

<b>Committee Date</b>	09.02.2023	
<b>Address</b>	The Holding Chelsfield Hill Orpington BR6 7SL	
<b>Application Number</b>	22/02720/FULL1	<b>Officer</b> - Robin Evans
<b>Ward</b>	Chelsfield	
<b>Proposal</b>	Conversion of stable building to 3-bedroom dwellinghouse with associated parking and amenity space.	
<b>Applicant</b>	<b>Agent</b>	
Sandra Molina	Mr Tom Cross	
The Holding Chelsfield Hill Bromley Orpington BR6 7SL	Granary Loft Pinkneys Yard Mill Road Wimbish Saffron Walden CB10 2XD UK	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
	Call-In	Yes – Councillor Page

<b>RECOMMENDATION</b>	Application Permitted
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<p><b>KEY DESIGNATIONS</b></p> <p>Article 4 Direction  Biggin Hill Safeguarding Area  Biggin Hill Safeguarding Area  Green Belt  London City Airport Safeguarding  London City Airport Safeguarding  Open Space Deficiency  Sites of Interest for Nat. Conservation</p>
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<b>Residential Use</b>
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	Number of bedrooms per unit				
	1	2	3	4 Plus	Total/Payment in lieu
Market			1		
Affordable (shared ownership)					
Affordable (social rent)					
Total			1		

<b>Representation summary</b>	Neighbour letters sent 28.07.2022 Site notice displayed 01.08.2022 Newspaper advert published 03.08.2022
Total number of responses	3
Number in support	0
Number of objections	3

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

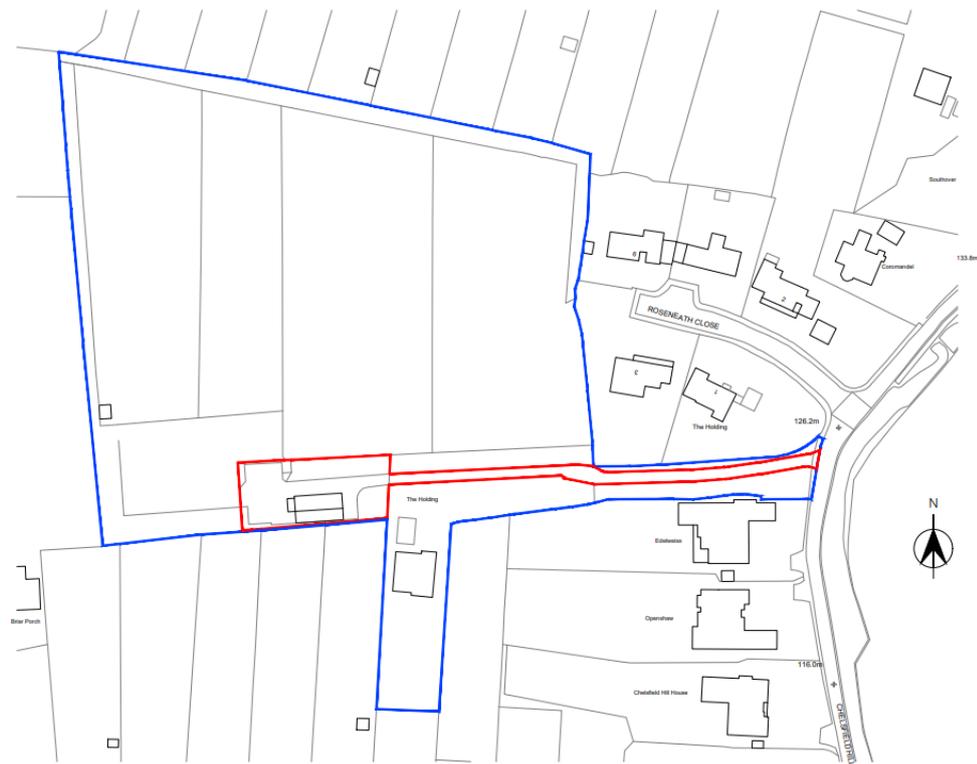
- The development would not conflict with the principle and location of development,
- The proposal would not comprise inappropriate development in the Green Belt,
- The development would not impact detrimentally on the character of the area,
- The development would not have a significantly harmful impact on the amenities of neighbouring residents
- The development would not have harmful highway impacts,
- The development would not have significantly harmful other impacts,

## 2. LOCATION

2.1.1 The application site relates to The Holding a detached single storey dwelling and land on the western side of Chelsfield Hill, Orpington, accessed via a single lane track. The application site is a parcel of land with a single storey stable building; comprised a main hipped roofed element with a lean to extension at the southern and western sides. The dwellinghouse and some adjoining pasture/grazing fields are shown within the Applicant's ownership although they are not part of the application site. The area is semi-rural as it lies at the southern edge of the suburban Orpington settlement which has pockets of rural land around it and the A21 highway to the south. The Holding and part of the access track lies within the urban/suburban area and not within the Green Belt, however the stable and fields lie within the Green Belt and the Chelsfield Hill Site of Importance for Nature Conservation (SINC) and the whole site lies within the Chelsfield Park Estate Area of Special Residential Character (ASRC).

2.1.2 The Chelsfield Park ASRC was established from 1925-1930s onwards by Homestead following the Garden Suburb principles characterised by its road layout and large plots which are protected by covenant. There is a mixture of dwelling styles including original Homestead chalets, cottage houses, and larger contemporary 5-6 bedroom family houses built in a variety of styles and designs. The plots are large and landscaped; usually with hedged front gardens and large mature trees dominate the landscape in many places and contribute towards a rural feel. Although some modern redevelopments have enclosed space between dwellings, in some parts of the estate larger gaps from 6m to over 10m remain often with trees in the spaces which also adds to the sylvan and rural feel. The edges of the estate offer a more rural transition into the Green Belt and some areas within the estate are designated Green Belt. The distinct character of Chelsfield Park results mostly from its spacious sylvan, landscaped and semi-rural setting combined with the wide variety in the styles, sizes and designs of houses.

2.1.3 Figure 1. Site Location Plan



2.1.4 Photo 1. Aerial photo (source Google Maps).



2.1.5 Photo 1. Existing stables viewed from north west.



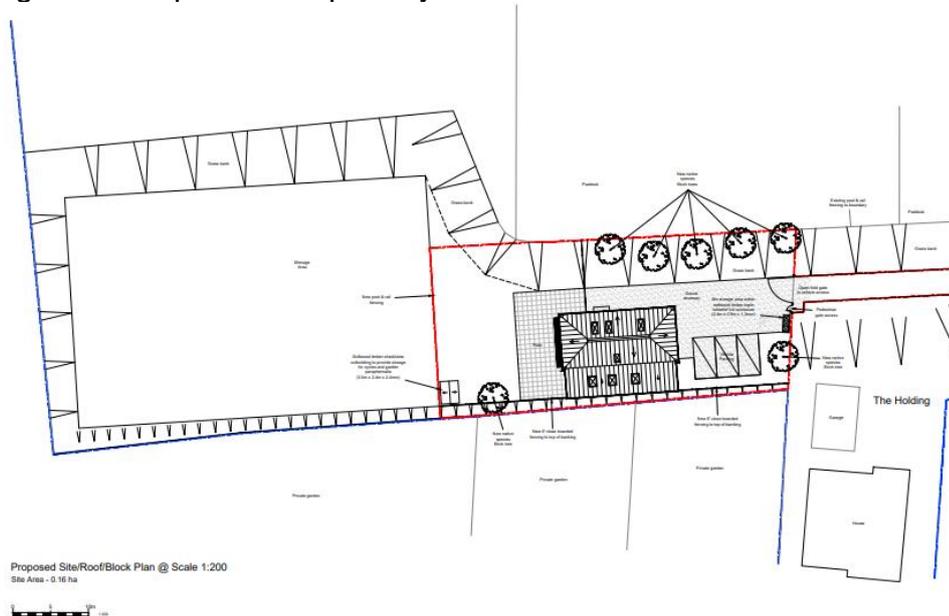
2.1.6 Photo 2. Existing stables viewed from east.



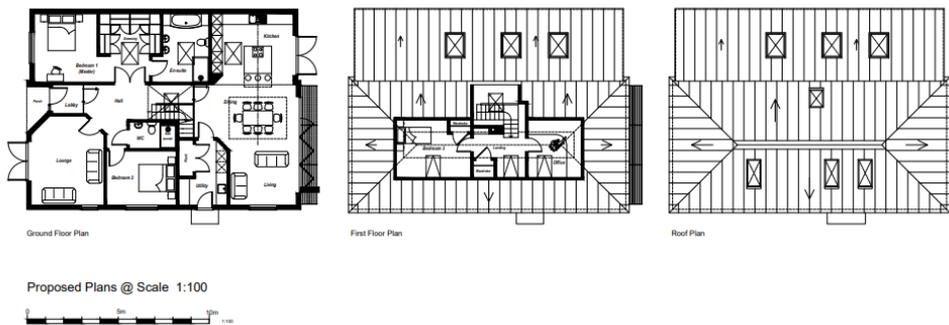
### 3. PROPOSAL

3.1 Planning permission is sought for conversion of stable building to 3-bedroom dwellinghouse with associated parking and amenity space.

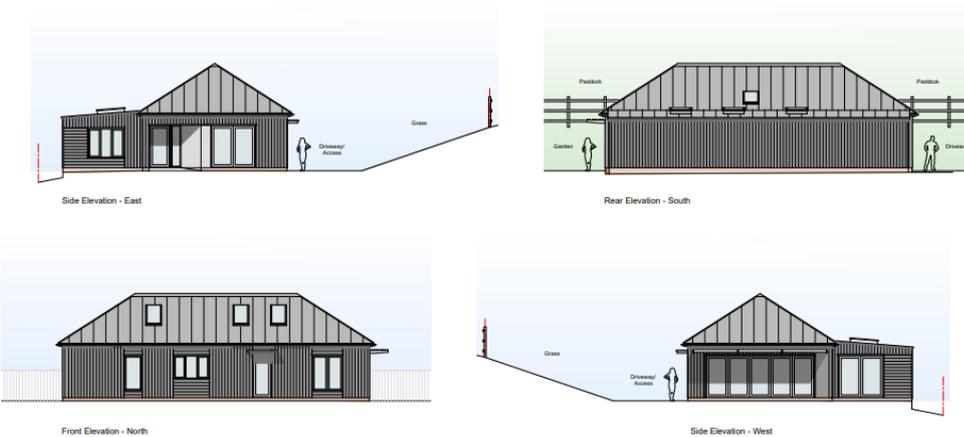
3.2 Figure 2. Proposed site plan/layout.



3.3 Figure 3. Proposed floor plans.



3.4 Figure 4. Proposed Elevations.



## **4. RELEVANT PLANNING HISTORY**

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

86/02011/OUT – Detached bungalow and garage outline (Land R/O Mandalay, A21 Sevenoaks Road) was refused and the appeal was dismissed.

01/02833/OUT – Detached dwelling was refused on 22.01.2002 for the following reason(s):

1. The proposed dwelling would constitute an unacceptable form of piecemeal backland development, harmful to the character of the area and contrary to Policies H.2 and E.1 and guidance in Appendix I.4 of the Unitary Development Plan, and Policies H6 and BE1 of the first deposit draft Unitary Development Plan (March 2001).
2. The residential curtilage of the proposed dwelling would constitute an inappropriate change of use and development within and adjacent to the Green Belt, harmful to its character and in the absence of any very special circumstances to justify otherwise, is contrary to Policies G.2 and G.8 of the Unitary Development Plan, Policies G1 and G8 of the first deposit draft Unitary Development Plan (March 2001), and national planning guidance in PPG2.

However, in the corresponding appeal APP/G5180/A/02/1095045 the Inspector noted the following and assessing the appeal scheme on its own merits the appeal was allowed:

The proposed dwelling would not impinge upon the visual amenities of the open countryside and would be in keeping with spatial standards of the area, views and landscape and in the context of the existing access serving the stables it would not unacceptably increase traffic or worsen highway safety.

03/03163/FULL1 – Detached five bedroom house with loft space, with detached garage was approved on 26.11.2003.

04/02250/FULL1 – Detached single storey building for stables was approved on 06.08.2004, subject to conditions including use as private stabling, for keeping/grazing only two horses.

04/02251/FULL1 – Detached five bedroom house with loft space and detached garage (revision to permission 03/03163 to include single storey rear extension for conservatory) was approved on 04.08.2004.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

5.1.1 Highway Department: The application site lies in an area with a PTAL 1a rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be more dependent upon private transport such as the car

or bicycle than on public transport. The access and servicing for the new dwelling would be as per the existing/host dwelling (also used by the stables). The proposal would provide 3 parking spaces. No objection subject to recommended conditions.

5.1.2 Thames Water: No comments

## **B) Local Groups**

5.2.1 Chelsfield Park Residents Association: Chelsfield Park Residents Association object to this application for change of use from equestrian, sui generis or agricultural use to residential use and ask the council to refuse planning permission. The grounds for our objection are that the site is within areas of Green Belt, interest for nature conservation and an Area of Special Residential Character which, amongst other features, prohibits backland development. The application includes expert opinions seeking to allay fears of damage to the site environment but the only sure way to avoid risk of damage is not to make the changes which would result from the development.

## **C) Adjoining Occupiers**

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

Objections:

General – addressed in paragraph 7.1

- Would set a precedent for further development,
- Unclear how the proposal would affect conditions on stable permission in 2004,
- Contrary to covenants of Chelsfield Park Area of Special Residential Character,

Green Belt – addressed in paragraph 7.4

- Previous appeal decision objected to harm to Green Belt,
- Proposal would be harmful to the Green Belt,

Design and Landscaping – addressed in paragraph 7.5

- Backland development harmful to the character and appearance of the rural/natural area,

Highways – addressed in paragraph 7.7

- Traffic and parking congestion during construction process,

Ecology – addressed in paragraph 7.10

- Harmful to nature/wildlife conservation,

Other matters – addressed in paragraph 7.11

- Burning during demolition/construction should be prohibited due to potential fire risk,

## **6. POLICIES AND GUIDANCE**

### **National Planning Policy Framework 2021**

#### **NPPG**

#### **The London Plan 2021**

D1 London's form and characteristics

D4 Delivering Good Design

D5 Inclusive Design

D6 Housing Quality Standards

D8 Public Realm

G2 London's Green Belt

T5 Cycling

T6.1 Residential Parking

#### **Bromley Local Plan 2019**

3 Backland and Garden Land Development

4 Housing Design

8 Side Space

30 Parking

32 Road Safety

33 Access for All

37 General Design of Development

38 Statutorily Listed Buildings

49 The Green Belt

73 Development and Trees

118 Contaminated Land

#### **Supplementary Guidance**

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards – Nationally Described Space Standard (March 2015)

Supplementary Planning Guidance 1 – General Design Principles

Supplementary Planning Guidance 2 – Residential

## **7. ASSESSMENT**

### **7.1 Procedural matters**

7.1.1 Notwithstanding comments received all applications are assessed on their own merits and do not form a precedent as such. The previous permission(s) for the existing dwelling The Holding and its condition(s) remains applicable, and although the existing stable would be re-used the condition(s) relating to the permission with regard to the land would remain applicable. The Chelsfield Park covenants are not a planning matter and are a private/civil matter although the Applicant may wish to ensure that they do not conflict with any other private/civil

restrictions which could have a bearing on their ability to carry out the development.

## **7.2 Principle and location of development – Acceptable**

- 7.2.1 Housing is a priority use for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 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.
- 7.2.2 Paragraph 64 of the NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 7.2.3 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.2.4 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2 November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 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.
- 7.2.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 7.2.6 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.2.7 Paragraph 11 of The NPPF sets out 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.

- 7.2.8 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.

- 7.2.9 This proposal would provide one new dwelling, which would represent a minor contribution to the supply of housing within the Borough. Notwithstanding this, the application site lies within the Metropolitan Green Belt Area and therefore an area or asset of particular importance the presumption in favour of sustainable development would not apply as directed in paragraph 11. d) i.

- 7.2.10 The application site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development, by definition, and development that would be harmful to the openness of the Green Belt and would conflict with the principle of locating new residential development in existing urban and built up areas. 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.

- 7.2.11 The application site is not in agricultural use and would not result in the loss of agricultural land and would not conflict with Local Plan Policy 62.

### **7.3 Housing matters – Acceptable**

#### **7.3.1 Optimising site capacity through design**

- 7.3.1.1 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

7.3.1.2 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.

7.3.1.3 The application site lies within a semi-rural area, as the application site is rural and in Green Belt however it is bordered directly on two sides and nearby on a third side by residential development. The proposal would provide one new dwellinghouse within the application site, and although it would comprise a new dwellinghouse in an unsustainable Green Belt location, it would nonetheless reflect the general low residential density of the area and would not overdevelop the site in this respect. Furthermore, it would re-use an existing building and therefore it would not increase the building density on the site and in the rural area.

### **7.3.2 Unit size and mix**

7.3.2.1 New development is expected to provide mixed and balanced communities. The Bromley Local Plan does not set a prescriptive unit size breakdown and individual sites are assessed on a case by case basis in consultation with the Council's Housing Department. The 2014 SHMA highlights that the highest level of need across tenures within the Borough up to 2031 is for one bedroom units (53%) followed by 2 bedroom (21%) and 3 bedroom (20%) units. Larger development proposals (i.e. of 5+ units) should provide for a mix of units sizes and considered on a case by case basis.

7.3.2.2 The site lies within a rural/semi-rural area with a more spacious character of residential development where a lower number of larger units is more appropriate than a greater number of smaller units in terms of character and as such despite a technical conflict with the general need for smaller units in the Borough, in this case and site context the proposal be suitable in this respect.

### **7.3.3 Standard of residential accommodation**

7.3.3.1 Policy D6 of the London Plan relates to 'Housing quality and standards', and states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

7.3.3.2 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

- 7.3.3.3 Policy 4 of the Bromley Local Plan sets out the requirements for new residential development to ensure a good standard of amenity. 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 Government's National Technical Housing Standards.
- 7.3.3.4 The proposal would provide a spacious dwelling measuring approximately 163sqm GIA exceeding the minimum gross internal floor area and built-in storage requirements for a single storey 3-bedroom 5-person dwelling (84sqm minimum GIA), with a suitable layout and a generally appropriate outlook. The upper floor area may have some limited ceiling height, however this is a proposed converted building where there are likely to be some inherent limitations, it is the Applicant's own choice to use the roof space in this way i.e. it is not technically necessary to use the roof space in order to convert the building and use it as a dwellinghouse and indeed the roof space appears to accommodate a third bedroom and office, the property would provide two good sized double bedrooms and a separate lounge room and as such space for a third bedroom and office could be accommodated in the main ground floor if there is not sufficient roof space. There would be a similarly suitably sized and laid out private amenity space for a family dwelling.
- 7.3.3.5 The former equestrian use of the site in relation to any potential ground contamination linkages could be managed by planning condition.

#### **7.4 Green Belt – acceptable**

- 7.4.1 Paragraphs 137–151 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 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.
- 7.4.3 Paragraphs 147–151 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.

- 7.4.4 Therefore, the main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.
- 7.4.5 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.
- 7.4.6 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form, it has been described by Appeal Inspectors as an "absence of development", and therefore any new development, built form or a more intensive use of land in the Green Belt is likely to have a greater effect on openness than the current situation. 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. This may be concluded to compromise openness and conflict with the purpose(s) of including land within Green Belts; in this case assisting in safeguarding the countryside from encroachment. However as mentioned above, even if there is absence of harm to openness, there may still be harm in principle to the Green Belt by reason of 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 is absent of the proposed development in question.
- 7.4.7 The Bromley Local Plan Policies 49 and 51 provide the same level of protection to Green Belt as the NPPF.
- 7.4.8 Whether the proposal would represent inappropriate development in the Green Belt
- 7.4.8.1 Paragraph 149 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.

7.4.8.2 The current application does not propose to extend or enlarge the existing building, in fact it would remove the existing lean to addition at the western side, although it would involve some external elevational alterations, and the exceptions under NPPF 149 do not apply.

7.4.8.3 Paragraph 150 provides for certain other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- 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
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.4.8.4 The current proposal seeks to re-use the existing building(s) under NPPF 150 (d) and contains a Structural Survey confirming that the main elements of the building; the foundation and floor slab, frame, walls and roof are sound and could generally accommodate the loading of the proposed conversion, and the external elevational alterations could be introduced without causing structural issues. There may be some internal insulation which appears to account for a greater wall thickness in the proposed floor plan drawings as compared with the existing floor plan drawings although this would not appear to replace existing parts of the

building or enlarge or expand them externally. The proposal appears to infill an existing overhanging roof section at the front elevation however this would not increase or enlarge the extent of the existing building footprint/envelope. Therefore, as mentioned, the proposal would not comprise an extension under NPPF 149. Overall, the existing building(s) are concluded to be of permanent and substantial construction, apart from the smaller lean to addition to the western side which is proposed to be removed. The proposed re-use could be carried out without the need for reconstruction or significant structural works.

7.4.8.5 Although the site is currently inactive its established lawful use is a stable and this could potentially be reinstated. It is noted that during the active equestrian use of the stable there would have been some impact on the openness and visual amenities of the Green Belt however equestrian activity is an established and accepted rural land use within the Green Belt by definition. The site currently also has extensive areas of hard surfacing which although two dimensional rather than three dimensional built form it nonetheless has a physical and visual impact on openness. The proposed residential development would also involve some external impacts such as vehicle generation and general residential activity and paraphernalia associated with it. The proposal would involve the removal of the extensive areas of hard surfacing with improvements in openness. In this particular case the proposed residential development would not have a significantly greater range or extent of impact as compared with that that would have and/or could be carried out through the established equestrian use.

#### 7.4.9 Summary

7.4.9.1 In summary, as the built form of the proposed dwelling and its external effects on the openness of the Green Belt would not comprise inappropriate development in the Green Belt by definition, it would not have adverse actual harm to the openness of the Green Belt and would not conflict with the purposes of the Green Belt. However, it should be noted, as in the case of the previous appeal decision 01/02833/OUT, assessment relates to the current proposal only and has been assessed on its own merits. Any other future proposals would be assessed on their own merits.

7.4.9.2 Furthermore, although the proposed dwelling would be considered acceptable in its current 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/or further large outbuildings erected) and this could be significantly harmful to the character of the area and/or the amenities of neighbouring properties and therefore it would be prudent to remove the permitted development rights through planning condition.

### 7.5 Design and landscaping – Acceptable

7.5.1 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.

- 7.5.2 NPPF paragraph 126 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.
- 7.5.3 NPPF paragraph 130 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.
- 7.5.4 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.
- 7.5.5 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.
- 7.5.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.5.7 As mentioned, design matters are separate from Green Belt matters although they may have similarities. The proposal would re-use an existing building which is already not in a residential use, and it would be close to and akin in character to the existing dwelling The Holding which is in a backland location. It would also be obscured from the highway and in any event, it would not appear significantly different from the existing stable building in this respect and in this particular instance and context it would not appear as an unacceptable backland development. The proposal would retain the existing building(s), apart from the west side extension, and would not increase or enlarge them and as such it would not overdevelop the site or result in a cramped appearance compared with the existing building. The external elevational alterations would be in keeping with the size and scale and appearance of the existing building. The existing building is of a traditional design and as such the proposal would not be out of keeping with the traditionally designed residential properties in the area. The proposal

would provide private amenity space and the opportunity to retain and plant additional landscaping in keeping with the prevailing well landscaped area semi-rural area. Overall, the proposal would not appear out of keeping within the rural area and would not detract significantly from the visual amenities of the ASRC.

## **7.6 Neighbouring amenity – Acceptable**

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 The proposal would retain part of the existing building(s), which is single storey in height, with some elevational alterations and as such it would not increase the built form and mass seen from neighbouring residential building(s) the nearest of which being The Holding within the Applicant's ownership, and as such it would not have a greater impact in terms of overshadowing or overbearing effect than the existing relationship. The main outlook would be to the north, east and west sides and at single storey level where it would not be in direct alignment with the nearest neighbouring properties. Although there would be some upper floor windows they would also mostly face north although any upper floor windows with potential not serving habitable rooms with east facing windows they would be limited in number and size and on the ground floor/single storey where the effects of any additional overlooking would be minimised. As mentioned above, the permitted development rights that might allow extensions/alterations to be constructed to the new dwellinghouse and might have a harmful impact on neighbouring amenities, could be managed by condition.

## **7.7 Highways – Acceptable**

- 7.7.1 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.
- 7.7.2 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.

7.7.3 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.

7.7.4 The application site lies within a rural area with a low 1a PTAL rating indicating that it would be reliant on private transport such as the private car and bicycle, however the transport and parking impacts would not differ significantly in principle from the established equestrian use that it would replace. There would be sufficient onsite parking. There is no objection from the Council's Highway Department subject to recommended conditions.

## **7.8 Climate change, sustainable construction and energy saving – Acceptable**

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

7.8.2 The London Plan encourages 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 SI2 Minimising greenhouse gas 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, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.

7.8.3 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.

7.8.4 The proposal would offer the opportunity to include energy efficient and sustainable construction methods, improving its environmental performance, and the opportunity to incorporate renewable energy generating technology such as ground source or air source heat pumps and/or solar panels thereby also contributing towards carbon dioxide emissions savings, and this would be encouraged although as it is not a Major development is not compulsory. The proposal would also offer the opportunity for electric vehicle charging points and this can be managed by planning condition.

## **7.9 Drainage – Acceptable**

7.9.1 There would be no increase in built footprint and the proposal would be within the existing building and the Council's Drainage Engineer raises no objection.

## **7.10 Ecology – Acceptable**

7.10.1 The application lies within the designated Chelsfield Hill Site of Importance and given its location in a rural area, close to trees/vegetation and open countryside

the site and its surrounding could offer suitable wildlife habitat, foraging or commuting habitat. A precautionary approach to the site clearance, any demolition e.g. of the hard surfacing, and removal of roof tiles and roofing materials and removal of birds' nests and other relevant species prior to demolition should be undertaken in order to allow those animals to have left the site and this could be managed by planning condition/informative.

## **7.11 Other matters**

7.11.1 Matters relating to the demolition and construction process could be managed by planning condition and it is the Applicant/Owner's responsibility to ensure their activities do not pose a potential fire risk regardless of any demolition or development taking place.

## **8. CIL**

8.1 The Mayor of London and Bromley Borough CIL is a material consideration. CIL is payable on this application.

## **9. PLANNING BALANCE AND CONCLUSION**

9.1 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. 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 terms of decision making, where a plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. However, in this case there are policies in this Framework that protect areas or assets of particular importance such as the Green Belt and as such the presumption in favour of sustainable development in NPPF paragraph 11 d) does not apply. Nonetheless the merits of the proposal are balanced and weighed as follows.

9.2 The proposal would provide a new dwelling on the site of suitable type and standard of accommodation.

9.3 The proposal would not comprise inappropriate development within the Green Belt.

9.4 The proposal would not detract from the character and appearance of the site and its setting.

9.5 There would be no significant harm to neighbouring amenities

9.6 There would be no significant harm in highway and parking terms.

9.7 There would be no other significant harm in terms of ecology or drainage.

- 9.8 There are also no other adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the objectives of the NPPF as a whole. The balance test is therefore tilted towards granting planning permission and the scheme is considered acceptable overall.
- 9.9 Subject to compliance with the recommendations in the technical reports and implementation of the recommended works undertaken where necessary, it is considered that the application should be approved, subject to planning conditions.

## **10. RECOMMENDATION:**

### **PERMISSION SUBJECT TO PLANNING CONDITIONS**

#### **SUMMARY OF CONDITIONS AND INFORMATIVES**

##### **Standard conditions**

Statutory time limit

Drawings/documents in accordance

##### **Pre-commencement**

Measures to accommodate construction operatives/vehicles/deliveries

Contaminated Land Assessment

##### **Above Ground**

Biodiversity enhancements

Natural England precautionary approach to site clearance and demolition

##### **Pre-Occupation**

Car parking details to be implemented

Electric vehicle charging points

##### **No details required (compliance)**

External materials in accordance

No loose materials for parking/turning areas,

Removal of PD rights for extensions etc.

Removal of PD right for upper floor extension

Gas boilers compliant with emission rate

Non-Road Mobile Machinery

Refuse storage

Cycle parking

Conversion in accordance with Building Regulations M4(2)

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

## **Informatives**

Mayoral and Bromley Borough CIL

Street naming and numbering

Environmental Health code of practice for construction sites

Unsuspected contamination

Party Wall etc Act

Natural England precautionary approach to site clearance/removal