness would be limited and therefore the proposed development would not have a detrimental effect on this aspect of the Conservation Area. The Inspector also noted that the proposed dwelling would be lower in height and scale than the larger and more imposing Trowmers ; therefore not competing with or undermining the significance of the setting of Trowmers, and as it would be set back behind Trowmers and it would be not readily visible from important viewpoints on the approach into the village. The Inspector was also satisfied of sufficient side space and that the plot width and size of the building would be broadly consistent with neighbouring properties The Manse and Forgecroft and would not appear out of character in this regard. However the Inspector objected to the location and bulky design of the linked garage at the front of the dwelling; which was not characteristic of neighbouring properties and the wider locality, and to the

partial removal of the prominent and significant flint wall along the highway to provide the highway access and subsequently decided to dismiss the appeal.

4.2.3 15/04895/FULL1 – Erection of detached two storey 4-bedroom dwelling; incorporating integral garage, on land adjacent to Trowmers with vehicular access from Cudham Road was concluded to have overcome the Inspector's reasons for dismissing the previous appeal and the application was approved by Planning Committee on 5 January 2016.

4.2.4 17/00607/FULL1 and 18/04141/RECON – Detached dwelling with integral garage on land adjacent to Trowmers with vehicular access from Cudham Road; comprising revisions to the earlier permission 15/04895/FULL1 consisting of dormer window extensions and a front gable incorporating rooms within the roof approved on 21 April 2017 and latterly 3 roof lights and a suntube were approved on 6 November 2018.

5. COMMENT SUMMARY

A) Statutory

5.1 Highways – Objection/No objection

- The proposal would share an existing access on to Luxted Road, however this has poor visibility; particularly in the easterly direction, and it would intensify the use of this access. The Applicant has since assessed the road safety and access requirements and the intensified use of the access and it is concluded that suitable access could be provided. The detailed visibility splays required could be managed by planning condition.

B) Local Groups

5.2 Downe Residents' Association

- Neighbouring properties have not been notified/site notices have not been posted as required,
- Snows Cottage marks the edge of the built-up area of the Village (see accompanying photographs),
- The application site is set in an open rural landscape beyond the edge of the built-up area of the village, it forms a transition into the open countryside and significantly contributes towards its openness,
- The proposal would fill a gap in existing development; obscuring the existing views of open countryside that positively contribute to the semi-rural character of the area, and would fail to comply with the criteria for limited village infill (this is supported by planning appeal APP-A3010-W-19-3242385 in Bassetlaw District Council, Nottinghamshire),
- The proposal would not be small in scale, it would comprise more than the filling of small gaps within built development and it would significantly impinge upon the openness of the Green Belt (NPPF) and it would not comprise an "infill" development within the envelope of the existing built up settlement (as seen opposite at Trowmers, Luxted Road),

- The proposal would comprise inappropriate development in the Green Belt, would not preserve the openness of the Green Belt land and it contribute to urban sprawl by extending the boundary of the built-up village area,
- There are no very special circumstances to clearly outweigh the harm to the Green Belt,
- The proposal would obscure the view of Snows Cottage (the edge of the built-up village area),
- The proposal would remove existing attractive trees and vegetation which currently screen the plot,
- The application site is on raised land and the development would be prominent in the street scene,
- The proposal would detract from the Downe Village Conservation Area,
- The proposal would detract from the adjacent Grade II listed building(s),
- Existing on-street parking narrows the highway and the proposed access together with the exiting access to Petleys Farm would exacerbate highway safety issues,
- The development at Trowmers was initially refused; the later permission was marginal, and does not set a precedent for the weaker proposal at Parkside,
- The application should be determined by the Planning Committee if recommended for approval and permitted development rights should be removed,

C) Local Residents

5.3 Objections

5.3.1 Procedural matters (addressed in section 7.2)

- There has been no prior discussion with neighbours,
- Neighbouring properties have not been notified of the development and a site notice has not been displayed,
- The Downe Residents' Association was not informed of the application,

5.3.2 Green Belt (addressed in section 7.4)

- The application site lies within the Green Belt,
- Parkside bungalow was an agricultural worker's dwelling (the condition removed in 2000) albeit out of keeping with the design of the village,
- Parkside was constructed for the retired farmer to remain local in the area;
- Petleys Farm has since become a mixed site with many residences,
- The land is not garden to Parkside and does not have a residential use,
- The land remains as agricultural grazing land connected with the farm,
- New dwellings in the Green Belt are inappropriate unless does not fall within the listed exceptions and would comprise inappropriate development,
- There are no very special circumstances to justify the development,

5.3.3 Design and landscaping (addressed in section 7.6)

- The site is open and undeveloped and does not have an existing building footprint,

- An additional infill proposal would exacerbate the already overdeveloped Petleys Farm,
- Other infills have been refused,
- The proposal would be cramped,
- The design and materials would not match those in the village,
- The proposal would spoil views of the field/countryside,
- The development would not be screened by hedging,

5.3.4 Heritage (addressed in section 7.7)

- The village is historic (largely unchanged since Darwin),
- This part of the village contributes towards the heritage asset of the Conservation Area and is internationally renowned to visitors (Down House) and prepared for a World Heritage Site bid,
- The proposal would harm the significance and importance of the village to visitors,
- The proposal would conflict with the Conservation Area status and defy the point the point of the Conservation Area,
- New build development is not in keeping with the village and it would detract from the neighbouring listed cottages and the appearance of this part of the village,

5.3.5 Residential amenity (addressed in section 7.9)

- The proposal would overlook neighbouring properties harming their privacy,

5.3.6 Highways and parking (addressed in section 7.10)

- Highway visibility is obscured by the bend in the highway and narrowing by residents' parking and an additional residential entrance would be dangerous to highway safety,
- The site access would be restricted,
- The construction process/traffic would cause obstruction and disruption to the highway,
- The proposed ecological mitigation measures could be removed or reversed whereas the house would remain permanent,
- The site access is actually the access to the electricity substation,

5.3.7 Services and infrastructure (addressed in section 7.14)

- The existing dwellings/population outweighs the shops/services/infrastructure,
- The proposal would affect access to the adjacent electricity substation and potentially the substation infrastructure serving the village,

5.3.8 Other matters (addressed in section 7.11 and 7.14)

- The proposed ecological mitigation measures could be removed or reversed whereas the house would remain permanent,
- There is a covenant preventing building on the land,
- Other small-scale developments have been refused and this more harmful application should be refused,
- The proposal would set a precedent for other schemes; difficult for the Council to resist, causing more harm,
- The proposal is not affordable housing as stated,

- The proposal is only for financial gain with no social benefit for the village,

5.4 Support

5.4.1 Design and landscaping

- The proposal would be a sensitive infill and a reasonable use of an unused plot of land,
- All dwellings in the village would have comprised a “new” dwelling and new development is a natural concept,
- The proposal would complement the mixture of dwelling types and styles,
- The proposal would not overdevelop the land,
- The proposed house design would be sympathetic and in keeping with the village architecture,
- The proposal would retain characterful/screening vegetation along the highway,
- The proposal would include new planting to replace removed trees,
- The proposal would not detract from the attractiveness of the village,

5.4.2 Other matters

- The proposal would contribute to the Borough’s housing targets and many small infills are more appropriate than large-scale estates on green fields,
- The plot is vacant and will need to be developed at some point,

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2019

6.2 NPPG

6.3 The London Plan 2016

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment

- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.19 Biodiversity and access to nature
- 7.21 Trees and Woodlands

6.4 Intend to Publish London Plan (ItPLP) 2019

- 6.4.1 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 6.4.2 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 6.4.3 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.4.4 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.
- 6.4.5 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.
- GG1 Building strong and inclusive communities
 - GG2 Making the best use of land
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive Design

- D6 Housing quality and standards
- D7 Accessible housing
- H1 Increasing housing supply
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 2 Minimising greenhouse gases
- SI5 Water infrastructure
- SI13 Sustainable drainage
- T1 Strategic approach to transport
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking

6.5 London Mayor Supplementary Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Housing (2016)
- Homes for Londoners – Affordable Housing and Viability (2017)

6.6 Bromley Local Plan 2019

- 1 Housing Supply
- 3 Backland and Garden Land Development
- 4 Housing Design
- 8 Side space
- 9 Residential Conversions
- 20 Community Facilities
- 30 Parking
- 32 Road Safety
- 37 General design of development
- 38 Statutory Listed Buildings
- 39 Locally Listed Buildings
- 41 Conservation Areas
- 43 Trees in Conservation Areas
- 49 The Green Belt
- 72 Protected species
- 73 Development and trees
- 74 Conservation and Management of Trees and Woodlands

6.7 Bromley Supplementary Guidance

- Bromley's SPG No.1 – General Design Principles

- Bromley's SPG No.2 – Residential Design Guidance
- Downe Conservation Area SPG (2002)

7. ASSESSMENT

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

- Principle and location of development
- Green Belt – appropriateness and impact on openness
- Unit size/mix
- Design and landscaping
- Heritage
- Standard of residential accommodation
- Residential amenity
- Transport
- Ecology and Ecology
- Energy and Sustainability
- Drainage and Flooding
- Other matters
- CIL

7.2 Procedural matters

7.2.1 The Council has carried out the notification process in accordance with the Planning Regulations and its adopted standards; including publishing the weekly planning register, writing directly to properties physically adjoining the application site, placing an advert in the local newspaper and placing a site notice at the site.

7.2.2 All applications are assessed on their own merits; although other relevant applications may be material considerations, and a planning permission would not necessarily set a precedent for another development and in relation to the Development Plan Policies relevant to the type of development.

7.2.3 Notwithstanding representations received covenants and title deeds etc. are not planning matters. The reason for making a planning application; such as a financial project, are not a relevant planning consideration.

7.3 Principle and location of development – **Acceptable**

7.3.1 This proposal; involving formation of a new curtilage and construction of a new dwelling would conflict with the principle of locating new residential development in existing urban and built up areas rather than in the rural countryside and Green Belt areas. As mentioned in the submitted statement paragraph 79 of the NPPF seeks to void the development of isolated homes in the countryside and this is a relevant consideration in this particular case.

7.3.2 As described, the application site forms part of the residential curtilage of Parkside from; which would be subdivided. The application site is bordered by the existing bungalow Parkside to the west, the electricity substation to the north, No. 4 Snows

Cottage to the east and the highway to the south, and is physically enclosed on all sides by some built form or other physical built form or features. It is also physically separated from the working farm and does not appear to have comprised active farmland or grazing land, or at least since 2001 when the original agricultural occupancy condition was removed and Parkside became a fully residential dwelling, if not before. As identified in the submitted statement, the application site lies within the village envelope, albeit towards its western edge, and in between two existing dwellinghouses. It lies approximately 80m from the village centre accessed via paved pedestrian footpaths (albeit unlit). The village centre is served by bus routes to and from Bromley via Keston and two and from Orpington and Biggin Hill, and features a church, three pubs and a primary school. On this basis the site would not be regarded as being “isolated” and as such the proposal would not comprise the development of an isolated home in the countryside, according to paragraph 79 of the NPPF. It is noted that Planning Appeal Inspectors have regarded other land in more remote locations than this application as not being “isolated”.

- 7.3.3 The current position in respect of Bromley’s Five-Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.3.4 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3.5 According to paragraph 11(d) of the NPPF in the absence of a 5-year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.3.6 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.

- 7.3.7 Policies including 3.3 of The London Plan 2016 and 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. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a year.
- 7.3.8 This proposal would provide one additional dwelling, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

7.4 Green Belt – appropriateness and impact on openness – Acceptable

- 7.4.1 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.
- 7.4.2 Paragraph 134 sets out the five purposes of the Green Belt:
- (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.
- 7.4.3 Paragraphs 143 – 147 deal specifically with development proposals in the Green Belt.
- 7.4.4 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated, the most relevant of which to this application are:
- (e) limited infilling in villages;
 - (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.

- 7.4.5 Paragraph 146 provides for certain other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it the most relevant of which to this application are:
- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- 7.4.6 Inappropriate development in the Green Belt is harmful by definition (in principle) and should not be approved except in very special circumstances. Therefore, the harm to the Green Belt in principle remains even if there is no further harm to openness arising from the development. Local planning authorities should give substantial weight to any harm to the Green Belt. “Very special circumstances” (VSCs) 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. VSCs by their nature will also often be unique to the application site and will not be capable of being easily repeated as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.
- 7.4.7 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form and has been described by Appeal Inspectors as an “absence of development”. Even if there is no harm to openness, there can be harm to the Green Belt in principle due to definitive inappropriate development. Openness takes into account the effect of built form on the otherwise open landscape and therefore the three-dimensional mass of a building, as compared with a two-dimensional form of a flat surface, is a critical element of this part of the assessment. As such the effect of new built form could be concluded to compromise the openness of Green Belts and conflict with the purpose(s) of including land within Green Belts (such as assisting in safeguarding the countryside from encroachment). However as mentioned above, even if there is no harm to openness, there may still be harm in principle to the Green Belt by reason of it being “inappropriate development”. Furthermore it is established in the assessment of the impact of new development on the openness of the Green Belt that the land in question does not need to be prominent or visible from the public realm; as the mere fact that the development exists at all is inherently harmful to openness as compared with the same land that does not contain that development.
- 7.4.8 Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF.
- 7.4.9 In respect of NPPF paragraph 145 subparagraph e) *infilling* has been regarded as “the development of a plot that lies between two residential properties on similar sized plots; forming part of a wider established built form”. This consideration takes into account the size of the plot, the size of the dwelling, the scale and form of the development and it has to be interpreted in the context of the overall aim of Green Belt Policy; which is to preserve the openness of the Green Belt, and this implies minimising the loss of significant open gaps between buildings.

- 7.4.10 In respect of NPPF paragraph 145 subparagraph g) the NPPF glossary describes *previously developed land* as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure, excluding land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. As mentioned above the application site would comprise a residential garden (discussed further below) however it is not located in a built-up area and as such it could comprise previously developed land (PDL).
- 7.4.11 NPPF paragraph 145 e) and Local Plan Policy 49 refer to “limited infilling in villages” and neither states that such infilling should necessarily take place on existing residential land. However NPPF paragraph 145 g) and Local Plan Policy 49 also refer to limited infilling or redevelopment of PDL (which could include residential garden land) and in this context it would be relevant to consider the existing use of the land and this is discussed in further detail below.
- 7.4.12 As mentioned above, the application site forms part of the original residential curtilage of Parkside (70/1295). The agricultural occupancy condition relating to Parkside was removed in February 2001 (00/00141/FULL4) and therefore Parkside and its curtilage is now a standard residential dwelling without a restriction on its occupancy. It is not clear from the application details whether the strip of land between the dwelling of Parkside and No. 4 Snows Cottages (the current application site) was included in the application site to remove the agricultural occupancy condition. However, the land appears to have been used an integral part of the residential curtilage of Parkside as described below. Aerial photography shows the following observations/characteristics of Parkside:
- photo dated 2006: a post and rail fence positioned tightly along the eastern and northern sides of Parkside appear to clearly delineate it from the application site and the field to the north of the electricity substation which all appears to be one continuous area of land, mown more roughly than the land immediately around Parkside,
 - photo dated 2010: the fence along the northern side of Parkside appears to have been removed and repositioned parallel with the electricity substation separating the field to the north from Parkside and the application site, another square shaped enclosure appears to the north of Parkside there appears to be a gap in the fence along the eastern side of Parkside, the a grass to the north of Parkside and the application appears to be mown to a similar condition

although it appears more roughly mown than the grass to the west and south of Parkside,

- photo dated 2013: appears similar to photo dated 2010 except for the removal of the enclosure north of Parkside, it does not appear to show any residential paraphernalia,
- photo dated 2016: appears similar to photo dated 2016.

As such all of the land appears to have been used as the same residential curtilage for at least 10 years and all of the curtilage is now likely to comprise a non-agricultural residential curtilage, regardless of whether some or all of the land was shown to be included in the removal of the agricultural occupancy condition application 00/00141/FULL4. On this basis the land has always comprised a residential curtilage by virtue of the original application 70/1295 and it now comprises a non-agricultural residential curtilage by virtue of the application 00/00141/FULL4 and/or the passage of time.

7.4.13 On this basis NPPF paragraphs 145 e) and 146 g) continue to apply.

7.4.14 In this case the application site lies between two existing dwellinghouses; Parkside and No. 4 Snows Cottages, and it comprises a generous open space between those buildings. It is noted that No. 4 Snows Cottages forms part of a defined row of cottages and Parkside is a detached dwelling; separated from Snows Cottages by the application site. However, Parkside, Petleys Farm and Petleys; to the west and south west, are not physically or functionally isolated from the village simply because they are separated from Snows Cottages by the open parcel of grassland comprising the application site. Similarly, The Lilacs, Pondfield House and Coach House; to the south, are not physically or functionally isolated from the village simply because they are separated from Trowmers and No. 32 by the open pond area. As such all of these mentioned buildings are not isolated from the village and they are also included within the village Conservation Area. On this basis Parkside and the application site are concluded to lie within the village envelope (albeit towards its western edge) and the construction of a new building on this plot therefore would not extend the current edge of the built-up village area.

7.4.15 The proposed dwelling would enclose and reduce the existing space between Parkside and No. 4 Snows Cottages, however it is noted that the dwelling would not fully occupy the width of the new plot and it would therefore retain some space around it and some space between the two existing dwellings. As such there are similarities between this proposal and the approved dwelling adjacent to Trowmers (15/04895/FULL1). Furthermore, notwithstanding representations received and the appeal decision cited in Bassetlaw APP-A3010-W-19-3242385, the current proposal would retain views of the open countryside beyond the site which contribute towards the semi-rural character of the area.

7.4.16 Furthermore the size and scale of the neighbouring plots and dwellings is relevant to the consideration of "infilling". In this respect there is a considerable contrast between the nature of those dwellings; Parkside being a relatively sprawling single storey bungalow; set in a very spacious plot, whereas No. 4 Snow Cottages is an end of terrace two storey traditional cottage; set in a more compact plot and

therefore it has a higher density appearance compared with Parkside. The proposed dwelling would have a relatively spacious plot; more akin to Parkside, compared with some of the other neighbouring properties; such as Snow Cottages. The proposed dwelling itself would not be excessive in size and would be proportionate to its plot. In relation to the properties on either side the proposal would comprise something of a transition; bridging the gap between the size and scale of the buildings on either side; Parkside being a single storey bungalow and 4 Snow Cottages being a more compact terraced cottage. The site is located at the apex of the curve in the road, Parkside is comparatively set back and at an angle to the highway whereas Snows Cottages front directly on to and are parallel with the highway. The proposed dwelling would therefore also bridge the gap between the location, position and orientation of buildings on either side; softening the current abrupt junction in the building line between 4 Snow Cottages and Parkside. Notwithstanding representations received, according to the submitted drawings the proposed building would be positioned in the space between Parkside and Snows Cottages bridging the gap in between and rounding off the abrupt step between those two existing buildings, however notwithstanding this it would not obscure the view of the southern end of Snows Cottage. Given these circumstances and characteristics the proposal would comprise a *limited infill within a village* and would not conflict with paragraph 145 subparagraph e).

- 7.4.17 As mentioned above, the Appeal Inspector considering the new dwelling at Trowmers also assessed the effect of the proposal on the openness of the Green Belt. In this context the proposed new dwelling would not comprise an “absence of development” or “freedom from built form” and therefore it would have a greater impact on the openness of the Green Belt than the existing situation. However as identified by the Appeal Inspector in the case of Trowmers this is somewhat inevitable in the case of infilling. Furthermore, in the case of Parkside the more open areas of its grounds lie to the south and north towards Petleys Farm whereas the area to the east; the application site, is somewhat more enclosed by virtue of its position in between Parkside and Snows Cottages. Furthermore, as mentioned above, in this case the proposal would provide sufficient space around the new dwelling that some of the space and visual gaps between Parkside and No. 4 Snows Cottages would be retained. For these reasons, and in context to the appeal decision at Trowmers, the proposal would not significantly undermine or erode the overall contribution to the area’s openness and the openness of the Green Belt and would not conflict with paragraph 146 subparagraph g).
- 7.4.18 For these reasons the proposal would not comprise inappropriate development in the Green Belt by definition and it would not detract from its openness and Very Special Circumstances are not required in this case.
- 7.4.19 Although the proposed dwelling would be considered acceptable in its current size and form and in relation to the site context and its surroundings; including the neighbouring dwellings, it is possible that the new dwelling could be substantially further extended through permitted development rights and this additional enlargement could be significantly harmful to the openness of the Green Belt. Therefore, in this instance it would be prudent to remove the permitted development rights through planning condition and this approach is often supported by Appeal decisions.

7.5 Unit size/mix – Acceptable

- 7.5.1 The London Plan supports the provision of higher density smaller households should in areas with good public transport accessibility (measured by Public Transport Accessibility Levels [PTALs]), and lower density development is generally most appropriate for family housing. The London Plan identifies “Central”, “Urban” and “Suburban” locations in this respect. London Plan Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare) sets out the appropriate density ranges are related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL).
- 7.5.2 The application site is in a semi-rural location, to which the London Plan density matrix categories do not specifically refer, however lower densities than in a suburban area would generally be more appropriate than higher densities. The proposal would provide one 3-bedroom chalet bungalow style two storey dwelling with approximately 6 habitable rooms amounting to approximately 12 units per hectare and 72 habitable rooms per hectare; both are below the lowest density range in accordance with the housing density matrix in the London Plan. As mentioned, accounting for this being a semirural location rather than a suburban location a lower density figure would be appropriate. Furthermore, given that the density matrix is not entirely accurate for this type of area and can only be used as an approximate guide a visual appraisal is also appropriate and in this context the size and scale of the development would also appear appropriate to the size of the site and the dwelling/building density in the locality and would not appear out of keeping and this is discussed in more detail below.

7.6 Design and landscaping – Acceptable

- 7.6.1.1 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.
- 7.6.1.2 Paragraph 124 of the NPPF (2019) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.6.1.3 Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of

streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 7.6.1.4 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.6.1.5 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.6.1.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.6.1.7 Local Plan Policy 3 relates to backland/residential garden land and as mentioned above there is a reasonable probability that it now comprises part of the residential garden land of Parkside. The spirit of Local Plan Policy 3 is to prevent unsuitable development on garden land such as tandem development or development in depth where one dwelling would be positioned behind another. However, it would not necessarily preclude infill development; providing that it would be suitable in all other respects.

7.6.2 Built Form

- 7.6.2.1 The proposed dwelling would be substantial in size however it would be positioned in a spacious plot, it would be well separated from the side boundaries and from neighbouring dwellings and as such it would not overdevelop the site or lead to a cramped appearance or a terracing effect that would otherwise detract from the street scene. Furthermore, the proposed chalet style dwelling would bridge a gap between the low height and low building density detached single storey bungalow Parkside and the terraced row of two storey cottages of Snows Cottages. The proposed design would be a traditional vernacular dwelling; reflecting the design and materials seen in many of the neighbouring properties including mainly flint finished walls with decorative brick quoins and exposed timber framed sections and chimney detail and overall this would not appear out of keeping within the locality.
- 7.6.2.2 Although the proposed dwelling would be suitable in size and scale, as mentioned above, it could potentially be substantially enlarged through the permitted development rights which could be significantly harmful to the character and design of the site and the approved dwelling and therefore in this instance it would be prudent to remove the permitted development rights through planning condition in the interest of the design of the building and the site.



Fig 4 proposed elevations.

7.6.3 Landscaping

7.6.3.1 There is a prominent walnut tree in the centre of the site which would be removed through this proposal; however, it does not contribute significantly towards the character and appearance of the site and its setting. Nonetheless it is shown to be replaced and therefore its contribution towards the appearance of the site could be returned through new planting in a landscaping scheme which could be managed by planning condition. There is also prominent hedgerow along the site frontage which would be removed to a greater or lesser extent; partially to assist in highway visibility from the access, there is no objection to its removal from the Council's Tree Department providing that its visual appearance and contribution to the visual amenity of the area could also be replaced through new planting. Overall, there is no objection from the Council's Tree Department subject to the recommended conditions/informatives.

7.6.4 For these reasons, and the proposal would not detract from the character and appearance of the site and its setting and would not conflict with Local Plan Policy 3.

7.7 Heritage – Acceptable

- 7.7.1.1 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.
- 7.7.1.2 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.
- 7.7.1.3 Within or adjacent to a Conservation Area:
- 7.7.1.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.7.1.5 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.7.1.6 Impact on Listed Buildings and their setting:
- 7.7.1.7 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.
- 7.7.2 As mentioned above the site lies within the Downe Conservation Area. However, the Conservation Area does not necessarily prevent new development from taking place; moreover, it manages the way in which new development takes place. The Conservation Area SPG resists increases in development density and height or the development of additional houses between existing frontages which could damage the character of the area. However it is noted that whilst the Appeal Inspector (considering the same Downe Conservation Area SPG 2002) objected to the design of the originally proposed dwelling at Trowmers he did not object to the overall principle of infilling in a similar format almost directly opposite the site and therefore in a similar position in the Conservation Area. As mentioned above the proposed building would be sensitively designed and constructed in suitable materials. Its size, scale and design would be in keeping with those on either sides and although

it would be visible within the street scene it would not be unduly prominent. As mentioned, the proposal would involve the removal of some of the frontage hedgerow and a specimen tree near the centre of the site however this would not detract significantly from the character and appearance of the site or its setting within the street. On this basis the proposal would not appear out of keeping within the plot or within this part of Luxted Road or within the wider Conservation Area and there is no objection from the Council's Conservation Officer.

- 7.7.3 Notwithstanding representations received referring to a World Heritage Site bid received the village is not a designated World Heritage Site and therefore weight cannot be attributed to this.
- 7.7.4 The proposal would not detract from the historic nature or significance of the immediately neighbouring statutorily listed or locally listed buildings. Notwithstanding representations received the application site is well removed from Down House (approximately 450m due south). As mentioned, the proposed dwelling would relate to the existing village settlement, whereas Down House is located in a more remote area well outside the village and as such the proposed new dwelling would not detract from Down House or the historic association between Down House and Down Village.

7.8 Standard of residential accommodation – Acceptable

- 7.8.1.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.
- 7.8.1.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. 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 Technical Housing Standards.
- 7.8.1.3 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 should be secured by planning conditions.

- 7.8.2 The proposed dwelling would be relatively spacious and would provide internal living accommodation in accordance with the Nationally Described Space Standard. The proposal would also provide generous outdoor amenity space suitably proportioned and laid out for a family sized dwelling. The proposal also confirms that the dwelling would be capable of adaptation for wheelchair use.
- 7.8.3 Furthermore there is no objection from the Council's Environmental Health Officer subject to recommended conditions/informatives.

7.9 Residential Amenity – Acceptable

- 7.9.1.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.9.1.2 Policy 4 of the Bromley Local Plan also 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.
- 7.9.2 Although the proposed new dwelling would be visible from the host dwelling and from neighbouring properties it would be sufficiently well separated from them that it would not appear to have a significantly more harmful effect by reason of overshadowing or overbearing effect. The main outlook would be to the front and rear; replicating the outlook of Parkside and the existing neighbouring dwellings, where there would be no significant additional harm by reason of overlooking. Upper floor side flank windows could be more harmful to neighbouring amenities however they are not shown to be included and any future insertion of upper floor windows would be restricted/managed in any event by the General Permitted Development Order.

7.10 Transport: Highways and Parking – Acceptable

- 7.10.1.1 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.
- 7.10.1.2 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.

- 7.10.1.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.10.2 The proposed dwelling would continue to be served by the existing vehicular and pedestrian access into the site serving Parkside however it would intensify the use of the access and as it would serve a new dwelling it should comply with the current relevant highway standards. In this respect the Council's Highway Department requires/recommends that the necessary highway visibility is provided to ensure the access meets current highway and access design standards and this could be managed by condition. As mentioned above this would require the removal of some of the existing front hedgerow, however there is no objection in principle to this providing that a suitable replacement hedge can be provided and providing that that hedge would meet the relevant visibility standards.
- 7.10.3 The proposal would provide at least 2 car parking spaces of a suitable size and with sufficient space for turning vehicles within the site in accordance with the Council's adopted car parking standard.
- 7.10.4 The proposed dwelling would be set away from the highway however there would be space/capacity within the site to provide a suitable refuse storage/collection area/enclosure within the appropriate carrying distance for the Council's refuse collection service.
- 7.10.5 Matters relating to the construction process/period such as construction traffic and deliveries etc. are noted; however they are relatively temporary in context to the lifetime of the completed development and are not a sound reason to refuse to grant planning permission, and furthermore they could be managed through a Construction Management Plan.

7.11 Ecology/biodiversity – Acceptable

- 7.11.1.1 NPPF Policy 170 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is reflected in the Valued Environments Policies of the Local Plan. Whilst the new London Plan awaits publication, it should be given weight and therefore the relevance of Policy G6 (Biodiversity and Access to Nature) should be highlighted. This policy outlines in Part D that "Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process."
- 7.11.2 Although not specifically identified as a site of nature conservation importance, given its rural location and proximity to trees, water bodies and open countryside, it could nonetheless over suitable wildlife habitat, foraging and commuting habitat.
- 7.11.3 The Greenspace Information for Greater London (GiGL) records identify flowering plants and bird species on the site, however, there do not appear to be any recorded

reptile species. The Phase 1 PEA was (undertaken in January) would not necessarily identify the presence of breeding birds and nocturnal bat activity, including emergence from roost sites. Notwithstanding this a Phase 1 PEA can nonetheless be undertaken all year round, to assess potential presence of other species, and in order to inform the need for further studies. The results do not identify any particularly sensitive habitats on the site. The grass areas of the site are open and cut short and are unlikely to support reptiles including slow worms, and furthermore they are also likely to have been hibernating in more concealed locations during the survey in January and the site is therefore unlikely to have returned a positive result for reptiles. There were no particular trees suitable for bat roosting. One tree is to be removed (T5); it is a specimen walnut tree which does not appear to be old or with obvious signs of holes/cracks that might provide bat roost potential. Furthermore, its removal could be compensated through the provision of artificial nesting opportunities such as bat boxes, swift boxes or bricks within retained trees and/or the proposed new house. The removal of any existing vegetation should be carried out in a precautionary manner in order to preserve existing habitat and enable wildlife to vacate and then replaced by similar habitat provisions to ensure it remains a positive feature for biodiversity. The biodiversity enhancements list is comprehensive and, along with the proposed landscaping details, it could be managed by planning condition. Specific habitats could be sought as part of the biodiversity enhancements (such as longer vegetation, log piles, compost for slow worms). This will require details to be submitted and approved and can include habitat to support wild flowering plants and invertebrates to achieve a biodiversity net gain. The report also recommends a precautionary approach to site clearance (such as to prevent removal of habitat within bird nesting season) and this could also be managed by condition.

7.12 Energy and Sustainability – Acceptable

- 7.12.1.1 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.
- 7.12.1.2 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.
- 7.12.1.3 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.
- 7.12.1.4 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.
- 7.12.2 The proposed new dwelling would be of a modern construction; offering energy efficiency measures, and as the proposal would comprehensively redevelop the site

it would also offer the opportunity to incorporate renewable energy generating technology such as ground source or air source heat pumps and/or solar panels thereby contributing towards carbon dioxide emissions savings. This is not a requirement for a development of this size/scale however it would not be discouraged.

7.13 Drainage and flooding – Acceptable

7.13.1 The application site is within Flood Zone 1 (low risk of flooding). The development is required to maximise the use of sustainable drainage system(s) (SuDS) to contain all surface water run-off generated by the site for all events including the 1 in 100 year plus climate change. There is no public surface water sewer near the site and the development should account for this in designing such a system. There is no objection from the Council's Drainage Engineer subject to suitable drainage provisions which could be managed by condition.

7.14 Other matters

7.14.1 A proposal of this scale is not required to provide affordable housing, although it would not be discouraged if the Applicant wished to provide it optionally.

7.14.2 The proposal would appear to retain the access to the gates adjacent to No. 4 Snows Cottages, along the eastern site boundary to the electricity substation at the northern site boundary. Nonetheless, this is not necessarily a planning matter, it is a private/civil matter concerning a private right of way and the power company has been advised of the planning application in any event.

7.15 Very special circumstances

7.15.1 As mentioned above the proposal would not comprise inappropriate development in the Green Belt by definition and would not be harmful to its openness and would not require Very Special Circumstances.

8. CIL

8.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form. As the proposal would be liable for CIL it would consequently contribute towards public services and infrastructure provisions. Provision of other services such as shops etc. is a private/free market concept which this planning application cannot legislate for, however an increase in the population of the village could encourage the introduction of greater services in this respect.

9. CONCLUSION

9.1 The proposal would provide a suitable dwelling type, density, mix and standard of accommodation, it would not comprise inappropriate development in the Green Belt and would not detract from the character and appearance of the site and its setting within the Conservation Area. There would be not significant harm to neighbouring

amenities, highway and parking conditions, or ecology, or other environmental or amenity impact.

- 9.2 In this particular case the application site lies within the Green Belt where NPPF paragraph 11 d) i. applies. The current proposal would provide one additional dwelling; a modest contribution to the housing supply in the Borough. Nonetheless, as discussed in the preceding paragraphs, it is concluded that there would be no adverse effects of granting permission for the current scheme. Therefore, in this particular case the adverse effects of granting permission would not significantly and demonstrably outweigh the benefits of granting permission and therefore the proposal does not conflict with paragraph 11 d) ii of the NPPF.
- 9.3 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 BE GRANTED

Subject to the recommended conditions/informatives:

Standard Conditions/Compliance

1. Statutory Time Limit
2. Approved drawings/details
3. Accessible/adaptable dwellings
4. Restriction of Permitted Development Rights
5. Construction Vehicle Wheel Washing
6. Precautionary Approach (tree/vegetation/structure removal)

Pre-commencement

7. Details of ground/slab level
8. Tree Protection
9. Provision for Construction vehicles/deliveries
10. Construction and Environmental Management Plan
11. Scheme for Surface Water Drainage

Above Ground

12. External materials
13. Details of windows
14. Hard and soft landscaping
15. Lighting Details for Parking Area/Access
16. Cycle parking
17. Highway Surface Water Drainage

Pre-occupation

18. Provision of parking
19. Highway/pedestrian visibility

Any other planning condition(s) considered necessary by the Assistant Director of Planning.

Informatives

1. Environmental Health – compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990
2. Environmental Health – contact Environmental Health if during the works on site any suspected contamination is encountered
3. Minimum side space to be provided
4. The Party Wall etc. Act 1996
5. Tree works in accordance with British Standards BS: 3998:2010 and BS: 5837 (2012)
6. Secure by Design Accreditation