

Committee Date	23.03.2023	
Address	The Orchard Rookery Road Downe Orpington BR6 7JQ	
Application Number	22/04745/FULL3	Officer - David Bord
Ward	Darwin	
Proposal	Change of use of existing outbuilding to one bedroom dwelling, together with elevational alterations	
Applicant	Agent	
Mr and Mrs Bradshaw The Orchard Rookery Road Downe Orpington Bromley BR6 7JQ	Mr Adem Mehmet 83, HIGH STREET Caterham CR3 5UF United Kingdom	
Reason for referral to committee	Councillor call in	
	Call-In Reason – Concern of the potential impact on the Green Belt	Cllr Andrews

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Special Advertisement Control Area Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>

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				
Affordable (shared ownership)					
Affordable (social rent)					
Total	1				

Representation summary	Neighbour letters sent 02.01.2023 Site notice displayed 01.08.2022 Newspaper advert published 03.08.2022
Total number of responses	5
Number in support	4
Number of objections	1

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 is situated along the eastern side of Rookery Road, approximately 250 metres to the north of its junction with Downe High Street. The northern boundary of the site adjoins a public footpath (No FP222C). The application site – as defined within the red-edged Site Location Plan (copied below) – measures 0.08ha in area and is occupied by a detached agricultural building. The site also benefits from a vehicular access adjacent to its northern boundary which includes an entrance gate inset from the edge of the highway. Much of the site also contains hardstanding which is illustrated in the photos below.

2.1.2 The site falls within the Metropolitan Green Belt. The surrounding area is semi-rural in character, although to the south, Rookery Road is bound along its eastern side by a line of ribbon development in closer proximity to the centre of Downe Village.

2.1.3 The site forms part of a wider area of land in the same ownership (edged blue on the Site Location Plan), known in its totality as “The Orchard”. The southern part of The Orchard is the subject of a Lawful Development Certificate (LDC) issued by the Council in 1999 which confirmed that the use of the dwellinghouse occupying the site had been used without complying with an agricultural worker’s condition for a period of at least 10 years (further details are set out in the planning history section below). The LDC did not include the wider site defined as The Orchard which includes the red-edged application site.

2.1.4 In regard to the use of the application site, the planning agent has confirmed that the agricultural building was formerly a nursery and that following damage to glasshouses (just outside the red-edged application site) it laid dormant for some decades. The agent has further advised that this building has been used for storage ever since. The agent has further advised that in respect of the remaining land that is behind the boundary of this scheme (i.e., within the land edged blue), there are no current proposals for any change in its current position, and that this is outside of the scope of the application.



2.1.5 Figure 1. Site Location Plan.



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



2.1.7 Photo 2. Existing agricultural building.



2.1.8 Photo 3. Existing agricultural building and area of hardstanding to its east.



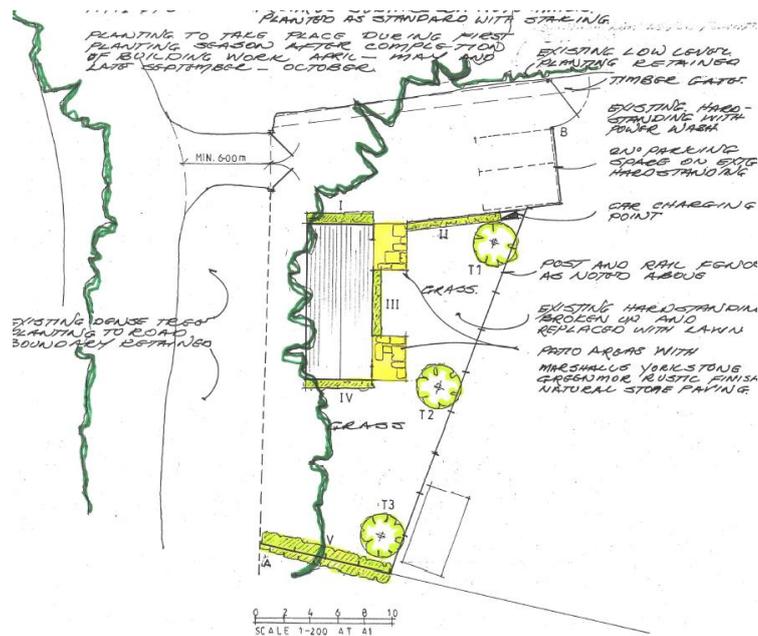
2.1.9 Photo 3. Existing agricultural building and vehicular access to Rookery Road.



2.1.9 Photo 3. Vehicular access off Rookery Road.

3. PROPOSAL

3.1 Planning permission is sought for conversion of an agricultural building to a one-bedroom detached dwellinghouse with associated parking and amenity space. Externally, there would be little change to the outside of the building, although most notably the existing doors along its eastern elevation would be replaced by a window and two French doors. The dwelling would have a GIA of 50.6sq m. The proposal is accompanied by a landscaping plan which shows that much of the hardstanding to the east of the dwelling would be removed and replaced by soft landscaping, including trees and shrubs. The application is accompanied by a supporting letter/statement and a structural survey.



3.2 Figure 2. Proposed site plan/layout showing landscaping.



3.3 Figure 3. Proposed floor plans and elevations.

4. RELEVANT PLANNING HISTORY

- 4.1 The most relevant planning history relating to the application site is summarised as follows.
- 4.2 This dwelling at The Orchard was originally granted planning permission under planning ref: 82/2789 in 1983. Condition III required that the dwelling “*shall be limited to a person solely employed or, being retired, last employed locally in agriculture...*”
- 4.3 Under application reference 95/02188 the Council granted planning permission in 1996 for single storey extensions to enlarge an agricultural store and potting shed (the structure now the subject of the current planning application). Condition 02 required that the development “*shall be used for agricultural purposes only...*”
- 4.4 Under application reference 98/02819 the Council granted a Lawful Development Certificate in 1999 for the use of The Orchard as a single dwellinghouse without compliance with Condition III of planning application reference 82/2789. The Council concluded that on the balance of probabilities this activity had persisted for at least 10 years.
- 4.5 A proposal for a single storey side extension to the dwellinghouse within the wider (blue-edged) site was originally granted under ref. 04/03923 in 2004. It was granted permission as the application had addressed the previous refusal under ref: 03/02481 by reducing the size of the extension from 210m³ to 106m³ and therefore complied with policy at the time.
- 4.6 The 2004 planning permission was subsequently renewed under refs. 09/02309, 12/02723, 15/02441 and 18/02492. The 2018 permission expired in July 2021 having not been implemented. Under application reference 21/02526 was refused permission on the basis that “the proposal, by reason of its excessive floor area and associated massing, would result in a disproportionate enlargement of the original dwelling, harmful to the openness and visual amenity of the Green Belt.” This followed the adoption of the current Local Plan in 2019.

5. CONSULTATION SUMMARY

A) Statutory

- 5.1.1 Highway Department: No objections subject to conditions. The existing entrance into the site with gates set back a good distance from the edge of highway. The access contains hardstanding, albeit it has been covered by leaves and moss owing to its apparent disuse. Given that the entrance is existing, the Highways Engineer would not wish to impose any conditions regarding sightlines. However, it is recommended conditions for satisfactory parking and turning areas, as well as highway drainage (in the event that the existing access was resurfaced). In addition, it is also suggested a condition to accommodate construction vehicles should be included with any permission.

5.1.2 The Drainage Engineer raised no comments.

B) Local Groups

- 5.2.1 The Downe Residents Association objected to the proposal for the following reasons:
- The proposal is for a new dwelling in the Green Belt, which under Chapter 13 of the NPPF, constitutes inappropriate development in the Green Belt, and by extension also the policies of the Bromley UDP and the new Local Plan.
 - There are no “very special circumstances” given under which this proposal should be granted permission as the potential harm to the Green Belt is considered to clearly outweigh other considerations. The openness of the Green Belt must be preserved and there must be no conflict with the purpose of including the land in the Green Belt.
 - The application proposal to convert an existing outbuilding into a dwelling with no increase in the size of the overall footprint of the building, however it remains inappropriate development in the Green Belt by virtue of the proposed more intensive residential use.
 - Downe Residents’ Association records go back to 1978 and both the DRA and the Darwin Ward Councillor at that time were raising concerns over the ‘fragmentation’ and the detrimental impact on the Green Belt.

C) Adjoining Occupiers

- 5.3 Nearby owners/occupiers were notified of the application and 4 representations in support of the proposal were received, which can be summarised as follows:
- No objection to the conversion of an existing building to a single bedroom dwelling.
 - No increase in the overall dimensions of the existing structure which has its own access to the highway.

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

G2 London's Green Belt

T6.1 Residential Parking

Bromley Local Plan 2019

3 Housing Design
30 Parking
32 Road Safety
33 Access for All
37 General Design of Development
49 The Green Belt
73 Development and Trees

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 Principle and location of development – Acceptable

- 7.1.1 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.
- 7.1.2 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.
- 7.1.3 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.
- 7.1.4 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.
- 7.1.5 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.

- 7.1.6 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.
- 7.1.7 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.
- 7.1.8 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.
- 7.1.9 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.
- 7.1.10 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. Optimising site capacity through design - Acceptable

- 7.2.1 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.

7.2.2 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.

7.2.3 The application site lies within a rural area, as the application site is rural and in Green Belt. 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 Standard of residential accommodation - Acceptable

7.3.1 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.

7.3.2 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 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.

7.3.4 The proposal would provide a one-bedroom two-person dwelling measuring approximately 50.8sq m GIA just about exceeding the minimum gross internal floor area and built-in storage requirements for a single storey 1-bedroom 2-person dwelling (50sqm minimum GIA), with a suitable layout and a generally appropriate outlook. The proposal would include a good-sized external amenity area to the south and east.

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 build 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 an existing area of hardstanding to the east which would be replaced by soft landscaping. This is considered to represent an enhancement in the overall appearance of the site.
- 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 an existing building under NPPF para 150 (d) and contains a Structural Survey advising that the proposed conversion is a viable undertaking and that the building is sound and not in need of major reconstruction and can remain standing as existing throughout the construction process. There would be no increase in the external dimensions of the building and any changes would be confined to its interior and external walls. Para 150(d) requires the re-use of buildings provided that these preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this, there would be very little change to the appearance of the site, although it would take on a domestic character within limited movements associated with a one-bedroom unit. Crucially, a quite substantial area of hardstanding to the south and east of the building would be soft landscaped with grass, trees, shrubs and trees which would help to enhance the openness of the site as compared to its current state and reduce the overall area which might be subject to vehicular movement. The site would, in part, be demarcated by a 1.1m post and rail fence which may be considered appropriate within this semi-rural location.
- 7.4.8.5 Overall, the existing building is concluded to be of permanent and substantial construction. The proposed re-use could be carried out without the need for reconstruction or significant structural works. Although the site has historically been in agricultural use, it appears that the subject building no longer serves this purpose, also taking account the planning history for the site. 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 any former 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. 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. It would also be fairly well obscured from the highway and in any event, it would not appear significantly different from the existing 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, 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 proposal would provide private amenity space and the opportunity to retain and plant additional landscaping in keeping with the prevailing well landscaped area semirural 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 area generally.

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 proposed dwelling would maintain a generous separation from neighbouring residential properties. The nearest dwelling comprises the donor dwelling, known as The Orchard; however, given the considerable separation between the existing and proposed houses, it is not considered that its amenities would be adversely affected.

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 PTAL rating indicating that it would be reliant on private transport such as the private car and bicycle. There would be sufficient onsite parking. There is no objection from the Council's Highway Department subject to recommended conditions.

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 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.
- 9.8 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.

RECOMMENDATION: PERMISSION

Subject to the following conditions and informatives:

Standard conditions

1. Statutory time limit
2. Drawings/documents in accordance

Pre-commencement

3. Measures to accommodate construction operatives/vehicles/deliveries

No details required (compliance)

4. Landscaping
5. External materials in accordance
6. Removal of PD rights for extensions etc.
7. Removal of PD right for upper floor extension
8. Satisfactory parking
9. Turning area
10. Highways drainage

Any delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary

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