

Committee Date	31.08.2023	
Address	Downe Livery Stables High Elms Road Downe Orpington BR6 7JL	
Application Number	22/03417/FULL1	Officer - Robin Evans
Ward	Darwin	
Proposal	Demolition of existing stables, barns and buildings. Change of Use/regularisation of land as equestrian use, erection of stables and ancillary equestrian facilities including; site office and WCs/showers, riding arena, horse walker, amended parking, drainage, surface water attenuation and holding pond, formation of highway access. (Amended drawing).	
Applicant	Agent	
Mark Aldridge	Fiona McDaniel	
Downe Livery Stables formerly Downe Hall Stables High Elms Road, Downe Orpington BR6 7JL	32 Larkfield Road Richmond TW9 2PF	
Reason for referral to committee	Councillor call in	
Call-In	Yes	

RECOMMENDATION	Application Permitted
-----------------------	-----------------------

<p>KEY DESIGNATIONS</p> <p>Areas of Archaeological Significance Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Equestrian Livery	549
Proposed	Equestrian Livery	510

Vehicle parking	Existing number of spaces	Total proposed spaces including retained	Difference in spaces (+ or -)
Standard car spaces	15	10	-5
Disabled car spaces	0	1	+1
Cycle	0	8	+8

Representation summary	Neighbour letters sent 23.09.2022 Newspaper advert published 05.10.2022 Site notice displayed 06.10.2022
Total number of responses	100
Number in support	94
Number of objections	6

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 currently known as “Downe Livery” (formerly “Downe Hall Stables”), an equestrian site located on the southern side of High Elms Road, opposite Downe Primary School and cemetery. As “Downe Hall Stables” the site comprised a riding school and livery yard of 39 stables and other storage buildings however the riding school no longer operates and, along with the gradual decline of the site, the current business known as “Downe Livery” operates as a livery yard with 12 stables.
- 2.1.2 The land slopes upwards from the highway into the site and the boundaries are marked mainly by trees and vegetation, some of which is protected by TPO, along with some fences and railings. The main site entrance is in the northwest corner opposite the school although there is a disused access along the north boundary opposite the public playground. A cluster of buildings including stables and barns lies along the western boundary with a sand school arena adjacent. The remainder of the land is formed of paddocks and grazing land partitioned by post and rail fencing. The site lies in the and borders the Downe Conservation Area. The site is positioned beyond the Downe Village and Conservation Area boundary and is within the Metropolitan Green Belt with a PTAL rating of 1a (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. There is an existing unauthorised building used as a welfare block erected pending the outcome of this planning application and it is known to the Council's Planning Enforcement Department.

2.1.3 Figure 1. Site Location Plan



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



2.1.5 Photo 2. Existing stables and vehicle parking viewed from north east.



2.1.6 Photo 3. Existing riding arenas viewed from north.



2.1.7 Photo 4. Existing riding arenas and paddocks viewed from south.



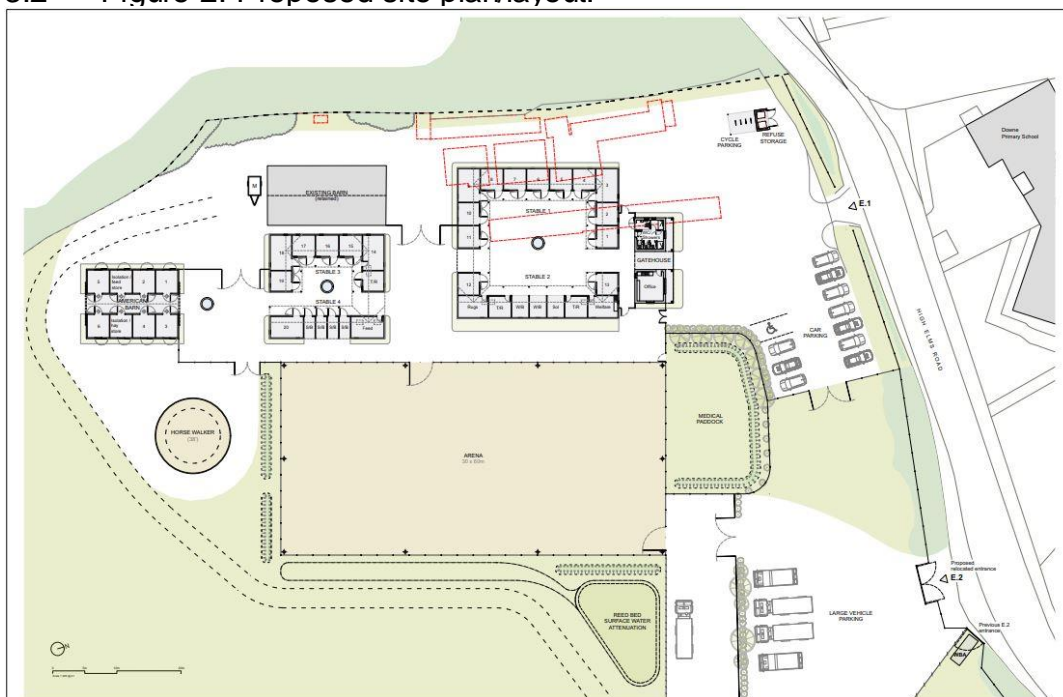
2.1.8 Photo 5. Existing main stable area viewed from south.



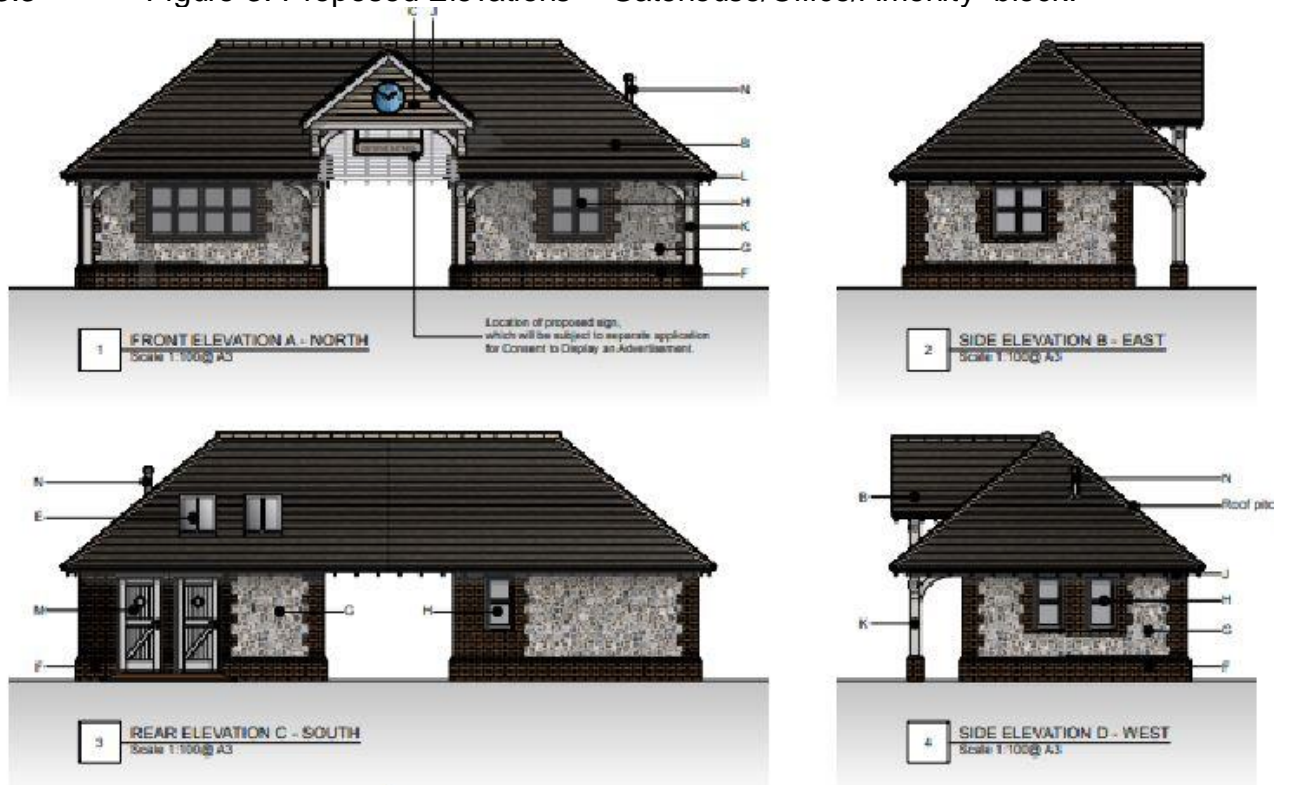
3. PROPOSAL

3.1 Planning permission is sought for demolition of existing stables, barns and buildings. Change of Use/regularisation of land as equestrian use, erection of stables and ancillary equestrian facilities including; site office and WCs/showers, riding arena, horse walker, amended parking, drainage, surface water attenuation and holding pond, formation of highway access.

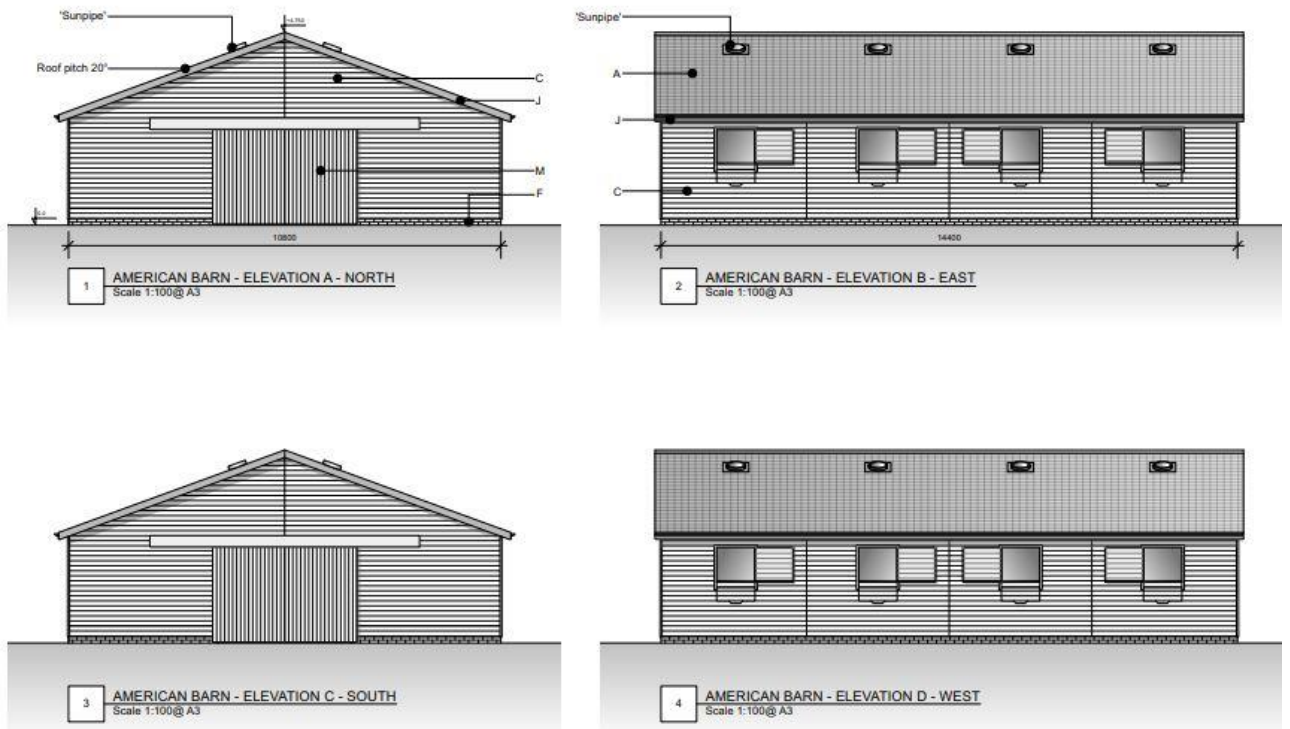
3.2 Figure 2. Proposed site plan/layout.



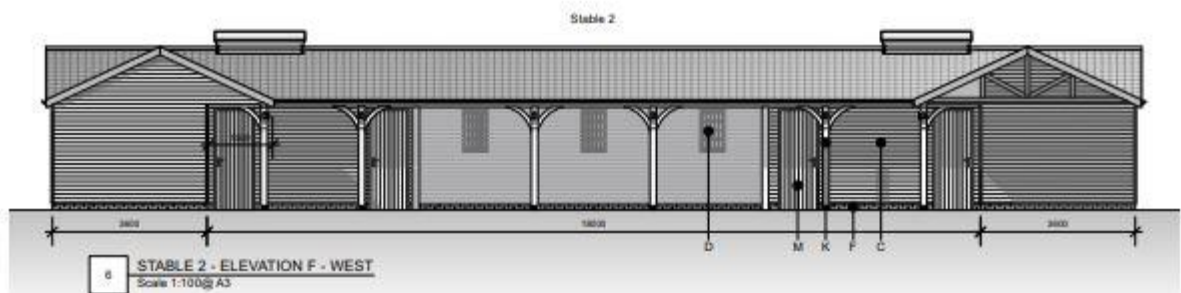
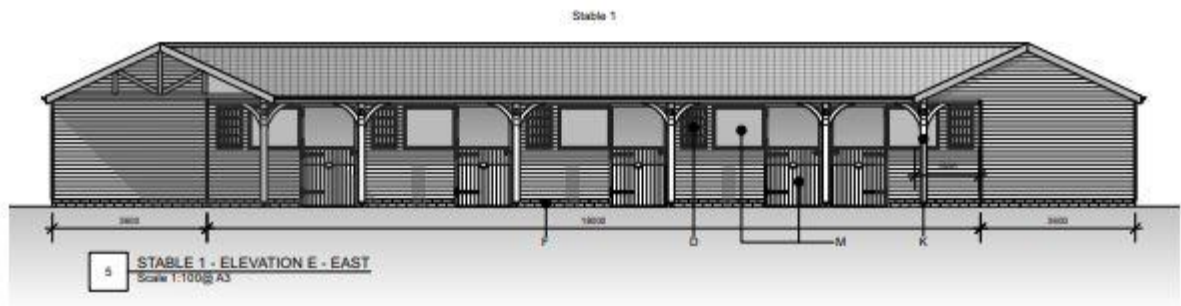
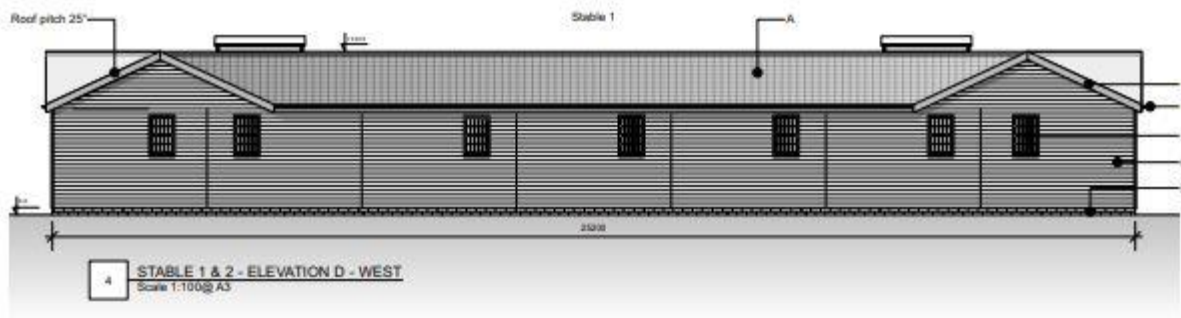
3.3 Figure 3. Proposed Elevations – Gatehouse/Office/Amenity block.



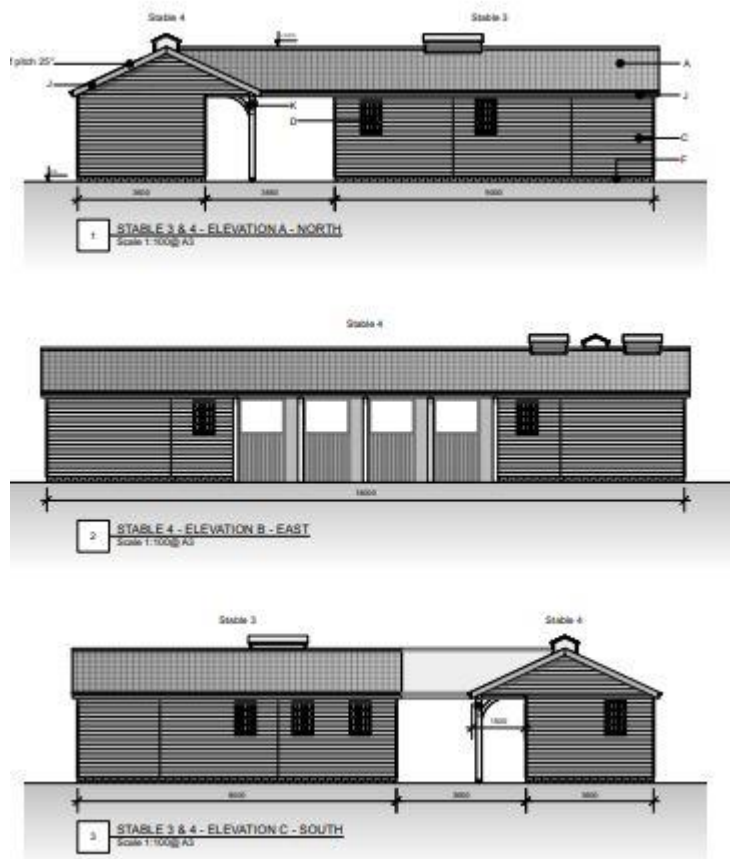
3.4 Figure 4. Proposed Elevations – American barn.



3.5 Figure 5. Proposed Elevations – Main stable 1 and 2.



3.6 Figure 6. Proposed Elevations – Main stable 3 and 4.



4. RELEVANT PLANNING HISTORY

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

84/00941/FUL – Retention of existing buildings and change of use from barn to calf rearing unit renewal of permissions 81/0391 and 81/0392 was approved on 16.04.1985.

84/02526/FUL – Stationing of touring caravan was refused on 15.01.1985.

90/00794/FUL – Retention of single storey building. was permitted on 07.06.1990.

90/02344/FUL – Single storey building to provide two stables was refused on 19.03.1991 for the following reason:

1. The proposal, involving additional built development in the Green Belt would result in an over intensive use of the site and would harm the character and amenities of the area.

22/03418/FULL1 – Erection of two storey building providing cart barn and Grooms accommodation above was refused on 15.08.2023 for the following

reason and at the time of writing the Applicant has not appealed against the Council's decision:

1. The proposed new building, in an unsustainable Green Belt location, would comprise inappropriate development in the Green Belt by definition and would be harmful to its openness and detracting from the visual amenities of the Green Belt and conflicting with its essential characteristics and the fundamental aim of the Green Belt to keep land permanently open. The proposal would also encroach into the countryside and would therefore conflict with the purposes of including land within the Green Belt. There are no Very Special Circumstances of sufficient weight to clearly outweigh the harm by reason of inappropriateness and the other harm identified. For these reasons the development would conflict with Policies 49 and 52 of the Bromley Local Plan 2019 and Policy G2 of the London Plan 2021.

5. CONSULTATION SUMMARY

A) Statutory

- 5.1.1 Environment Agency: Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We therefore do not have any specific comments to add. We would like to refer the applicant/enquirer to our groundwater position statements in ['The Environment Agency's approach to groundwater protection'](#), available from gov.uk. This publication sets out our position for a wide range of activities and developments, including the following:
- Waste management
 - Discharge of liquid effluents
 - Land contamination
 - Ground source heat pumps
 - Cemetery developments
 - Drainage
- 5.1.2 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. There currently appear to be no proposals for waiting restrictions in this part of High Elms Road. It is not clear how far parking related to the school extends along the highway however it appears to go beyond the existing site entrance (E1). It is not clear how many pedestrians travel to the site, especially given most routes are unpaved, unlit, and are not conducive to pedestrian transport. The Transport Statement suggests there would be no increase in trips however as the proposal would continue to encourage travel predominantly by car, and it would increase the number of currently active stables from 12 to 26, and there is a separate planning application for a Groom's accommodation (22/03418/FULL1), overall, the proposal is likely to increase trip generation. The maximum number of trips shown is 44 one way trips with parking accumulation of around 9 cars. The Proposed Block Plan shows parking for 12 cars and there is other space that could be utilised for parking. Consequently,

even if parking demand is doubled it can be accommodated on site. The proposal includes an additional entrance for larger vehicles (E2); according to the TS this would reposition an existing secondary entrance approx. 7m to the east of the proposed location E2. The TS indicates that very few HGV movements would take place, with one articulated lorry delivery per month, and it is not clear the reason for the large vehicle parking area accessed via entrance E2. Nonetheless, this area would provide additional parking space if required. The existing main entrance E1 on the drawings would be unchanged. According to the TS the proposed entrance E2 would be repositioned from an existing entrance in that general area. An additional access, E2, is proposed for larger vehicles. There is an existing field gate although it is overgrown with vegetation. There is also a bollard (possible Thames Water) and a lamp column in this location which are not shown on the plans and if they need to be relocated this would be at the Applicant's expense. The sightline drawings are not on an OS based drawing showing the edge of the carriageway and cannot be verified. The gates should be set back to ensure vehicles can pull clear of the highway although if they are not set back then they should be opened ready for a delivery vehicle to enter. The TS includes a Road Safety Audit Stage 1 although it does not contain the Designers Response. Nonetheless, although the proposal would appear to increase vehicle traffic it would be accommodated within the site and unlikely to have a significant additional impact on the highway network in terms of trip generation or parking. Notwithstanding this, the proposal should provide a Road Safety Audit Stage 2 and Stage 3 and this could be managed by planning condition. The proposal should also confirm the sightlines, details of the construction process/period including vehicle wheel wash facilities, drainage preventing run-off on to the highway, and hard surfacing materials close to the highway, and this could be managed by condition.

5.1.3 Sport England: Sport England is not a Statutory Consultee in this case although offers the following general advice/information:

- If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
- If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>
- If the proposal involves the provision of additional **housing** (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any

Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

- In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

B) Local Groups

5.2.1 Downe Residents' Association Management Committee

- supports local business in principle,
- most support comments from clients of the business and not from within the village,
- inconsistency in number of stables and horses being kept and insufficient grazing land to support them,
- unauthorised development already taken place including; two wooden buildings, track to the muck heap which should be addressed/regularised or removed,
- proposed barn would be positioned on existing unauthorised and inappropriate hard surfacing which should be attributed little weight,
- materially larger replacement than existing comprising inappropriate development in the Green Belt contrary to NPPF 149 d),
- therefore, does not fall within NPPF 149 b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation,
- increased size and scale of the development does not maintain openness of the Green Belt and conflicts with NPPF,
- no justification of need for the amount and extent of replacement equestrian centre other than Applicant's opinion of a viable and sustainable livery business. No justification that the existing stables are unviable, and that the proposal would make it viable. If approved should include a 10 year clause to prevent conversion to residential, to revert back to Green Belt and loss of any residential status, no further increase in built form through legal agreement,
- size and scale of development requires more land to support it,
- no very special circumstances to outweigh the harm,
- lack of information on operating hours, lighting,
- adverse impacts on neighbouring properties,

- exacerbates existing traffic congestion of large horse boxes on narrow lanes (all routes classified as unsuitable for HGVs), and increased traffic congestion of customer trip generation,
- application recommends parking suspension directly opposite; conflicting with the Primary School parking and residential parking, indicating that the application site and proposed development is unsuitably located,
- requires additional tracks and muck heap which is already excessive,
- the application does not mention proper drainage and waste manage is required to prevent groundwater pollution,
- TPO application to remove all sycamores (21/03703/TPSPLD) was refused and this should be upheld. Continued proposed herbicide removal of all sycamores would not be appropriate,
- to be considered in connection with accompanying application for on-site staff accommodation; mutually dependent upon one another, and is also likely to be inappropriate development and would have unrestricted residential access and hours of use,

5.2.2 Downe Residents' Association survey of High Elms Road residents' views on parking findings:

- Observed on-street parking issues exacerbating traffic congestion particularly at the narrower western end of the High Elms Road,
- Do not support introducing parking restriction along the full length of the school, as it would displace parking further along the highway, and may over time discourage parents from sending children to the school,
- Do support some parking restriction to the west of the school and in the wider "lay by" area proposed access E2 into the livery site, and requests the Council to adopt this proposal,

C) Local Residents

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

Objections

Procedural – address in paragraph 7.1

- The site location plan incorrectly annotates "Applicant Leasehold Owned Land" which belongs to another landowner and is leased to the Applicant,
- Principle/Green Belt – addressed in paragraphs 7.2 and 7.3
- Object to change of use from livery,

Support

- Longstanding equestrian use,
- Would improve the appearance of the site and the area,
- Existing stables old age (100 years) and poor condition is no longer fit for keeping horses under animal welfare regulations,
- Would upgrade, improve and enhance the existing facilities in disrepair with a purpose built facility, for better welfare for the animals, and would better serve the local and equestrian community and appeal to the wider community,

- Requires investment for a successful business,
- Equestrian centre is highly valued in the community, supporting and carries out important educational, charity and therapy work,
- would be an asset to Downe Village and attract more visitors to support other businesses and attractions,

6. POLICIES AND GUIDANCE

National Policy Framework 2019

NPPG

The London Plan 2021

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

D14 Noise

HC1 Heritage conservation and growth

S4 Play and informal recreation

S5 Sports and recreation facilities

G2 London's Green Belt

G6 Biodiversity and access to nature

G7 Trees and woodlands

SI12 Flood risk management

SI13 Sustainable drainage

T6 Car parking

T6.5 Non-residential disabled persons parking

T7 Deliveries, servicing and construction

Bromley Local Plan 2019

20 Community Facilities

21 Opportunities for Community Facilities

30 Parking

32 Road Safety

33 Access for All

37 General design of development

42 Development Adjacent to a Conservation Area

46 Scheduled monuments and archaeology

49 The Green Belt

57 Outdoor Recreation and Leisure

58 Outdoor Sport, Recreation and Play

61 Horses, Stabling and Riding Facilities

72 Protected Species

73 Development and Trees

74 Conservation and Management of Trees and Woodlands

75 Hedgerows and Development

77 Landscape quality and character

113 Waste Management in New Development

- 115 Reducing Flood Risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 118 Contaminated land
- 122 Light pollution
- 123 Sustainable Design and Construction

Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (Bromley, 2023)

7. ASSESSMENT

7.1 Procedural matters

7.1.1 Notwithstanding comments received the Applicant has demonstrated by submitting Ownership Certificate A, and when queried by the Council has further confirmed, that the application relates to land within their ownership/control and/or leasehold. Matters of land ownership, boundaries, means of access over private land and the condition of or damage to neighbouring properties are private/civil matters to be addressed by the parties concerned and are not a planning matter. If planning permission is granted it does not convey any permission or consent that might also be separately required from a relevant landowner(s).

7.1.2 Comments received on planning applications are carefully considered as planning applications are assessed and relevant weight is attributed to comments depending on their content and how relevant they may be to the application site and the proposed development, and not depending on where the author is located. Furthermore, when assessing a planning application, the Council will consider all relevant/material planning considerations depending on the site circumstances and constraints issues involved relating to the merits of the application whether or not any comments are received on the application.

7.2.3 Any matters of unauthorised development shall be examined by the Council's Planning Enforcement Department accordingly.

7.2 Principle and location of development

7.2.1 The application site lies within the Metropolitan Green Belt (MGB) where new development is inappropriate unless it falls within a specified list of exceptions including provisions for outdoor sport and recreation; and this will be assessed in further detail. The proposal is subject to an assessment of the impact on the appearance/character of the site, the surrounding area, the residential amenity of adjoining occupiers, car parking and traffic implications, heritage and ecological impacts.

7.2.2 Sport England, although not a statutory consultee in this case, nonetheless supports and promotes outdoor sport and recreation and resists the loss of sports facilities, and in this case the proposal seeks to retain and improve the existing sport/recreation facility. The proposal is mostly for replacement horse

stabling/accommodation and welfare facilities, it would not remove or encroach upon existing riding areas, and indeed it seeks to replace the existing arenas with a better designed/maintained arena; with drainage and layout improvements making it more usable than the existing arenas. Overall, the proposal would support, promote and improve the facilities encouraging outdoor sport and recreation.

7.3 Green Belt

7.3.1 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.

7.3.2 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.

7.3.3 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.

7.3.4 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.

7.3.5 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.

- 7.3.6 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 in the Green Belt at all is inherently harmful to openness as compared with the same land that is absent of the proposed development in question.
- 7.3.7 The Bromley Local Plan Policies 49 and 51 provide the same level of protection to Green Belt as the NPPF.
- 7.3.8 Whether the proposal would represent inappropriate development in the Green Belt
- 7.3.9 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.

- 7.3.10 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.

7.3.11 In this case the proposal includes the redevelopment of existing buildings and land, which could be regarded as previously developed land (PDL).

7.3.12 Land Use

7.3.12.1 The Applicant and the BHS refer to the BHS accreditation of the livery which supports its function as a site for equestrian outdoor sport and recreation. There are 39 existing stable boxes in total, although according to the application details, given their poor condition only 12 stables are currently in active use. The proposal would provide 26 stables along with some additional facilities and features that are not currently provided at the site due to many years of under investment and lack of development, and which are recommended/required by the latest horse keeping welfare regulations and code of practice. Overall and on balance it is considered that this proposal would provide appropriate facilities for outdoor sport and recreation.

7.3.13 Openness

7.3.13.1 Table 1. Existing and proposed floor area and volume

Built form	Floor area (sqm)	Volume (cubm)	Riding Arenas	Floor area (sqm)
Existing	549	1813	Existing	1375
Proposed	510	1650	Proposed	1800
Difference	-39	-163	Difference	+425
Difference %	-7%	-9%	Difference %	+31%

7.3.13.2 According to the application details the proposal would lead to a reduction in the floor area of approximately 39sqm or 7% and a reduction in built form/volume of approximately of 163cubm or 9%. It would involve an increase in the area of the sand school/arena of approximately 425 sqm or 31%.

7.3.13.3 The existing equestrian site complex is concentrated in the north-western corner of the site, the buildings are clustered very close together and in a generally in a line from the highway entrance towards the south. The current proposal would

also locate the equestrian complex in the same general position at the western side of the site and in a linear line from the site entrance into the site and projecting towards the southern boundary. The largest existing barn building would be retained, and the rest of the smaller single storey buildings would be demolished. The proposal would separate the buildings further, apart beyond the envelope of the existing buildings, and two of the main stable blocks would have a yard/courtyard layout compared with the existing inline layout. A smaller “American Barn” would be positioned to the rear as the western site boundary narrows slightly. The riding arena would be positioned in broadly the same place as the existing and would be reoriented through ninety degrees however its location the surface and the form of its fencing and equipment would have a similar effect on openness as the existing arrangement. As mentioned, the proposal would lead to a reduction in floor area and volume of the existing buildings. It would have a greater building spread than the existing layout, although this is in part due to the courtyard design of the stable yards compared with the linear layout of the existing stables, the new “American Barn” and some of the other features e.g. the horse walker and some of the other enclosures designed to provide separate areas for horses to be kept and managed which do not currently exist and provide more modern, up-to-date and BHS compliant facilities. As mentioned in the application details, the gatehouse feature would provide a coherent entrance point; with improved security and surveillance, office and facilities for the livery users and staff. Nonetheless, in relation to the existing site format, layout and arrangement the proposal would not have a significantly greater built form and visual impact and it would continue to preserve the openness of the Green Belt and it would not encroach significantly further into the countryside than the existing situation and would not conflict with the purposes of including land within the Green Belt.

7.3.14 Summary

- 7.3.14.1 In summary, the proposed built form in the context of providing appropriate facilities for outdoor sport, outdoor recreation and in the context of this site would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it would not comprise inappropriate development in the Green Belt by definition, it would have actual harm to the openness of the Green Belt, and would conflict with the purposes of the Green Belt contrary to Local Plan Policy 51, NPPF paragraph 149.
- 7.3.14.2 Comments received related to the viability of the business and the associated justification for the proposed staff accommodation (22/03418/FULL1) are noted. There is no mechanism within the planning process to require or guarantee the viability of the business for a certain time period, as condition of granting planning permission, and if having granted planning permission the development should be demolished in the event of the failure of that viability would be unreasonable and would not meet the tests of a planning condition. as such the proposal should be assessed on its merits. The associated staff accommodation (22/03418/FULL1) has been refused by the Council for the reasons given and, as set out, the stated VSCs for site security and animal welfare were not considered to be of sufficient weight to clearly outweigh the harm identified. As a standalone planning application that proposal was considered in relation to the

existing equestrian site although it is noted that it would also relate to the currently proposed equestrian redevelopment however in either case the proposed staff accommodation was not deemed to be justified and this is the reason that planning permission was refused.

7.4 Design and landscaping

7.4.1 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.

7.4.2 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.

7.4.3 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.

7.4.4 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.

7.4.5 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.

7.4.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.4.7 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.

- 7.4.8 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.
- 7.4.9 Design is considered separately from the Green Belt although it can have inherent similarities. This part of application site is currently undeveloped and used informally for car parking. In pure design terms, and excluding other matters such as the effect on the Green Belt i.e. if the site was not in the Green Belt, the proposed buildings would not appear excessive in size within the site and would not appear to overdevelop it, the proposal would retain some spacing around the buildings and they would not appear cramped in relation to "optimising" rather than "maximising" site capacity.
- 7.4.10 The proposal would redevelop the site positioning some of the proposed new buildings on part of the footprint of the existing buildings being demolished, although it would also project out beyond the existing building footprint. Notwithstanding this, the proposal would nonetheless be positioned towards the western side of the livery site in a similar location to the existing main complex. The proposed buildings would have a similar floor area and mass to the existing buildings being demolished, although it is noted that some of the stable structures would have a greater footprint as they would be laid out around an enclosed yard as compared with the existing stables which are in a linear row. Nonetheless this would not appear to overdevelop the plot or result in a cramped appearance in relation to the site boundaries and/or in relation to the cluster of proposed buildings in themselves.
- 7.4.11 As mentioned above the proposal would have a relative spacious layout, although it would be consolidated on one location and would not spread excessively outwards into the site, and in this particular context it would not lead to an overdevelopment of the site or a cramped appearance. the proposed design would be suitable to its intended function and its rural location and in either respect would be attractive and sensitive to the site location and its setting.
- 7.4.12 Some tall and dense coniferous trees at the highway boundary appear to have been removed in recent years thereby further opening up the site frontage compared with how it would have been recently. Notwithstanding this, even if the trees were still remaining, a new development should nonetheless be acceptable in its own right and regardless of any screen vegetation, given that that vegetation could be removed and/or could become diseased and decline. The proposal would be set away from the remaining existing trees being retained and would not encroach upon or compromise protected trees. There is a significant lime tree which may pose a constraint however non-dig surface could be provided in order

to pose minimal impact to the significant protected lime tree. The proposal would continue to use the Existing main accesses and parking areas. The proposed reinstatement of the secondary access would involve the removal of a section of hedge, comprised of young holly trees which do not contribute significantly towards the current or long term amenity value of the site and street scene, and there is no objection to this removal of the re-opening of a gate in this location. The submitted impact assessment has addressed tree constraints sufficiently to enable a more formal method statement to be requested under planning condition. The proposal includes new planting and landscaping; including a large amount of new trees, and this will require a clear and detailed planting plan/schedule and can be managed by planning condition.

7.5 Heritage Assets

7.5.1 The NPPF Section 16 sets out the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

7.5.2 NPPF paragraphs 202-203 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

7.5.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

7.5.5 The site lies opposite although not within the Downe Conservation Area and although the proposed development would appear prominent in the street scene it would not in itself have a significantly harmful impact on the adjacent Conservation Area and there is no objection from the Council's Conservation Officer.

7.6 Neighbouring amenity – acceptable

- 7.6.1 Policies 6 and 37 of the Bromley Local Plan seek 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 Although the proposal would be visible from the highway and may be visible from some of the nearest neighbouring properties it would nonetheless be relatively well separated from them and would not have a significantly harmful impact on them by reason of overshadowing or overbearing effect. The site is an existing equestrian site, and although its activity may have diminished in recent years, there would nonetheless be no significant additional harm by reason of noise and general activity and overlooking, in comparison to that which may already exist, or could exist if the site were as active as it had been. There is no objection from the Council's Environmental Health Pollution Department.
- 7.7 Highways
- 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 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. Notwithstanding the application details the current proposal would appear to increase or intensify the activity at the site from its current diminished state, however it could nonetheless accommodate the vehicle traffic, most of which including smaller vehicles would continue to enter via the existing main

entrance E1, and the minority and larger vehicles would enter via the reinstated and repositioned entrance E2. Overall, there is no objection from the Council's Highway Department subject to recommended conditions.

- 7.8 Climate change, sustainable construction and energy saving
 - 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 Although the proposal is not for Major development and is not obliged to provide energy efficiency or sustainable construction/technologies, as the proposal would comprehensively redevelop this part of the site it could provide energy efficiency measures in the building fabric and construction methods and renewable energy generating technology such as ground or air source heat pumps and solar panels and this would not be discouraged and the Applicant could be reminded of this by planning informative if planning permission is granted.
- 7.9 Other
 - 7.9.1 Drainage and Flooding
 - 7.9.1.1 The National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere. The Technical Guidance published alongside the Framework details that for these purposes, areas at risk of flooding constitutes land within Flood Zones 2 and 3.
 - 7.9.1.2 Policy S1 12 of the London Plan states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
 - 7.9.1.3 Policy SI 13 Sustainable Drainage of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

7.9.1.4 Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.

7.9.4.5 The site lies within an EA Flood Zone 1 (areas with lowest risk) however new development should not increase flood risk on the application site, not on neighbouring sites. The Council's Drainage Engineer advises that there is no public surface water sewer near the site and the proposal should provide a suitable dispose of surface water run-off; such as the use of permeable paving areas, rainwater harvesting tank, reed beds and deep borehole soakaways to attenuate for surface water for all events including the 1 in 100 year plus 40% climate change as indicated in the submitted Drainage Report would be acceptable in principle subject to the details. There is no objection from the EA subject to the notice and compliance with the 'The Environment Agency's Approach to Groundwater Protection guidance. There is no objection from Thames Water as to water supply for the new dwelling.

7.9.2 Ecology

7.9.2.1 Government guidance encourages Local Planning Authorities to consider the full impact of a proposal on protected species before taking a decision on a planning application. The case of *Bagshaw v Wyre Borough Council* [2014] EWHC 508 also highlights the importance of ecological assessment surveys to establish the extent of threat to protected species before taking a planning application decision. Garden land is often important for biodiversity and there is potential for the site to accommodate habitat for protected species, including commuting and foraging bats, including the dwellinghouse.

7.9.2.3 The application site is not a designated site of nature conservation importance; however, it lies in open rural countryside and contains trees and vegetation including hedgerows, which are important for wildlife habitat, commuting and foraging, and it is close to water sources. As such the application site could nonetheless offer suitable habitat, foraging and commuting habitat, for important and protected species. It is also noted that some of the existing trees and vegetation has been removed thereby also impacting on existing and future wildlife habitat. The Council's ecological raises concern over the further proposed losses of existing trees and vegetation. New planting and biodiversity enhancements could offer some improvements, although retention of existing established habitat is generally preferable to new planting (unless the existing is of particularly low ecological value) as wildlife may already be established within it and there is no guarantee that wildlife would become established in a newly formed habitat. Nonetheless, biodiversity enhancements including new planting and landscaping, which should be of native species, and this could be provided in an ecology and biodiversity enhancement plan as part of a planning condition, had the development been considered acceptable overall.

8. CIL

- 8.1 The Mayor of London and Bromley Borough Council CIL are material considerations.

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 not comprise inappropriate development within the Green Belt.
- 9.3 The proposal would not detract from the character and appearance of the site and its setting.
- 9.4 There would be no significant harm to neighbouring amenities
- 9.5 There would be no significant harm in highway and parking terms.
- 9.6 There would be no other significant harm in terms of ecology or drainage.
- 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.

10.RECOMMENDATION:

PERMISSION SUBJECT TO PLANNING CONDITIONS

SUMMARY OF CONDITIONS AND INFORMATIVES

Standard conditions

Statutory time limit
Drawings/documents in accordance

Pre-commencement

Tree Protection Measures
Surface Water Drainage Scheme
Road Safety Audit – Stage 2 and Stage 3
Measures to accommodate construction operatives/vehicles/deliveries including vehicle wheel washing
Contaminated Land Assessment

Above Ground

External materials details to be submitted
Landscaping Hard/Soft
Highway Surface Water Drainage Scheme
Biodiversity enhancements
Natural England precautionary approach to site clearance and demolition

Pre-Occupation

Highway visibility splays
Car parking details to be implemented
Electric vehicle charging points

No details required (compliance)

Permitted land use
No loose materials for parking/turning areas,
Cycle parking
Non-Road Mobile Machinery

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
Environment Agency groundwater protection
Sport England Active Design Guidance
Thames Water information