

<b>Committee Date</b>	22 <sup>nd</sup> April 2021	
<b>Address</b>	Land Adjacent Bramlyns Cudham Lane North Cudham Sevenoaks	
<b>Application Number</b>	20/03545/FULL1	<b>Officer</b> - Lawrence Stannard
<b>Ward</b>	Darwin	
<b>Proposal</b>	Installation of crossover to provide vehicular access with access gate.	
<b>Applicant</b>	<b>Agent</b>	
Mr Antony Bond	Mr Alistair Berry	
20 Armstrong Close Halstead TN147BS	Bromley Civic Centre 1st Floor North Block Stockwell Close Bromley BR13UH	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
Outside Delegated Powers	No	

<b>RECOMMENDATION</b>	Permission
-----------------------	------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Green Belt Sites of Interest for Nature Conservation Adjacent – Site Interest Nature Conservation</p>
---

<b>Representation summary</b>	<ul style="list-style-type: none"> <li>• Neighbour notification letters were sent on the 8<sup>th</sup> January 2021</li> <li>• A Press Advert was published on the 20<sup>th</sup> January 2021</li> <li>• A Site Notice was displayed on the 17<sup>th</sup> February 2021.</li> </ul>
Total number of responses	1

Number in support	0
Number of objections	1

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in an unacceptable impact upon the openness and visual amenity of the Green Belt.
- The development would not result in an unacceptable impact upon the general character of the area or visual amenity of the street scene.
- The development would not adversely affect the amenities of neighbouring residential properties.
- The development would not adversely impact upon Highway safety.

## 2 LOCATION

- 2.1 The application site lies to the eastern side of Cudham Lane North, to the north of the junction with Cudham Park Road.
- 2.2 The site forms a field adjacent to the northern boundary of the residential property at Bramlyns, Cudham Lane North.



Figure 1: Site Location Plan

### 3 PROPOSAL

- 3.1 The application seeks permission for the installation of a crossover to provide vehicular access with access gate from Cudham Lane North.
- 3.2 The application states that access to the field at this point is required for the construction and ongoing maintenance of highway drainage assets at this location. The underground soakaway proposed will provide additional capacity to address long standing surface water flooding issues in Cudham Lane North.
- 3.3 The additional soakaway needs to be located away from pre-existing drainage assets and close to a point at which a cleaning vehicle can get off the road to undertake maintenance, hence the need for an additional access.
- 3.4 The proposed development would include wooden posts and rails with wire support, and a galvanised agricultural gate with a width of 3.8m and height of 1.3m.

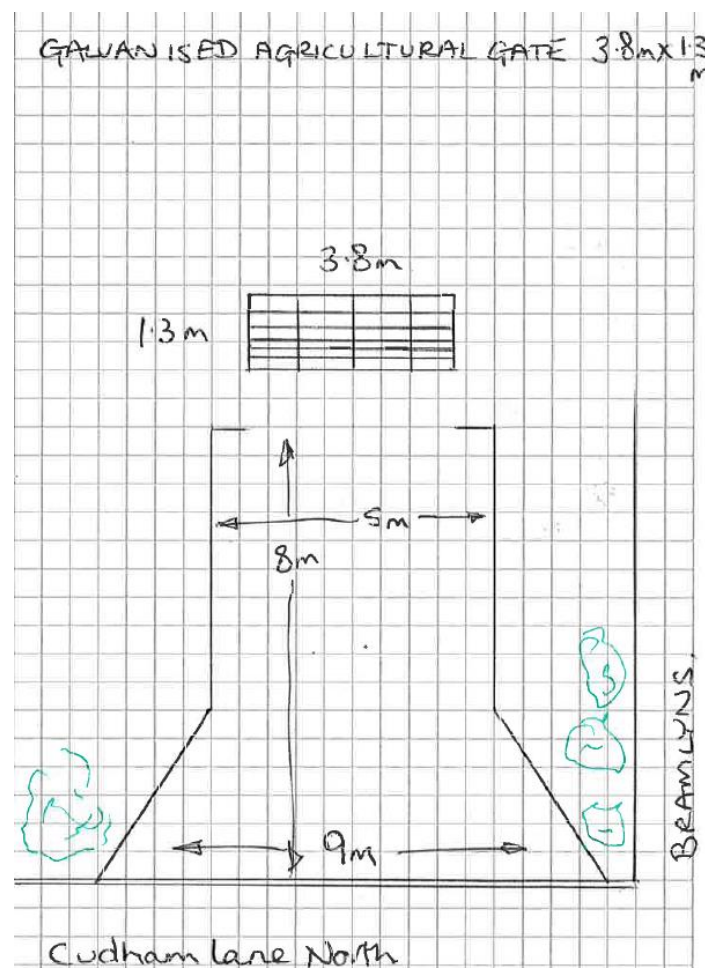


Figure 2: Proposed Floor Plan

## **4 RELEVANT PLANNING HISTORY**

- 4.1 The application site itself has no previous planning history, though the adjacent field to the north, known as 'Land Between Bramlyns and 131 Cudham Lane North' was previously the subject of an application under ref: 90/00323/FUL, which granted permission for the widening of existing access and laying out of hardstanding.

## **5 CONSULTATION SUMMARY**

### **A) Statutory**

No Statutory Consultations were received.

### **B) Local Groups**

No comments were received from Local Groups.

### **C) Adjoining Occupiers**

The following comments were received from adjoining occupiers.

Objections

Access (Addressed in Para 7.1 and 7.3)

- The application drawings refer to there being no existing entrance, but this is incorrect – there are two other entrances.
- These other entrances have previously been used to bring in wide heavy commercial machinery and any vehicles required for the drainage scheme could move through internal gates without problem.

Visual Impact (Addressed in Para 7.1 and 7.2)

- The land is in fact one large area of grass land owned by the applicant within the Green Belt.
- Would destroy the hedgerow and cover a large area of land with impermeable material.
- Encroachment of the new hardstanding surface laid inside the gate on open countryside will be harmful to the character and visual amenities of the area.
- Would set an undesirable precedent for similar crossover accesses for subdivided land.
- If granted, the same conditions should apply that did to ref: 90/00323/FUL.

Drainage (Addressed in Para 7.3 and 7.4)

- Boundary hedgerow is already part of a natural sustainable system and provides sustainable drainage, reduces pollution and provides a habitat for wildlife.
- Proposal is contradictory in that a soakaway is being put in place due to surface water but the proposal itself will substantially increase the existing surface water.

A response to the above objections was received by the applicants by way of a 'general comment' to the application to provide clarification on the following points. It was therefore included within the summary of representations received, however the points are summarised below;

- The works are at the instigation of Bromley Highways who are aware of flooding due to excessive rainwater having a detrimental affect to the road and residents.
- The highways teams will need access to the field to construct and then maintain and clear the soakaway on a regular basis and using the present access across a field would be impossible for regular maintenance vehicles from Bromley Highways.
- There is only one entrance to the land at present, not two. The first photo (in the objection) is for different owners land and has never been part of the land in question since 1980.

## **6 POLICIES AND GUIDANCE**

6.1 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.

6.2 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.

6.3 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

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

### **6.5 National Policy Framework 2019**

### **6.6 The London Plan**

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design
- G2 London's Green Belt

## **6.7 Bromley Local Plan 2019**

30 Parking  
32 Road Safety  
34 Highway Infrastructure Provision  
37 General Design of Development  
49 Green Belt  
73 Development and Trees  
75 Hedgerows and Development  
123 Sustainable Design and Construction

## **6.8 Bromley Supplementary Guidance**

Supplementary Planning Guidance 1 - General Design Principles  
Supplementary Planning Guidance 2 - Residential Design Guidance

## **7 ASSESSMENT**

### **7.1 Design and Trees – Acceptable**

- 7.1.1 The proposed development would introduce an additional crossover on the eastern side of Cudham Lane North to provide vehicular access to the field.
- 7.1.2 There are other similar entrances within the area on Cudham Lane North, and the development would therefore not appear out of character with the general area.
- 7.1.3 The proposed gate would measure 1.3m high and 3.8m wide and would be set back 8m from the highway. It is considered that it would not appear excessive in its height or overall scale and given its set back it would not appear highly visible within the street scene.
- 7.1.4 The development would result in the removal of part of the existing hedgerow. Policy 75 indicates the Council “will resist the removal of significant hedgerows, particularly ancient hedgerows”. However, if the proposal is considered to be necessary and without viable alternative the policy states that “where a hedgerow is to be removed, the Council will [...] require its replacement with native hedgerow species.”.
- 7.1.5 The application states that the additional access to the field is required for the construction and ongoing maintenance of highway drainage assets at this location. The additional soakaway needs to be located away from pre-existing drainage assets and close to a point at which a cleaning vehicle can get off the road to undertake the maintenance.
- 7.1.6 It is therefore considered that the additional gate at this location is necessary to implement the construction and maintenance of highway drainage assets.

7.1.7 Subject to a condition to ensure the planting of native hedgerow species adjacent to the vehicular entrance to form a hedge at least the length of the section to be removed, no objection is raised by Tree Officers and the development is considered acceptable in terms of its overall impact on the character and visual amenity of the area.

## 7.2 Green Belt - Acceptable

7.2.1 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.

7.2.2 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.

7.2.3 Para 146 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations.

7.2.4 The creation of the vehicular crossover to provide access to the property would be considered an engineering operation and would therefore not be inappropriate development within the Green Belt, provided its openness is preserved and it does not conflict with the five purposes of including the land in the Green Belt.

7.2.5 The development would provide a dropped kerb to provide vehicular access, rather than the erection of any structure and it is therefore considered that the development would not impact detrimentally upon the openness of the Green Belt. Given that it would also not conflict with the five purposes set out in the NPPF for including land in the Green Belt, the development would not be considered inappropriate development.

7.2.6 The proposed gate would be of a modest height of 1.3m and would not appear highly visible following the planting of the additional hedgerow requested by condition. Whilst the gate would have some impact on the openness of the Green Belt given that it would introduce additional development, its impact would be modest and would be outweighed by the need of the access gate to allow the highway drainage assets to be constructed and maintained.

7.2.7 It is considered that the crossover and vehicular access would not harm the openness and visual amenity of the Green Belt, whilst any impact resulting from

the proposed gate would be outweighed by the very special circumstances which demonstrate the need for the additional access.

### **7.3 Highways – Acceptable**

7.3.1 The proposal would result in an access gate on Cudham Lane North to provide access in relation to a project to install a drainage system within the site. Highways Officers have confirmed that they have no objection in principle to an additional access at the proposed location.

7.3.2 The surface proposed for the entrance would consist of hardstanding, which Highways Officers have noted as preferable to loose surfaces which can cause a hazard on the highway.

7.3.3 Highways Officers also stated that the gates should be set back by at least 4.5m to enable a vehicle to stand clear of the highway while gates are opened or closed to ensure that vehicles would not block traffic on the road. The proposed gate would be set 8m from the highway and is therefore considered to provide sufficient space to ensure that there is no adverse impact on highway safety.

7.3.4 Having regard to the above, Highways Officers have confirmed that they would have no objection with regards to the impact on highways safety.

### **7.4 Drainage – Acceptable**

7.4.1 The proposed entrance would be levelled to drainage away from the public highway and prevent any new run off flowing onto the public highway.

7.4.2, It has also been confirmed that the proposed hardstanding would be constructed with a permeable material that is not loose bound or gravel.

7.4.3 Having regard to the above, Highways and Drainage Officers have both confirmed that they would have no concerns in relation to any impact from surface water drainage and that the proposed scheme is acceptable from this perspective.

### **7.5 Residential Amenity – Acceptable**

7.5.1 The proposed development would not result in the addition of any building or structure that would result in a detrimental impact on the amenities of neighbouring properties by way of loss of light, outlook or privacy.

7.5.2 Furthermore, it is not considered that it would result in any significant adverse impact by way of noise or disturbance to nearby residents.

## **8 CONCLUSION**

8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not result in any unacceptable level of harm to the openness of the Green Belt or the general character and visual



amenity of the area, and would not impact adversely on neighbouring amenity. Furthermore, it would be acceptable from a highways and drainage perspective.

- 8.2 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 and any other planning condition(s) considered necessary or require amendment by the Assistant Director of Planning**

- 1. Time limit of 3 years**
- 2. Materials as per the submitted plans**
- 3. In accordance with approved plans**
- 4. Planting of native hedgerow species prior to occupation**