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DATE: 22 August 2023

To: Members of the  
**PLANS SUB-COMMITTEE NO. 3**

Councillor Jonathan Andrews (Chairman)  
Councillor Tony Owen (Vice-Chairman)  
Councillors Dr Sunil Gupta FRCP FRCPath, Christine Harris, Alisa Igoe, Julie Ireland,  
Alexa Michael, Shaun Slator and Mark Smith

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on  
**THURSDAY 31 AUGUST 2023 AT 7.00 PM**

TASNIM SHAWKAT  
Director of Corporate Services & Governance

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

**To register to speak please telephone Democratic Services on 020 8461 7840**

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**If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)**

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**Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.**

*Copies of the documents referred to below can be obtained from*

<http://cds.bromley.gov.uk/>

## A G E N D A

### 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

### 2 DECLARATIONS OF INTEREST

### 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 6 JULY 2023 (Pages 1 - 6)

### 4 PLANNING APPLICATIONS

Report No.	Ward	Page No.	Application Number and Address
4.1	Chislehurst Conservation Area	7 - 64	(22/03243/FULL1) - Home Farm, Kemnal Road, Chislehurst, BR7 6LY
4.2	Darwin	65 - 94	(22/03417/FULL1) - Downe Livery Stables, High Elms Road, Downe, Orpington, BR6 7JL

### 5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

### 6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

## **PLANS SUB-COMMITTEE NO. 3**

Minutes of the meeting held at 7.00 pm on 6 July 2023

### **Present:**

Councillor Jonathan Andrews (Chairman)  
Councillor Tony Owen (Vice-Chairman)  
Councillors Dr Sunil Gupta FRCP FRCPATH, Christine Harris,  
Julie Ireland, Kevin Kennedy-Brooks, Alexa Michael,  
Shaun Slator and Mark Smith

### **Also Present:**

Councillor Melanie Stevens

## **1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Igoe and Councillor Kennedy-Brooks attended as substitute.

## **2 DECLARATIONS OF INTEREST**

The Legal Representative confirmed to the Committee that as she lives within the vicinity of the planning application noted in Agenda Item 4.1 she would exit the Chamber during that application.

## **3 CONFIRMATION OF MINUTES OF MEETING HELD ON 21ST JULY 2022**

The Minutes of the meeting held on 21<sup>st</sup> July 2022 were confirmed and signed as a correct record.

## **4 PLANNING APPLICATIONS**

### **4.1 BIGGIN HILL (22/02547/FULL1) - 123 Kings Road, Biggin Hill, TN16 3NH**

Single storey rear extension to provide additional space for the veterinary surgery.

In a presentation given by Planning, the Committee were informed that the application had previously been refused and subsequently dismissed on appeal.

The application now proposes a similar extension in terms of its depth and width, however the current scheme has reduced the height of the extension above ground level.

An oral representation was received from one of the veterinary surgeons at Kings Road Veterinary Surgery in support of the application. It was highlighted to the Committee that there was no intention to increase the footfall to the surgery and the extension was planned to not be intrusive to neighbours. The extension was needed to provide better services for customers without the need to refer them elsewhere.

The speaker stated that veterinary procedures, x-rays, consultations etc should ideally all be provided in separate rooms, but this was not currently possible due to restrictions on space.

Following a question from a Committee Member regarding the need for more space, the speaker confirmed to the Committee that veterinary pharmaceuticals are required to be stored away and out of sight and this isn't currently the case. Also, there is a need for a sterile operating theatre and x-rays should be carried out in a separate room. The speaker also stated that it has proved difficult to find another site.

Visiting Ward Member, Councillor Melanie Stevens, gave an oral representation outlining her reasons for requesting a deferral of the application. Councillor Stevens stated that a lot of the conditions previously imposed are not being adhered to or enforced eg surgery opening hours and staff rotas. If approved, Councillor Stevens requested that all conditions need to be tightened.

The Committee then discussed the application further, including the need to make a decision based on planning grounds. It was noted that minimal changes had been made with the current application and they did not fully answer the Inspector's concerns from the previous appeal.

Members, having considered the report, objections and representations, **RESOLVED** that the **APPLICATION BE REFUSED** for the following reason:

The proposed development, by reason of its excessive depth and overall scale would be overbearing and would cause unacceptable harm to the amenity of the occupiers of neighbouring dwellings Nos. 121 and 125 Kings Road, contrary to Policy 37 of the Bromley Local Plan.

4.2  
WEST WICKHAM

**(22/04848/ADV) - Outside 14 Red Lodge Road,  
West Wickham**

1 x post mounted "Village" sign on the public footway Outside 14 Red Lodge Road West Wickham.

A brief presentation in support of the application was given by Planning. The Committee were informed that the proposal would add some appropriate visual interest to this part of the street without appearing unduly prominent in the wider street scene. In addition, there would be no unacceptable impact to neighbouring occupiers or public amenity and no unacceptable highways impact.

Members, having considered the report and representations, **RESOLVED** that **ADVERTISEMENT CONSENT BE GRANTED**, subject to the following conditions:

**1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.**

**Reason: Regulation 14(1) (a) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**

**Reason: Regulation 14(1) (a) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.**

**Reason: Regulation 14(1) (a) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**4. No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission.**

**Reason: Regulation 14(1) (a) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway, (including any coastal waters) or aerodrome (civil or military).**

**Reason: Regulation 14(1) (a) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**6. This consent shall be for a period of 5 years, beginning with the date of this decision notice.**

**Reason: In accordance with Regulation 14(5) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**7. There shall be no illumination from any part of the sign (internally or externally).**

**Reason: In order to comply with Policy 102 of the Bromley Local Plan and to ensure that excessive brightness of illumination does not detract from the amenities of the area.**

**6**

**TREE PRESERVATION ORDERS**

NO REPORTS

The Meeting ended at 7.45 pm

Chairman

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<b>Committee Date</b>	31 <sup>st</sup> August 2023	
<b>Address</b>	Home Farm Kemnal Road Chislehurst BR7 6LY	
<b>Application number</b>	22/03243/FULL1	<b>Officer: Jessica Lai</b>
<b>Ward</b>	Chislehurst	
<b>Proposal (Summary)</b>	Demolition of part of Greenacres, demolition of Polo Mews North, demolition of Polo Mews South and demolition of part of The Bothy. Erection of linking extension between Polo Mews North and Polo Mews South. Erection of a two-storey extension to The Bothy. Establishment of new vineyard. Provision of new solar panel array. Erection of hydrogen energy plant and equipment. Erection of new single storey dwelling. Rearrangement of the internal access roads.	
<b>Applicant</b>	<b>Agent</b>	
Mr & Mrs A Selby Greenacres, Kemnal Road Chislehurst BR7 6LY	Mr John Escott Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN United Kingdom	
<b>Reason for referral to committee</b>	Call-in	<b>Councillor call in</b> Councillor Alison Stammers

<b>RECOMMENDATION</b>	<b>Planning permission be refused</b>
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<p><b>Green Belt</b>  <b>Chislehurst Conservation Area</b>  <b>Land adjacent to site of nature conservation</b>  <b>Land adjacent to site of special scientific interest</b>  <b>Site of nature conservation</b>  <b>Smoke Control</b>  <b>Biggin Hill Safeguarding Area</b>  <b>London City Airport Safeguarding</b></p>
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<b>Existing and proposed use and floor area</b>			
<b>Use</b>	<b>Existing</b>	<b>Proposed</b>	<b>Difference (+ or -)</b>
Residential	2,242sq.m (excluding farm store)	2, 411sq.m	+169sq.m
Agriculture building	80sq.m	80sq.m	+0sq.m

<b>Electric Vehicle charging point</b>	0
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<b>Vehicle parking</b>	<b>Existing number of spaces</b>	<b>Total proposed including spaces retained</b>	<b>Difference in spaces (+ or -)</b>
Standard car spaces	32	22	-10
Disabled car spaces	0	0	0
Cycle	0	0	0

<b>Representation summary</b>	Neighbour letters were sent on 30 <sup>th</sup> Sep 2022. Site notice was placed by the applicant. The application was also advertised in the press in the News Shopper		
Total number of responses	4		
Number in objection	1		
Number of support	3		

## **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

The proposal to introduce a vineyard within established agricultural land is acceptable in the Green Belt and Chislehurst Conservation Area. This element does not require planning permission in terms of its use.

The Bothy Cottage, Bothy House and flat, Polo Mews No1 to No.4 are originally constructed as farmer's accommodation, workshop, storage and stable blocks associated to with Foxbury Manor. These buildings are locally listed buildings as two groups.

The proposed demolition, alteration and extensions to the Bothy Cottage, Bothy House and flat would be disproportionate to the original building, out of scale and out of keeping with multiple gable ends pitched roof additions and first floor windows siting above its eaves line. No.3 and No.4 Polo Mews would be demolished and replaced by a modern single store flat roof extension with a link connecting the extension to No.1 and No.2 Polo Mews. The proposal would result in a total loss of No.3 and No.4 Polo Mews which diminishes the significance and group value of the listing buildings. The proposal would have

a significant adverse impact on the setting of the locally listed buildings and have an adverse impact on the character and appearance of Chislehurst Conservation Area.

The proposed Vine House would be located in an area of open land, approximately 41m east from Cherry Tree Cottage. The proposed new dwelling would provide 3 ensuite bedrooms, an indoor swimming pool, courtyard areas, outdoor terrace and a new man-made pond in order to support surface water drainage of this new dwelling. The proposal would require major excavation of land to reach the proposed internal floor level. The proposed new dwelling would be supported by external walls on the west, south and east elevation and two angled/curved green roofs setting against or above the natural ground level. The proposal would incorporate renewable energy measures (hydrogen plant and ground source heat pump), the compliance of policy requirements does not generate a very special circumstances case here as the renewable energy measures are on the market for willing users and major developments are required to comply with the current development plan requirements around renewables.

The proposal would provide an excessive number of parking spaces, insufficient information is provided to confirm the adequate level of cycle parking, electric charging points, the amount of biodiversity net gain and urban greening factor and how this can be achieved as submitted.

The proposal would provide improvements to both the internal and external living environment to the occupants. The benefits arising from the above are limited and do not outweigh the irreversible harm to the setting of locally listed buildings and conservation area. The application in its current form is therefore not supported and planning permission should be refused.

## **1. LOCATION**

- 1.1 The application site (known as Home Farm) is located on the eastern side of Kemnal Road, Chislehurst. The site is accessed via a private and gated road, off Kemnal Road.
- 1.2 The site comprises nine existing residential units which are located near to the western corner of the site. The existing residential units are known as Bothy Cottage, Bothy House and flat, No.1 to No. 4 Polo Mews, Green Acres and Cherry Tree Cottage. Among these existing dwellings, Bothy Cottage, Bothy House and flat, No.1 to No. 4 Polo Mews are locally listed buildings.
- 1.3 No.1 and No.2 Polo Mews are parallel with the Bothy, being located to the south of the Bothy Cottage, Bothy House and flat. No.3 and No. 4 Polo Mews are located to the south of No.1 and No.2 Polo Mews, being separated by a small rectangular courtyard.
- 1.4 Green Acres is the largest property within this complex, with the western face extending from the Courtyard adjoining to No.2 Polo Mews building.

There is a large courtyard to the immediate north of Greenacres. The garden consists of a large rectangular lawn and outdoor swimming pool.

- 1.5 The grassland field across the site was dominated by grasses until recently replaced by grapevines this summer. There is a detached agricultural building located near to the north-west corner of the site. This agricultural building is mainly used as machinery storage. There is a variation of ground level within the site and its wider context.
- 1.6 There is a late Victorian walled kitchen garden and a private outdoor swimming pool located to the rear of Polo Mews, Green Acres and Cherry Cottage. A full-size tennis court is located at the south-west corner of the application site.
- 1.7 The site is located within the Green Belt and Chislehurst Conservation Area. Kemnal Woodlands surrounds the north and east of the site. An area of land located to the south-east of Cherry Tree Cottage is designated as Kemnal Woodlands, as a Development and Nature Conservation Area in the Bromley Local Plan.
- 1.8 There are three trees located to the south of Bothy Cottage which are subject to a Tree preservation Order (TPO ref 2251 - Lime). There is a further tree located to the west of Chery Tree Cottage is also subjected to a Tree Preservation Order (TPO ref: 2071 - YEW).
- 1.9 The eastern part of the site is crossed by a footpath (public right of way PROW – FP042), which borders the eastern side of the hedgerow, before diverting across the south-east part of the site.
- 1.10 Kemnal Road is one of the longest roads in the Chislehurst Conservation Area. The site is located within Green Belt. Kemnal Road is predominantly residential with a pocket of open space. It runs north from Bromley Lane, near its junction with Royal Parade and through Chislehurst Common before reaching north to the Sidcup-By-Pass.
- 1.11 To the north of the site is Kemnal Park Cemetery and Memorial Gardens. To the southwest is Foxbury Manor. To the east of the site, is Nuffield Health Fitness and Gym. To the south and south east are University College London Sports Ground and Chislehurst Schools for Girls respectively
- 1.12 Home Farm is originally a working farm associated with Foxbury Manor. Foxbury Manor is a Grade II Listed Building and located to the West of the application site. The listed description of Foxbury states “*Built by David Brandon 1876. in Gothic Revival style. An L-shaped building in stone with mllioned windows, Tudor type chimneys and qables with barge boards. Plinth. (See digital Archives "The Builder" Vol 41 P 74, P 80-1)*”.

1.13 The site has a historic and established agriculture use. Sheep farming was recorded as the principal agriculture use in 2015. It has been replaced as a hay growing farm in the recent years and now a grape growing farm this summer.



Figure 1: Site Location Plan

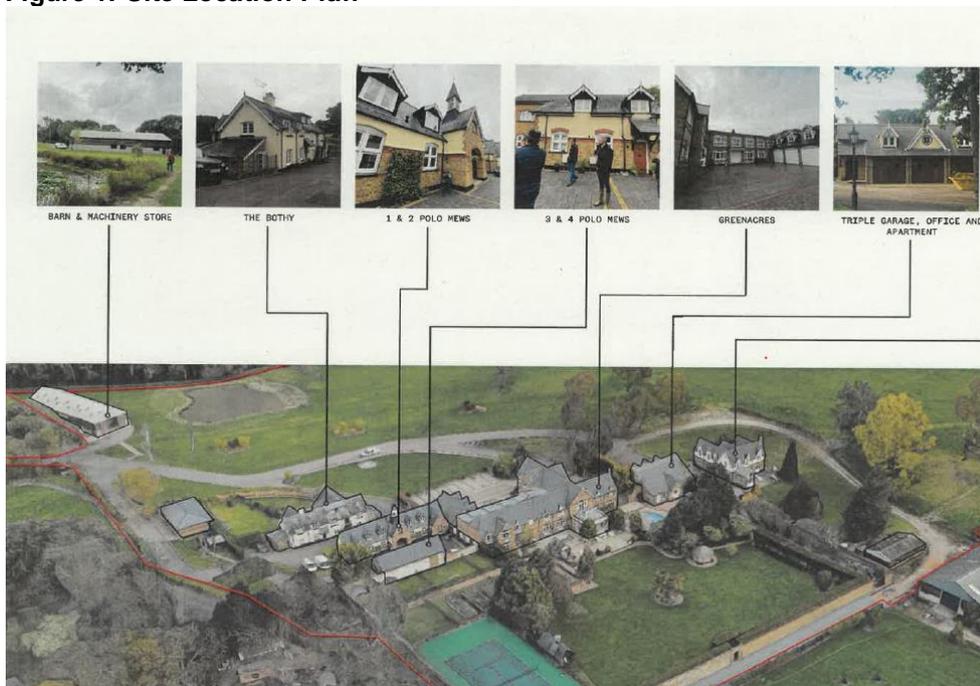


Figure 2: Location of existing buildings.

## 2. PROPOSAL

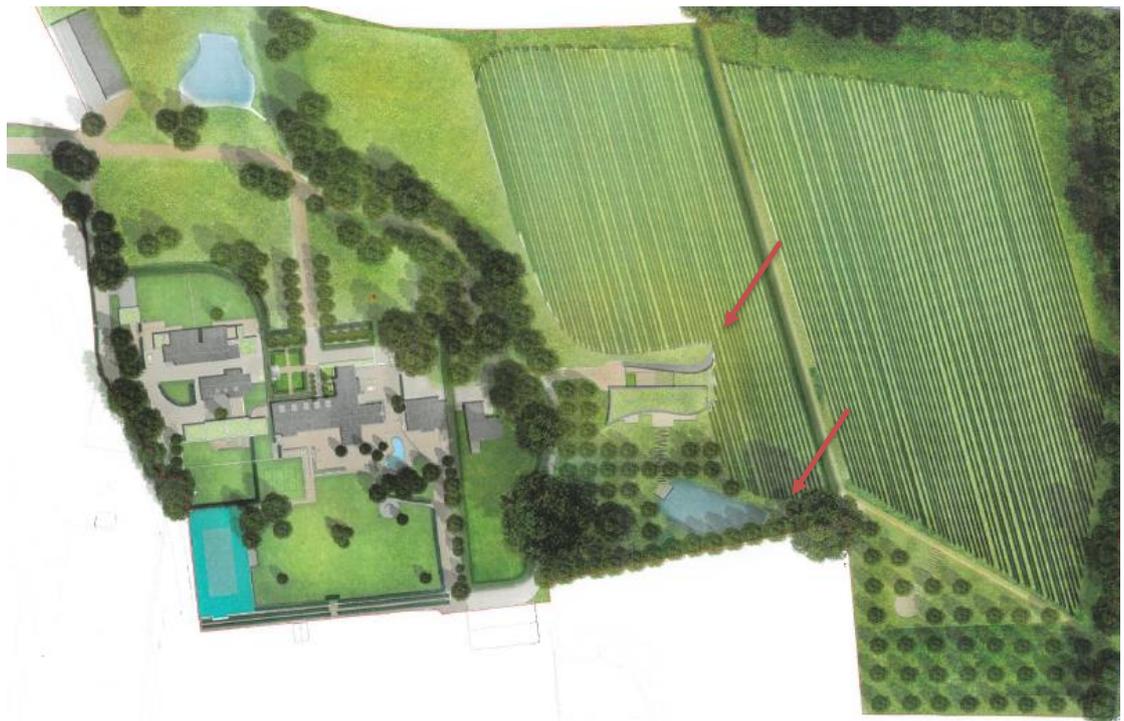
- Vineyard

2.1 Full planning permission is sought for a vineyard, a plantation of grape-bearing vines within established agricultural land. The previous crop yield associated to this established farm site was hay. The plantation activities are located within the northern and eastern part of the application site.

2.2 The location and access of the existing public right of way across the field would remain unchanged. An area of private grassland is indicated as orchard and picnic area, accessible by members of the public. This area is located adjacent to an existing footpath, near south-east corner of the site.

- *New residential dwelling - Vine House*

2.3 A new subterranean dwelling (Vine House) is proposed in an area of open land, this is located approximately 41 metres east of Cherry Tree Cottage. The proposed new dwelling comprises of 3 ensuite bedrooms, an indoor swimming pool, a sitting room, a kitchen, living and dining room, a hydrogen plant room, two courtyard areas, an outdoor terrace and associated hardstanding area for parking.



**Figure 3: Location and the proposed Vine House and new human-made pond.**

2.4. The proposed floor level of this new dwelling would be up to 2.1 metres below the relevant ground level. The proposed green roofs would be up to 2.4 metres high when measured from the relevant ground levels, with a maximum length of approximately 36 metres and approximately 355sq.m in area.

2.5 A new man-made pond is proposed to manage the impact of surface water flooding associated to the proposed new dwelling (red arrow in Fig 3). The Flood Risk Assessment indicates that an area of 1,020sq.m associated to the proposed new dwelling would require mitigation. The proposed pond would be located approximately 22 metres south from the proposed new dwelling, covering approximately 390sq.m of the open land.

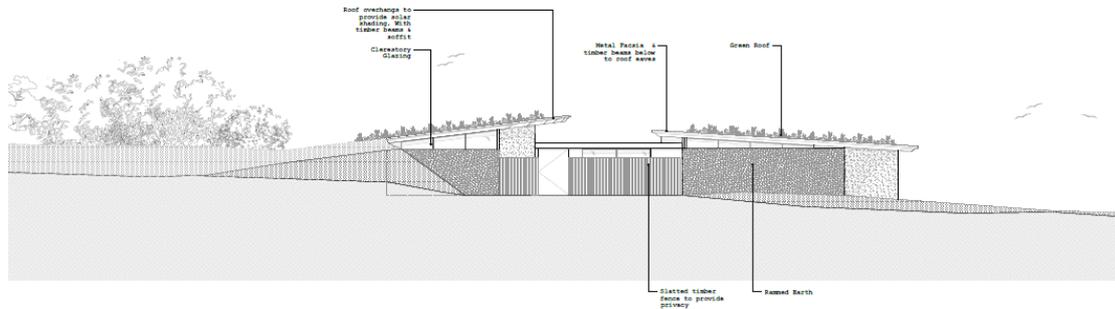


Figure 4: Proposed West Elevation (Front)

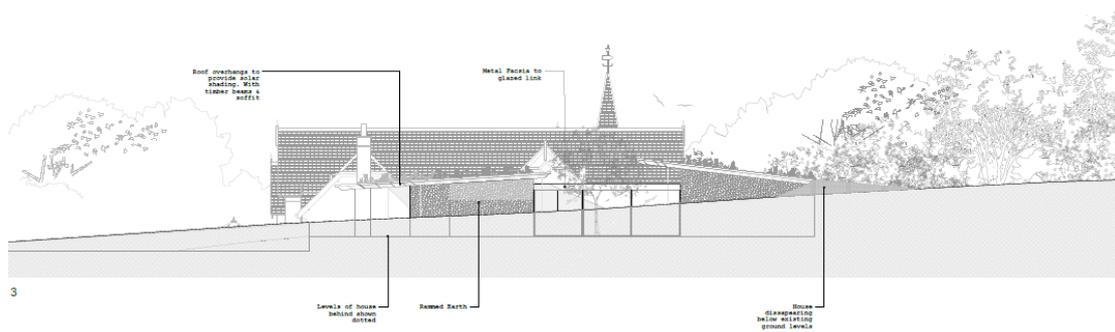


Figure 5: Proposed East Elevation (Rear)

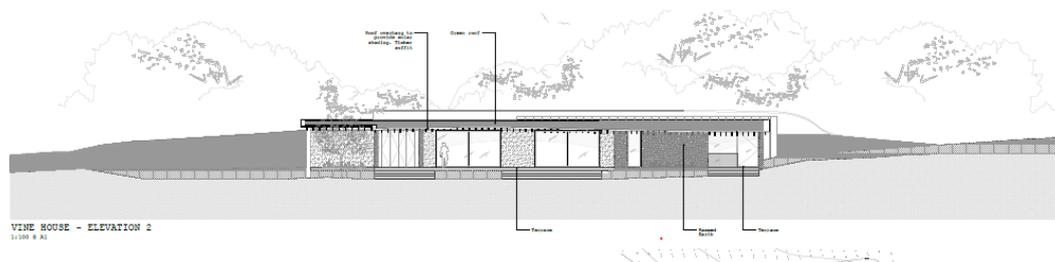


Figure 6: Proposed South Elevation (Side facing a new human made pond)

- *Green Acres*

2.6 An existing late addition attached to the front on Green Acres would be demolished. This existing addition is also attached to No. 2 Polo Mews.

2.7 Two new ground floor front windows would be installed.

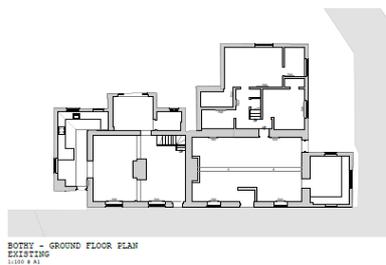


**Figure 7: Aerial image of Green Acres (left image) and proposed front elevation (right image).**

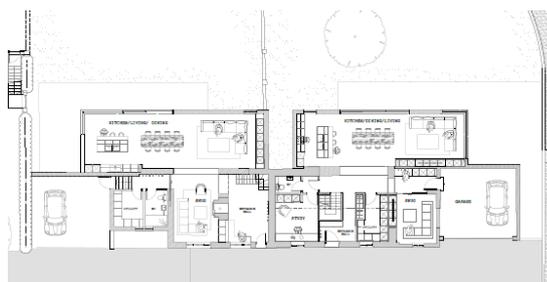
- Locally listed buildings - *The Bothy (Bothy Cottage, Bothy House and Bothy Flat)*

2.8 The Bothy was originally constructed as a farm house with workshops and storage areas serving The Foxbury Manor, a Grade II listed building located on the western side of Kemnal Road and outside the application site boundary. The Bothy has been converted into three residential units with extensions comprise of two floors. Bothy Cottage would be changed from a 2 bed to a 4-bed unit. The Bothy House would be changed from a 3-bed unit to a 4-bed unit.

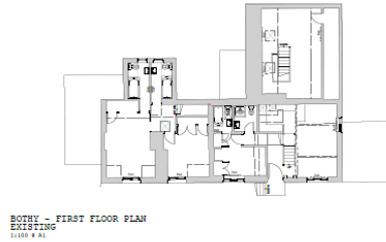
2.10 It is proposed to partially demolish the locally listed buildings and two storey rear extension is proposed. The proposed two storey extensions is designed with four gable end pitched roofs and two first floor balconies would be introduced on the north elevation. Large areas of glazing would be introduced on the ground floor. The dimensions of the proposed Bothy Cottage and Bothy House are tabled below:



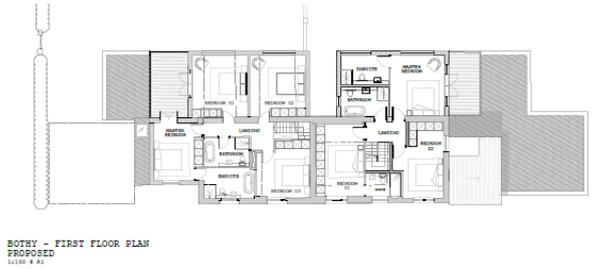
**Figure 8. Existing ground floor plan**



**Figure 9. Proposed ground floor plan**



**Figure 10. Existing first floor (left)**



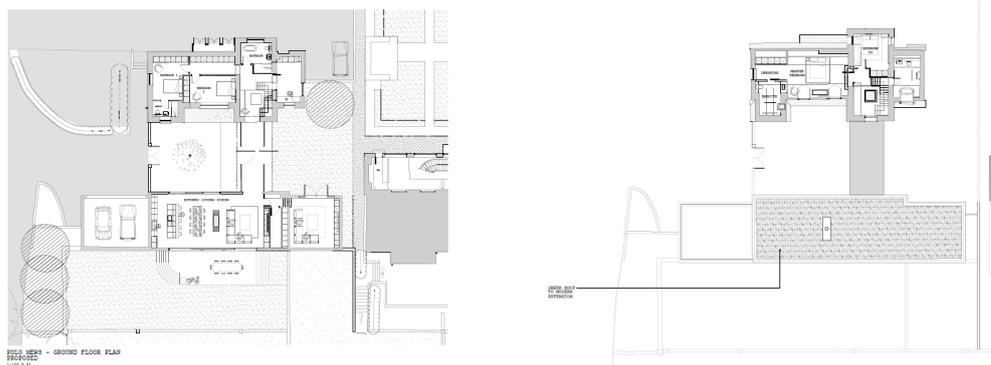
**Figure 11. Existing first floor (left) and proposed first floor plan (right)**



**Figure 12. Existing north elevation (left) and proposed north elevation plan (right)**

*Locally listed building – Polo Mews (No. 1 to No.4)*

- 2.11 Polo Mews (No.1 to No.4) are located behind The Bothy and have been extended and converted from its previous use as stable blocks to residential units. Polo Mews currently comprises of 3 x 2 bed and 1 x 1 bed units.
- 2.12 The clock tower in Polo Mews No.1 and No.2 would be retained. No.2 Polo Mews would be partially demolished and detached from Greenacres.
- 2.13 No. 1 and No.2 Polo Mews would be merged and reconfigured into a 4-bed house. No.3 and No.4 Polo Mews would be completely demolished and replaced by a single storey flat and green roof building with a glazed link connecting to No.1 and No.2 Polo Mews. Two court yard areas and an outdoor terrace area would be provided. A line of solar panel would be mounted on the ground in the rear garden.



**Figure 13: Polo Mews proposed ground floor plan (left) and first floor plan (right)**

### **3. RELEVANT PLANNING HISTORY**

- Home Farm Cottage

#### **3.1 94/00475/FUL – withdrawn**

Home Farm change of use to private residential curtilage and associated pasture parkland and woodland. Demolition of existing cottages know as Home Farm and Cherry Cottage. Erection of a detached 8 bedroom house creation of access driveway and new section of garden wall

#### **3.2 95/01876/S64 – granted 13.09.1995.**

Home farm hay bar determination in respect of agriculture permitted development rights.

#### **3.3 96/02858/FUL – granted on the 25.04.97**

Home Farm change of use from agriculture bar to 12 loose boxes. Construction of outdoor menage for the exercise of horses

- Greenacre / Home farm

#### **3.3 94/2667 - granted on the 20/03/1995**

Demolition of existing building (conservation area consent)

#### **3.4 95/02576/FUL**

Retention and refurbishment of part stable block with storage area over new stable block with storage area over new triple garage with farm office over part variation of permission 94/2666.

#### **3.5 95/02577/CON - granted on 24/01/1996**

Demolition of outbuildings in stable yard conservation area consent

3.6 98/00973/FUL – granted on the 06/07/1998

Part of Bothy Cottages block – change of use from workshop storage to 2 bedroom flat. Single storey extension and alteration of roof

3.7 99/00903/FULL1 – granted on the 28/05/99

Continued use of barn for stabling horses without complying with condition 03 of permission 9602858 which required the use to cease by 31/03/99

3.8 99/01961/FULL1 -granted on the 07/01/2000

Conversion and reuse of northern stable building to form two 2 bedroom units together with four car parking spaces

3.9 00/01002/FULL1 -granted on 29/06/2000

Conversion and re-use of former southern stable block to form 2 one bedroom units with 3 car parking spaces

3.10 00/03312/FULL1 -granted on the 07/12/2000

Conversion of stable block into 2 one bedroom houses with 4 car parking spaces

3.11 01/00553/FULL1 - granted on 14/04/2001

Replacement barn

3.12 01/03309/FULL1 – granted on 06/12/2001

Entrance gates and fence RETROSPECTIVE APPLICATION

3.13 01/04053/FULL1 – refused on 18/04/2002

Front boundary wall, entrance gates and landscaping (RETROSPECTIVE APPLICATION)

3.14 01/02735/FULL1 – granted on 16/10/2001

Single storey rear extension

3.15 02/02355/FULL1 – granted 22/08/2002

Front boundary wall entrance gates and landscaping. RETROSPECTIVE APPLICATION

3.16 07/02426/FULL6 – granted on the 04/09/2007

Two storey front extension part one/two storey extension to link main house to existing games room and two storey front extension to games room to form triple garage with accommodation over all within walled courtyard

3.17 07/02428/CAC – withdrawn

Part one/two storey extension to north elevation CONSERVATION AREA  
CONSENT

3.18 08/01552/FULL6 – granted on 25/06/2008

Part one/part two storey front and side extensions (Revision of permission  
07/02426)

3.19 08/03604/FULL6 – granted on 09/12/2008

Part one/two storey front and side extensions (Amendment to permission  
08/01552 to incorporate elevational alterations and to allow for extension  
ridge height to be contiguous with existing house

3.20 15/01995/AGRIC - granted on 9<sup>th</sup> June 2015 (enforcement related)

A prior approval application for an agricultural building with access road (28  
Day Consultation Under Part 6 of the GPDO 1995 (As Amended)) was  
granted on 9<sup>th</sup> June 2015. (ref: 15/01995/AGRIC)

3.21 16/04795/TREE – granted on 14.11.2016

Trees works relates to T1 Sycamore – Fell and T2 & T3 Horse Chestnut x 2 -  
Remove/reduce low limb on both trees growing over road towards telephone  
cable

3.22 17/00244/TREE – granted 17/02/2017

Tree works related to 3 x Lime (T1) - Re-pollard by reducing the height by 7m;  
Horse Chestnut (T2) - Fell.

3.23 17/03202/TREE – granted on 30/08/2017

Tree works related to T1 Oak - Reduce crown by 4m and shape; T2 Oak -  
Reduce side growing toward dead tree and pond by 5m.

3.24 18/03868/PLUD – granted on 10/10/2018

Erection of two single storey rear extensions and two front porches to serve  
existing dwellings and erection of two garage outbuildings within the rear  
gardens of existing houses (3 and 4 Polo Mews)  
LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

3.25 18/01554/ELUD – granted

Certificate of lawful development (existing) to establish whether the rear  
gardens which serve two existing dwellings at Nos.3 and 4 Polo Mews can  
lawfully be retained to serve these properties.

3.26 18/01832/AGRIC – refused on the 4<sup>th</sup> May 2018

A prior approval application for the erection of an agricultural building for sheep  
handling and housing together with the storage of feed, forage, straw,  
veterinary medicines and sundries (Application for Prior Approval Under Part 6  
Class A of the Town and Country Planning (General Permitted Development)

(England) Order 2015) was refused and planning permission was considered to be required.

3.27 18/05570/FULL1 - withdrawn on the 25<sup>th</sup> of October 2019

Full planning permission for the conversion of existing bar to provide a 4-bedroom dwelling with integral garage.

3.28 20/03519/TREE – granted on 17.11/2000

Tree works related to T1 White Poplar over drive - Reduce by 4m and shape; T2 Oak near front gate - Reduce large limb over driveway by 2-3m; T3 Group of Oaks - Thin crowns by 20%. Lift branches over driveway to 5m and remove ivy; T4 Leylandii - Reduce height to old reduction points; T5 Group of Evergreens near pool- Reduce height/crown by 2m and shape. Remove 1 x Pine; T6 Group of mixed trees (Cedar/Pines/Sycamore) near tennis court - Reduce height by 2-3m and shape.

3.29 23/02848/TREE granted on 09/08/23

Tree works related to T1 Leylandii near pool area – Fell; T2 Oak group (x5) - Reduce crowns by 2m and thin by 20%, also to clear around telephone cables; T3 Cherry and Cedar growing together - Reduce in height by 2m; T4 Wild Cherry near mews house – Fell; T5 Mixed group along driveway, Maple, Poplar, Hawthorn - Reduce branches growing over the driveway back to curb edge; T6 Large Leylandii - Fell.

- Polo Mews

3.30 17/05635/PLUD – refused on 29/01/18

Erection of two single storey rear extensions to serve existing dwellings and erection of two garage outbuildings within the rear gardens of existing houses and two front porches LAWFUL DEVELOPMENT CERTIFICATE

- Bothy Cottage/ House

3.31 203/02987/FULL6 – granted 09/10/2003

Part one/two storey side and rear extension

3.32 08/01811/TPO – refused on 15/07/2008

Tree works to fell 3 lime trees SUBEJCT TO TPO2551

3.33 19/05265/FULL1 – granted on the 23/09/2020

Reconfiguration of existing 7 residential properties at Polo Mews, Bothy Cottage and Bothy House incorporating removal of link to Green Acres and other demolition works to enable 4 family homes to be provided along with provision of part single storey part two storey side and first floor rear extensions to Bothy Cottage and first floor rear extension to Bothy House, proposed works

also include provision of ground and lower ground rear extension to Polo Mews incorporating excavation works and two garages and elevational alterations and alterations to the site curtilages and landscaping.

### **3.34 The following applications relates to a new dwelling located to the south of the site**

- 18/00835/RECON – approved on 19<sup>th</sup> Aug 2019.

Variation of Condition 11 of permission ref. 16/01360 granted for detached five bedroom house with residential curtilage to allow revised rear elevation and roof details.

- 16/01360/FULL1 – granted on 31<sup>st</sup> Aug 2017

Detached five-bedroom house with residential curtilage

- 16/01360/FULL1 – granted on 31<sup>st</sup> Aug 2017

- 14/03215/FULL1- granted on 12<sup>th</sup> November 2014

Repositioning of access drive to serve new dwelling permitted under ref 12/03886 including flood prevention works.

- 13/03662/FULL1 – granted on the 24<sup>th</sup> Dec 2013  
Access drive (amendment to permission ref 12/03886 granted for detached five bedroom house with curtilage, 5 car parking spaces and removal access drive)

- 11/02960/FULL1 granted on 8<sup>th</sup> February 2012  
Detached five bedroom house with curtilage, 5 car parking spaces and removal of access drive

## **4. CONSULATION SUMMARY**

### **a) Statutory**

#### **4.1 Natural England – No objection**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England' generic advice on other natural environment issues on landscape, best and most versatile agricultural land and soil, protected spaces, local sites and priority habitats and species, ancient woodland, ancient and veteran trees, environmental gain, access and recreation, rights of way and Biodiversity duty are attached.

#### **4.2 Environment Agency – No objection**

Based on the information submitted, Environment Agency have raised no objection. The applicant is advised that any waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works. Contaminated soil must be disposal of its waste. Therefore, its handling transport, treatment and disposal are subject to waste management legislations.

Developer should ensure that all contaminated materials are adequately characterise both chemically and physically in line with the British Standard BS EN 14899:2005 “Characterization of Waste – Sampling of Waste Material – Framework for the Preparation and application of a Sampling Plan” and that the permitting status of any proposed treatment or disposal activity is clear. If the total quantity of hazardous waste materials produces or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with Environment Agency as a hazardous waste producer. Only clean uncontaminated surface water may be discharged to ground via approved SuDS designs. Details of all proposed foul and surface water drainage should be submitted in compliance with good practice guidance and comply with relevant Building Regulations. All fuels, chemical and materials shall be stored and used in compliance with relevant regulations and good practice. Should planning permission is recommended, the following should be secured by planning conditions:

- Report of contamination not previously identified is found to be present at the site and no further works shall be carried out until a remediation strategy is submitted and approved by the LPA.
- No infiltration of surface water drainage into the ground unless written consent is approved by the LPA.

#### **4.3 Greater London Authority – Comment**

- Land Use Principles: The site is designated as Green Belt land and the proposal is inappropriate development. The VSC presented represent local benefits, for the Council to give due consideration to in balancing whether this would outweigh the harm to the Green Belt. Given the minor increase in floor area and small projection of the subterranean home into the Green Belt, with a well-considered design approach, GLA officers do not consider this to be strategic concern.
- Urban Design / Heritage: The intended massing and scale is well considered. The proposal may result in harm to the Chislehurst CA and Grade II listed Foxbury building. An assessment of London Plan Policy HC1 should be undertaken by the Council, due to the local nature of the benefits. A London Plan compliant fire statement is required to be secured.
- Transport: Considering its relatively small scale, with similar or reduced trip rates, the principle of this private development is acceptable in transport terms. The Council should seek additional clarification regarding car parking and cycle parking, ahead of

determination. Any permission should secure delivery and servicing and a travel plan for the residential and vineyard alongside disabled persons car parking, electric vehicle charging and improvements to access on foot or cycle.

- Sustainable development: Additional information on energy, whole life cycle carbon and circular economy should be considered and secured by the Council
- Environmental issues: The recommendations of the Preliminary Ecological Appraisal (PEA) should be secured, including a CEMP and EMP.

#### **4.3 Drainage (Lead Local Flood Authority) – Comment**

##### **b) Non-statutory**

#### **4.4 Secured by design – No objection**

No objection.

#### **4.5 Highway - Comment**

Kemnal Road comprise of adopted, unadopted and private road. The site is located on a private section of Kemnal Road. As such, the Council is not the highway authority. The proposal would increase traffic flow. There are no details regarding to the Vineyard being open to the public. Should planning permission be granted and prior to any works commencement on site, a survey of the existing road condition of the road shall be submitted to and agreed in writing by the Local Planning Authority. Any damage caused to the surface of the road during the construction phase of the development shall be reinstated to a standard at least commensurate with its condition.

#### **4.6 Environmental Health – Comment**

- Air quality

The application is supported by Air Quality and Air Quality Neutral Assessment Technical Statement dated 16<sup>th</sup> September 2022. The report demonstrates that the development will not have an adverse air quality impact.

The application is supported by a Sustainability and Energy Statement, by BlueSky dated 2<sup>nd</sup> August 2022 which indicates that Air Source Heat Pumps (ASHPs) are proposed for Polo Mews and the Bothy. Although the location of these is significantly removed from nearby residential to have any potential for disturbance, with the occupants of the development itself they would need to consider the position, orientation and sound levels for the selected ASHPs to avoid any particular impact to those that are living within this accommodation. Should planning

permission be forthcoming, full details should be provided and agreed by the Council.

- Land contamination

The Phase 1 Preliminary Contamination Risk Assessment Report indicates that the proposal would have a generally low risk to human health and controlled waters has been identified at the site. This report recommended that 'No further ground investigation is required based on the findings of the assessment but should any olfactory or visual evidence of contamination be encountered during construction, a geo-environmental engineer should be notified so that further investigation and assessment can be undertaken.' Should planning permission be recommended, a contaminated land discovery condition should be attached.

#### **4.5 Thames Water – Comment**

- Surface water and waste water

Thames Water would advise that should the sequential approach to the disposal of surface water be followed and in line with London Plan Policy S13, Thames Water would have no objection. The applicant is reminded that a prior approval from Thames Water Developer Services is required for discharge of surface water to a public sewer. Thames water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded approving the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Thames Water have no objection regarding to waste water network and sewage treatment works infrastructure capacity.

- Water

The site falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection and

may wish to discuss the implication for their development with a suitably qualified environmental consultant.

No main water should be used for any construction unless prior consent from Thames Water have been obtained. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater)

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. Based on the information provided, Thames Water have no objection with regards to the impact on water network and water treatment infrastructure capacity.

#### **4.6 London Borough of Bexley – No objection**

No objection to the proposal.

#### **4.7 Public Right of Way officer – Comment**

No objection to the proposal provided that the existing footpath with a definitive 2 metres width is preserved.

#### **4.8 Tree officer – Comment**

The details of tree protection plan including an arboricultural method statement should be secured by planning conditions (Condition PC02 and AG05)

#### **4.9 Orpington Field Club & Bromley Biodiversity Partnership Sub-group – Objection**

The proposed “Vine House” is on land previous of agriculture use and within green belt. There appear to be no very special circumstance to justify this proposed new dwelling and would be contrary to Policy 49 and 62 of the Bromley Local Plan. Bromley Biodiversity Partnership Sub-group and Orpington Field Club and members considered that the application should be refused as this part of the proposal would not comply with the policies.

Similarly, although the building of new access routes and removal of some existing hard standing will result in the reduction by 1,134sq.m hardstanding, it will also result in loss of soil fauna and flora for which there will be no compensation since the soil beneath the removed hardstanding will be compressed and unable to support soil animals, plants and fungi in the short to medium term. Consideration should be given to access routes using existing hardstanding as far as possible.

The proposal would result in the loss of oak trees T21 and T11. T11 is reported as safe and has veteran features. However, should planning permission be forthcoming, the following should be secured by conditions:

- Retention of Oak Tree T21 and T11 with T21 being of particular importance. Proposed access route adjacent to T21 to be diverted away from it. Native oak (*Quercus robur* or *Q. petraea*) to replace any oak to development.
- Proposed new access route to be diverted away from semi-natural habitat and use existing hardstanding as far as possible.
- Pond to be planted with native marginal and emergent plants after reprofiling. The reprofiling must ensure at least 1 side of the pond is gently sloping so any animals, such as hedgehogs, which fall in can escape. Hedgehogs (a Bromley and NERC Act (2006) Section 41 priority species) were recorded within 703 m of the site in 2021. These animals travel 1-2kms /night in search of invertebrate food and mates so may forage in the area. Many hedgehogs die in steep sided ponds.
- Habitat creation as shown in the PEA P.20, paragraph 4.9. Figure 9 to be implemented.
- Bats: integrated bat boxes to be installed into the building B4 as part of the proposed development as per PEA paragraph 4.14. See also recommendations below.
- Artificial lighting disrupts the diurnal rhythm of all living things, including bats. Therefore proposed lighting to be angled away from natural habitats- hedgerows, trees, ponds, scrub, grassland and any installed bat or bird boxes and must follow PEA paragraph 4.14.
- Hedgehog/Badgers: Although no evidence of badgers was recorded on site, hedgehog was recorded 703 m away (see under proposed condition 3, ponds). Best practice construction measures as laid out in the PEA 4.17 to be carried out.
- Birds: as per PEA paragraph 4.19, vegetation removal must be undertaken outside of the breeding bird season (March-September inclusive) or immediately after a nesting bird check by a suitably qualified ecologist. If active nests are identified, works in the vicinity of the nest must cease until the birds have fledged the nest.

**N.B.** The Oak tree (T11) will be retained. The Council tree officer have reviewed the condition of the Oak Tree (T21 – category U) and consider this should be removed. Should planning permission is recommended, the relevant mitigation measures will be secured by a planning condition.

#### **4.10 The Chislehurst Society**

The application appears to be acceptable, sympathetic to the landscape with no adverse effect on the environment. The unique sustainable building planned, in conjunction with the surrounding vineyard would enhance the land and bring another dimension to the existing farm.

### **c) Adjoining Occupiers**

4.8 Four (4) letters of support have been received and the reasons are outlined as follows:

1. The proposed changes would be beneficial to the local environment and consistent with the continued use of Home Farm as an agricultural small holding
2. Any potential impact of the proposal has been considered by the applicants.
3. The proposal would result in a net reduction in built environment. The heating of the existing dwellings will be powered by renewable technology. The new dwelling will be the first zero carbon house powered by hydrogen in London.
4. Viticultural business is exciting and one of the few remaining agricultural holdings in Chislehurst
5. The proposal would enhance the character of the Chislehurst Conservation Area.

## **5. POLICIES AND GUIDANCE**

- 5.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).
- 5.2 National Planning Policy Guidance (NPPG)
- 5.3 National Design Guidance 2019
- 5.4 National Planning Policy Framework (NPPF) July 2021
- 5.5 The London Plan (March 2021)

The relevant policies are:

Policy D1	London's form, character and capacity for growth
Policy D3	Optimising site capacity through the design-led approach
Policy D4	Delivering good design
Policy D5	Inclusive design
Policy D6	Housing quality and standards
Policy D11	Safety, security and resilience to emergency
Policy D12	Fire safety
Policy D13	Agent of change
Policy D14	Noise
Policy H1	Increasing housing supply
Policy HC1	Heritage conservation and growth
Policy G1	Green Infrastructure
Policy G2	London's Green Belt
Policy G3	Metropolitan Open Land

Policy G5	Urban greening
Policy G6	Biodiversity and access to nature
Policy G7	Trees and woodlands
Policy G8	Good growing
Policy SI-1	Improving air quality
Policy SI-2	Minimising greenhouse gas emissions
Policy SI-3	Energy Infrastructure
Policy SI-4	Managing heat risk
Policy SI-5	Water infrastructure
Policy SI-7	Reducing waste and supporting the circular economy
Policy SI-8	Waste capacity and net waste self-sufficiency
Policy SI-12	Flood Risk Management
Policy SI-13	Sustainable drainage
Policy T4	Assessing and mitigating transport impacts
Policy T5	Cycling
Policy T6	Car parking
Policy T6.1	Residential parking
Policy T7	Deliveries, servicing and construction
PolicyDF1	Delivery of the Plan and Planning Obligations

## 5.6 London Plan Guidance and Supplementary Planning Guidance

- Accessible London: Achieving an Inclusive Environment (2014)
- Planning for Equality and Diversity in London SPG (2007)
- Character and Context SPG (2014)
- Fire Safety LPG (draft 2022)
- Urban greening factor LPG (2023)
- Air quality positive guidance (2023)
- Air quality neutral guidance (2023)
- Be Seen energy monitoring guidance (2021)
- Energy planning guidance (2022)
- The Control of Dust and Emissions During Construction and Demolition (2014)
- Sustainable Transport, Walking and Cycling LPG (2022)
- Shaping Neighbourhoods: Character and Context (2014)
- Practice Note on contaminated land

## 5.7 Bromley Local Plan 2019

The relevant policies are:

- Policy 1 Housing Supply
- Policy 4 Housing design
- Policy 6 Residential extensions
- Policy 30 Parking
- Policy 33 Access for all
- Policy 37 General Design of Development
- Policy 39 Locally Listed Building
- Policy 41 Conservation Area
- Policy 43 Trees in Conservation Areas

- Policy 49 The Green Belt
- Policy 51 Dwellings in the Green Belt or on Metropolitan Open land
- Policy 52 Replacement residential dwellings in the Green Belt
- Policy 57 Outdoor recreation and leisure
- Policy 60 Public Rights of way and other recreational routes
- Policy 62 Agricultural land
- Policy 64 Agricultural Dwellings
- Policy 72 Protected Species
- Policy 73 Development and Trees
- Policy 79 Biodiversity and access to nature
- Policy 113 Waste management in new development
- Policy 115 Reducing Flood Risk
- Policy 116 Sustainable Urban Drainage Systems
- Policy 118 Contaminated land
- Policy 119 Noise pollution
- Policy 120 Air quality
- Policy 122 Light pollution
- Policy 123 Sustainable Design and Construction
- Policy 124 Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy
- Policy 125 Delivery and Implementation of the Local Plan

## **Bromley Supplementary Guidance**

- 5.8 The relevant SPGs are:
- Planning Obligations (2022)
  - Urban Design Guide Supplementary Planning Document (adopted July 2023)
  - Chislehurst Conservation Area Guidance

## **6. ASSESSMENT**

### **6.1 Land use and Green Belt – Unacceptable**

#### **a) Vineyard**

- 6.1.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 defines agricultural land as “*land in use for agriculture and is so used for the purposes of a trade or business and excludes any dwellinghouse or garden*”.
- 6.1.2 The site has a historic and established agriculture use, originally associated to the Foxbury Manor which is a Grade II Listed Building located on the western side of Kemnal Road and outside the application site. The land does not fall within any defined agricultural land grading as defined by Natural England, of which Grade 1 to Grade 3a are land considered to be the best and most versatile land. The vineyard would be supported by a common vertical trellis system and is not considered to have an adverse impact at this site. Natural England was consulted, and no objection is raised.

6.1.3 Given that the site has an established agricultural use with a planning application record of hay growing in the recent years, it is considered that the proposed change from hay growing to vineyard is acceptable and would not be contrary to BLP Policy 62. Officers note that the plantation of grapes has already commenced in April/May 2023. It should also be noted that this element does not require planning permission in terms of its use and this would not be afforded any significant weight in support of the proposal as a whole.

6.1.4 It is noted that the Chislehurst Society and letters of support have been received in relation to this element of the proposal. As outlined above, the proposed changes from hay growing to vineyard is supported and is acceptable at this location.

**a) New dwelling (3 bed Vine House)**

6.1.4 The NPPF also attaches great importance to Green Belt Land, with a clear government policy to prevent inappropriate development in green belt and keeping the green belt land permanently open. The essential characteristics of green belts are their openness and their performance.

6.1.5 NPPF states that local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless the proposed development falls under the following exceptions (a) to (g):

- a) building for agriculture and forestry;
- b) provision of appropriate facilities (in connection with the existing use or a change of use) for outdoor sport, recreation, cemeteries and allotments.
- c) extension or alteration of a building provides 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.
- g) limited infilling or partial or complete redevelopment of previously developed land, which 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 LPA.

- 6.1.6 The proposed Vine House would be located in an area of open field, approximately 41 metres from Cherry Tree Cottage and near to an existing public right of way. The agricultural land is outside the scope of previously developed land as defined by the NPPF.
- 6.1.7 The proposed new dwelling does not fall within any of the exceptions above and BLP Policy does not apply in considering the merits of this element. As such the construction of new buildings on Green Belt land is regarded as inappropriate development and substantial weight is given to the harm by reason of inappropriateness, together with any other harm as set out below.
- 6.1.8 The proposed new Vine House would comprise three ensuite bedrooms, an indoor swimming pool, sitting room, living, kitchen and dining room, courtyard areas and an outdoor terrace. An internal floor space measures approximate 355sq.m would be provided. A new pond is also proposed to mitigate the surface water flooding as a result of the proposed Vine House.
- 6.1.9 It is suggested that the proposed dwelling would not be harmful to the landscape, being located on private land with limited public views. Whilst the site is located on a slope, the proposed new dwelling would require major excavation of land to achieve the proposed internal floor space and internal level including outdoor courtyard areas and an outdoor terrace.
- 6.1.10 The proposed east elevation plan indicates that the proposed internal floor level would be up to 1.6 metres below the natural ground level with external walls up to 2.4 metres high when measured from the relevant ground level.
- 6.1.11 The proposed south elevation plan indicates that the proposed new dwelling would measure approximate 33.6 metre wide and approximately 3.5 metres high. It should be noted that the proposed green roof is set as an angle against and above the natural ground. These elements would be above ground level and facing the adjoining land.
- 6.1.12 Whilst the proposed building would be partly subterranean, it should be noted that the proposed dwelling is located within an area of open land and close to an existing public footpath across the field. The proposal would remain visible in the proposed vineyard, along the public footpath, the proposed picnic area and wider area of the site during different seasons. Furthermore, the proposed building would also be visible from the site and the adjoining land. Due to its siting and scale of the proposed dwelling, the proposal would expand built development in an undeveloped area of open land in the green belt. The proposal would fail

to keep green belt land permanently open and have an adverse spatial impact on openness.

- 6.1.13 The proposed new dwelling would require extensive engineering work to excavate the land in the open field and in addition to the harm to openness that the provision of a new dwelling would cause in principle, this would result in the artificial alteration of the existing land form which would harm the rural character of the site. The provision of a new dwelling would represent an encroachment to the open and natural landscape on a permanent basis.
- 6.1.14 It is noted that the proposed dwelling is designed with two green roofs which measure approximately 353sq.m. The siting, scale and shape of the green roof would be set at an angle above the natural ground level and truncate the natural slope. The proposed elevation plan indicates that large expanses of rammed earth walls would be required on the front, side and rear elevations (West, South and East elevations). Due to its siting, scale and design, the proposal would be harmful to the openness of the green belt.
- 6.1.15 The proposed new dwelling would incorporate a hydrogen plant and ground source heat pump to achieve net zero carbon, being the first of its kind. However, it should be noted that new major development is required to achieve carbon zero. As such this element of the proposal would not be afforded any specific additional weight in support of the proposal as a whole.
- 6.1.16 Hydrogen is one of many renewable energy options which is available in the market for any willing users. As such, generating renewable energy to address climate change and meeting the development plan requirements is not regarded as very special circumstances for a new dwelling in the Green Belt. Furthermore, carbon zero homes which address fuel poverty and climate change do exist in this borough such as the Council's affordable housing scheme at Brindley Way. Whilst addressing climate change is supported, this does not override the Green Belt policies and should not be used as a precedent to introduce new building in the Green Belt.
- 6.1.17 In summary, the proposed Vine House would be located in an area of agricultural land within an existing field and would require major engineering works to achieve the required living spaces partially below the ground level with green roofs, hardstanding and a new pond. These proposed works would erode the openness and create substantial and permanent harm to the Green Belt. The benefit of the proposed new dwelling is limited to the provision of a new private 3 bed dwelling and is not considered to be an adequate reason to introduce a new residential building in the Green Belt. There is no public benefit or VSC that can be demonstrated in this case.

**b) Complete and/or partial demolition and alteration to the locally listed buildings**

6.1.18 NPPF paragraph 149(g) states “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.

6.1.19 BLP Policy 51 states that extensions or alterations to dwellings in the Green Belt will only be permitted if:

- a) The net increase in the floor area over that of the original dwelling house is no more than 10 percent, as ascertained by external measurement; and
- b) Their size, siting, materials and design do not harm visual amenities or the open rural character of the locality; and
- c) The development does not result in a significant detrimental change in the overall form, bulk or character of the original dwelling house.

6.1.20 The buildings within the application site have been altered with various previous extensions. Based on the information provided and the council’s planning application record, it is considered that the proposed extensions would be more than 10 percent of its original building.

6.1.21 Bothy Cottage would be changed from a 2 bed to a 4 bed dwelling. Bothy Flat would be incorporated with Bothy Cottage as a 4 bed dwelling. No.1 to No.4 Polo Mews are 1 to 2 bed dwellings and would be demolished and/or altered as a 4 bed dwelling. The difference between the existing and proposed internal floor spaces set out within the Design and Access Statement is tabled below. The housing size of Greenacres and Cherry Tree Cottage would not be changed.

	<b>Existing</b>	<b>Proposed</b>	<b>Difference (+/-)</b>
<b>Bothy Cottage</b>	127sq.m	220sq.m	+73%
<b>Bothy Cottage and Flat</b>	192sq.m	220sq.m	+14.6%
<b>Bothy shed and garage</b>	84sq.m	60sq.m	-28.6%
<b>Total</b>	403sq.m	500sq.m	+24.1 %

**Table 1.** Existing and proposed internal floor spaces (source from design and access statement).

	<b>Existing</b>	<b>Proposed</b>	<b>Difference (+/-)</b>
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<b>Polo Mews No 1 to No 4</b>	373.1sq.m	290	-22.3%
<b>Garage and shed</b>	7.7sq.m	30	+389%
<b>Total</b>	380.8sq.m	320sq.m	-15.9%

**Table 2.** Existing and proposed internal floor spaces (source from design and access statement).

6.1.22 The design and access statement suggest that the proposal would not be materially larger than an earlier approved scheme (ref: 19/05265/FULL1). It should be noted that this proposal is materially different from the previous approved scheme and is also within a different red line boundary, including a new dwelling on agricultural land as set out in the preceding section. It is also important to note that the existing buildings have been extended with various single and two storey extensions as outlined in the planning application history section of this report.

6.1.22 The proposed partial demolition and alterations of Bothy Cottage, Bothy House and Flat, No.1 and No.2 Polo Mews and complete demolition of No.3 and No.4 are not considered acceptable due to its proposed size and scale. As such, the proposal would be contrary to BLP 51

6.1.23 Locally listed buildings include Bothy Cottages, Bothy House and flat, Polo Mews No.1 to No.4. The nearest statutory listed building is Foxbury Manor, located on the western side of Kemnal Road outside the application site. The impact on the identified heritage assets and green belt are outlined in the relevant section of this report.

**c) Partial demolition of Greenacres, realignment of internal private road and public right of way**

6.1.24 The proposed demolition works to Green Acres and installation of two ground floor front windows is not unacceptable. The realignment of the internal access road is not considered unacceptable. The access of the existing right of way would remain unchanged and would comply with BLP Policy 60.

**Summary**

6.1.25 The proposed vineyard within an established agriculture site is considered acceptable and does not require planning permission in terms of its use. The proposed new dwelling is an inappropriate development in Green Belt and there is no VSC established to justify this harmful development in the green belt. The proposed demolition works to the locally listed buildings would be harmful to the setting and character of the locally listed buildings and conservation area. The complete demolition of No, 3 and No.4 along with the proposed

demolition works to the remaining locally listed building would amount to substantial harm.

6.1.26 Paragraph 2.8 to 2.9 of the planning statement states that *“the applicant Mr and Mrs Selby, operate the farm and currently reside in Greenacres. The applicants are now at an age where they are both retired and wishing to downsize from Greenacres. However, they wish to remain living at Home Farm”*. The Council’s planning application records indicates that the applicants have made a number of planning applications to extend the buildings within the complex since 1994. Along with the land registry record, there is no personal circumstance to prevent the applicant remaining to reside within the same complex.

6.1.27 The submitted planning statement states that the following cumulative benefits arising from the proposed development would represent a case of very special circumstances and outweigh the harm in Green Belt. The key planning considerations and officers view in relation the suggested very special circumstances are tabled below and the relevant sections of this report:

	<b>Suggested very special circumstances (VSC)</b>	<b>Officers’ view</b>
1.	Borough first in relation to sustainable and energy that would contribute towards achieving net carbon zero targets.	The completed Council’s affordable housing scheme at Brindley Way is a recent approved development which achieved net zero carbon, utilising solar panel and air source heat pumps. Hydrogen is one of the on-site renewable energy measures/options available in the market. This proposal would achieve net zero-carbon as required by the London Plan and this should not be afforded additional weight in support of the proposal that would clearly and demonstrably outweigh the harm to the Green Belt.
2	Enhancement to the standard of architecture and design in Conservation Area and in the Borough more widely	<p>The proposal would result in demolition of No.3 and No.4 Polo Mews and significant alterations to the listed buildings (Bothy House, Bothy Cottage, No.1 and 2 Polo Mews). The proposal would have an adverse impact upon the setting of the locally listed building and conservation area. The design of the proposal is modern. However, it is not considered to be an exemplar in the Bromley area and would still have a significant impact on the heritage assets.</p> <p>The proposed new dwelling requires substantial excavation work and changes on ground level to accommodate the proposed floor space including internal court yards and outdoor terraces. The</p>

		location of the proposed dwelling would be located within a currently undeveloped part of the site and would reduce the openness of the Green Belt. The external rammed wall, green roofs set at an angle against the natural topography, expansive amount of glazing, and outdoor terraces would remain visible above ground level. The modern design and layout does not clearly and demonstrably outweigh the harm to the Green Belt.
3	Improvements to the landscape character and visual quality of the area	<p>The proposed built development would be harmful to the setting, character and landscape of the site and area on a permanent basis.</p> <p>The proposed vineyard would improve and increase the amount of planting and biodiversity of the site when compared with the previous hay growing/produce. The improvement of biodiversity net gain is a development plan policy requirement. Furthermore it is not considered that the construction of a new dwelling is necessary to achieve this – indeed the planting of the vineyard has already taken place. As outlined in the GLA planning consultation, compliance of the London Plan does not represent a VSC. This aspect of the proposal would not clearly and demonstrably outweigh the harm to the Green Belt.</p>
4	Securing the future viable agriculture use of the farm	Permission is not required in terms of its use and it is not considered that the provision of a new dwelling on the site is necessary to achieve this. This consideration would not clearly and demonstrably outweigh the harm to the Green Belt.
5	Enhancement to character and appearance of the conservation area and locally listed buildings	Please see Item 2 above
6	Provision of a public picnic area with visitor information board	The field across the site is already accessible via a public right of way. There are no requirements for this provision on private land and it does not clearly and demonstrably outweigh the harm to the Green Belt.

6.1.28 The final assessment of the weight to be given to these considerations when taken together against the harm to the Green Belt by reason of inappropriateness and other harm will be undertaken in the overall balancing exercise set out at the end of this report.

## 6.2 Heritage assets – Unacceptable

- 6.2.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA). The identified heritage assets are:
- a) Chislehurst Conservation Area (CCA)
- 6.2.2 Chislehurst Conservation Area (CCA) is one of the most historic, significant and largest conservation area in Bromley. The Conservation Area was first designated in February 1972. There is a diversity of forms of development and open spaces in this CA, which was derived from a number of historical and architectural forces.
- 6.2.3 The CCA contains 2 entries of Grade II\* Listed buildings (Camden House and Chesil House), 64 entries of Grade II Listed buildings, over 100 entries of locally listed buildings. Foxbury is a Grade II Listed Building and is located approximately 70 metres west from the application site. It was first listed by Historic England on the 19<sup>th</sup> of June 1974 (listing entry number 1064389).
- 6.2.4 The Kemnal Estate was sold in 1872 and the land started to split and be developed. This resulted in the construction of the first large houses, country manors for the industrialist and financiers of Victorian London, people whose growing wealth and rapidly ascending social status impelled them to construct houses which mirrored in both scale an ornament the historic manors of the aristocracy.
- 6.2.5 The CCA has a wooded, semi-rural character with extensive coverage by mature trees, woodland and open grassed areas. The CCA extends into other parts of the sub-urban area, which are closely developed with buildings. However, the presence of trees and gardens and the placement of open spaces maintain the impression of nature playing a major role.
- 6.2.6 Kemnal Road poses a strong character of a rural lane through dense woodland with large individually developed residences and generous plots scattered sparingly amongst the trees, often not visible from the road, and occasional driveways or lodges hinting at spacious houses and estates beyond. This effect is heightened by the road not providing through access to vehicles, resulting in little traffic.
- 6.2.7 Kemnal Road has a distinctive character as a spacious wooded pocket of residences, which forms a gentle transition between the denser urban forms to its west and the rural lands to its east. It characterises the unplanned evolution of a pocket of semi-rural housing, in contrast to the comprehensive effect of promoted estates. Retention of this character would make an important contribution to the Conservation Area, illustrating a remnant of a form of development which was previously found along other roads leading into woodland around the Conservation

Area, but which has largely been eclipsed elsewhere by intensification of settlement.

6.2.8 The site falls within the Kemnal Manor, Foxbury and surrounds sub-unit area within the Chislehurst Conservation Area. The land within this area remains predominantly open which provides a largely rural atmosphere. This also provides an important buffer and makes an important contribution to the context and setting for the remainder of the conservation area. The presence of rural character and agricultural activities greatly enhances the sense of the adjacent countryside, which is present throughout the Conservation Area.

b) Foxbury (Grade II listed)

6.2.9 Foxbury is the nearest Grade II listed building from the site. It is located on the western side of Kemnal Road. Historic England’s listing description states:

*“Built by David Brandon 1876, in Gothic Revival style. An L-shaped building in stone with mullioned windows. Tudor type chimneys and gables with barge boards. Plinth. (See “The Builder” Vol 41 P 74, P 80-1)”*.

c) The Bothy Cottage, Bothy House and flat, Polo Mews No. 1 to No.4

6.2.10 The Bothy Cottage, Bothy House and flat, Polo Mews No. 1 to No.4 are locally listed buildings within the application site. The buildings are listed as two building groups. The listing descriptions are as follow:

Building Group	Listing description
The Bothy Cottage, Bothy House including Bothy flat	<ul style="list-style-type: none"> <li>- Bothy Cottage is a row of farm buildings aligned paralleled to the Victorian Stables. Slate roof, white washed walls, timber sash window at first floor eaves as farm staff housing.</li> <li>- The buildings in the Home Farm complex are originally constructed to serve Foxbury Manor.</li> <li>- When considered with Polo Mews, this is an attractive group of architectural and historic interest. Makes a positive contribution to the character and appearance of the Chislehurst Conservation Area.</li> </ul>
No.1 to No.4 Polo Mews.	<ul style="list-style-type: none"> <li>- The buildings were originally structured as stables blocks to serve Foxbury Manor. The building faces its own yard. The original painted brick walls are concealed by modern brickwork since the building is converted to residential use.</li> <li>- Gothic revival detailing. Yard elevation is symmetrical with three gabled returns. Central one is tallest with a higher ridge than the main roof and a slender clock tower under a steep slated roof with</li> </ul>

	<p>weathervane. The side hung timber windows are set within heavy frames all new (all new with conversion).</p> <ul style="list-style-type: none"> <li>- Central gable to stable yard has Gothic archway at ground floor and loading door at first floor. Rear gable also has loading door with bracket and pulley surveying above. The dormers are sympathetic modern additions.</li> <li>- When considered with Bothy Cottage and Both House, this is an attractive group of architectural and historic interest. Makes a positive contribution to the character and appearance of the Chislehurst Conservation Area.</li> </ul>
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### Impact on heritage assests

- o Vineyard

6.2.11 The proposed plantation of grapes within the ground of the site is supported and would maintain the existing open, rural, agricultural character and appearance of the existing site and this part of the Conservation Area. This element is not considered to have an adverse impact upon the character and appearance of the CCA. The proposed picnic area on private land, adjacent to an existing public right of way would also maintain the current character of the site and is not considered unacceptable in heritage terms.

- o New dwelling (Vine House)

6.2.12 The application site has a historic link with Foxbury Manor as a farm with two groups of locally listed buildings originally constructed as stables, workshop and workers accommodation. The scale and appearance of these locally listed buildings are of rural character and modest in size. Greenacres and Cherry tree cottage are unlisted and located to the east of the locally listed building.

6.2.13 The proposed new Vine House is designed as a partly subterranean house and would be located in an area of open agricultural field, further than the Cherry Tree Cottage. Whilst the design approach of this new private three bed dwelling is contemporary, the proposal would interrupt the natural topography of the site as major excavation of land is required to deliver the proposed three bed dwelling (internal floor spaces approximately 335sq.m). Whilst the proposal is designed to mask its impact in the Conservation Area with an internal floor level below the relevant ground levels. The proposed new dwelling does require major engineering works to excavate the land, supporting walls including large expanse of glazing and two angled green roofs. The external walls and green roofs would protrude above the ground level and truncate the existing landscape. Furthermore, the court yard areas, an outdoor

terrace area leading to a new artificial pond would also be required as part of the design and to support this new dwelling.

6.2.14 BLP Policy 41 states that proposal for new development, for engineering works, alteration or extension to a building or change for use of land or buildings within a conservation area will need to preserve and enhance its character and appearance. The proposed Vine House is not considered to respect or complement the layout, scale, form and material of the existing buildings and spaces within the site. The design of the proposal would interrupt and erode the natural landscape of the site, fail to contribute to the character, appearance and setting of the application site and Conservation Area. Due to its siting, scale, design and relationship with the existing buildings, it is considered that the proposal would appear at odds with this open area. The proposal would fail to maintain or preserve the open character of the land and is harmful to the conservation area, contrary to BLP Policy 41.

6.2.15 Whilst the site is privately owned and it is suggested that the proposal would have limited visibility from public view, it should be noted that the designation of conservation area and impact upon the setting of the conservation area do not depend on public rights or ability to access. There are 47 conservation areas in Bromley and each conservation area is designated due to its architectural, historical and/or archaeological significance. This is irrespective of land ownership and whether the heritage assets or land is open, accessible or visible by the members of the public.

- Locally listed buildings – Bothy Cottage, Bothy House and flat

6.2.16 BLP Policy 39 states *“proposal to alter, extend or for the change of use of a locally listed building will be permitted provide that it is sympathetic to the character, appearance and special local interest of the building; and its respects its setting. Proposal to replace such buildings will be assess again the NPPF, taking into account the scale o harm or loss and the significance of the heritage asset”* (NPPF Para 203).

6.2.17 The listing description states these buildings are listed as a group, originally constructed to accommodate the farm workers with workshop and storage. This also forms part of the setting to Foxbury.

a) Bothy Cottage

6.2.18 The existing building is a 2 bed dwelling and there is an extant planning permission granted for further extension to change this unit to 3 bed. This proposal seeks to increase the house size to a 4 bed dwelling.

6.2.19 The footprint of the originally building is broadly rectangular in shape. This application seeks to replace the existing extensions with a two storey side and rear extensions with a first floor balcony and parking spaces.

- 6.2.20 The width of the proposed ground floor rear extension measures approximately 14.5 metres, almost double the width of the original property. The length of the dwelling would be increased to 11 metres deep, almost double the length of the original building.
- 6.2.21 The proposed first floor rear extension would measure approximately 11.7m wide with an overall length measuring 11m deep. The proposed first floor balcony measures approximately 13sq.m.
- 6.2.22 It is considered that the scale of the proposed extensions both at ground and first floor would appear to be excessive and out of scale when compared with the footprint and scale of the original building.
- 6.2.23 The proposed north elevation plan indicates the proposed two storey rear extension is designed with two gable ends with two pitched roofs. It is considered that the scale and design of the proposed extension would appear as a dominant feature on the north elevation. Each of the proposed gable extensions would be installed with a large window which would be positioned higher than the eaves line of the host building. The proposed first floor balcony would be installed with a 2 metres high doubled glazed door also higher than the eaves line of the host property. At ground floor level, 3 glazed panels measuring approximately 7.5 metres wide would be installed.
- 6.2.24 Overall, it is considered that the design and scale of the proposed extensions would be unsympathetic and out of keeping with the design and scale of the host property. These proposed elevation changes would significantly remove the character of the existing building. Bothy Cottage was originally built as a workshop/ storage area to accommodate for farm workers. The proposed extension is considered to be harmful to the existing and historic character and appearance of Bothy Cottage. This part of the proposal would also fail to preserve or enhance the character of the Conservation Area, contrary to BLP Policies 39 and 41.

b) Bothy House and flat

- 6.2.25 Bothy House is an existing 3 bed dwelling. Bothy flat is a 1 bed flat under the same roof of Bothy House. It is proposed to replace the existing extensions with two storey side and rear extensions. This proposal would provide a 4 bed dwelling with double garage. It is noted that an earlier extant planning permission was granted for the extensions to provide a 4 bed dwelling. However, it should be noted that the current proposed extensions, demolition and alteration works is materially different from the last approved scheme.
- 6.2.26 Under the current scheme, Bothy House would measure approximately 11 metres in length and 19.5 metres wide including the proposed double garage attached to the house. The width of the proposed extensions would double the original width of the building. The proposed first floor

would measure approximately 9.67metres wide and 11 metres deep with a first floor balcony measuring approximately 10sq.m. Due to its proposed size and scale, it is considered that the proposal would appear out of scale and excessive when compared with the original building.

6.2.27 The proposed north elevation plan also indicates that the proposed extension would incorporate two gable ends with pitched roofs. The first floor windows would protrude above its eaves line. The proposed ground floor would feature a number of glazed doors and panels measuring 2 metres high. It is considered that the design and scale of the proposal is unsympathetic to the original building. The proposal would also harm the design of the original building and have an adverse impact on the setting of the locally listed buildings. It is considered that the proposal would be contrary to BLP Policies 39 and 41.

c) Polo Mews (No.1 to No. 4)

6.2.28 The listed description states *“the buildings contain Gothic revival detailing. Yard elevation is symmetrical with three gabled returns. Central one is tallest with a higher ridge than the main roof and a slender clock tower under a steep slated roof with weathervane. The side hung timber windows are set within heavy frames all new (all new with conversion. Central gable to stable yard has Gothic archway at ground floor and loading door at first floor. Rear gable also has loading door with bracket and pulley surveying above. The dormers are sympathetic modern additions. When considered with Bothy Cottage and Both House, this is an attractive group of architectural and historic interest. Makes a positive contribution to the character and appearance of the Chislehurst Conservation Area”*.

6.2.29 No. 1 and No.4 Polo Mews was originally built as stable blocks to serve Foxbury Mansion. The dwellings at Polo Mews are arranged in two lineal forms, of which, No.1 and No.2 Polo Mews are located to the rear (south) of Bothy Cottage and Bothy House. There is a stable yard between the stable block as No. 3 and No,4 Polo Mews are located to the south of No.1 and No.2 Polo Mews. Whilst the buildings have been converted into residential, the lineal building block arrangement remains in existence.

6.2.29 At present, No.1 Polo Mews and No.2 Polo Mews are both 2 bed dwellings. No.3 Polo Mews is a 1 bed dwelling and No.4 Polo Mews is a 2 bed dwelling.

6.2.30 It is proposed to partially demolish No.2 Polo Mews and construct a glazed line connecting No. 1 and No.2 Polo Mews to a proposed single storey rear extension. These proposed demolition and extension works would provide a 4 bed dwelling. It is noted that the existing clock tower would be retained. However, it should be noted that No.3 and No.4 Polo Mews would be totally demolished and replaced with a modern flat roof single storey rear extension providing a sitting room, kitchen, living,

dining room and a double garage. An outdoor terrace located to the rear of this proposed single storey extension is also proposed.

6.2.31 It is noted that the proposed internal layout would provide a high standard of internal living with an outdoor terrace. However, the proposed complete demolition of No.3 and No.4 Polo Mews and replacement with a single storey flat roof extension would have a significant impact on the setting of this listed building group. The following key features would be removed:

- The distinctive lineal layout, form and pattern as locally listed stable blocks would be distinguished.
- The stable yard which forms part of the setting of the locally buildings between the original stable blocks would be removed.
- The central gable associated to No.1 and No.2 Polo Mews has a gothic archway facing the stable yard. This would be infilled and replaced with a link to the proposed single storey rear extension.
- The significance of Polo Mews as a stable block to the Bothy would be eroded.

6.2.32 It is considered that the proposed works to locally listed buildings in particular, No.3 and No.4 Polo Mews are unsympathetic and would have an adverse impact in terms of its setting, scale, design, character and appearance. The proposal would also lead to irreversible harm to this non-designated heritage and setting of the conservation area, contrary to Policies BLP Policies 39 and 41.

6.2.33 It is noted that there is an extant planning permission to partially demolish No.,2 Polo Mews under ref:19/05265/FULL1. It should be noted that the proposal of the approved scheme is materially different from the current proposal. The potential “fall back” position is materially different from the existing.

6.2.33 Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract the significance of the asset. Heritage assets are an irreplaceable resource, should be preserved in a manner appropriate to their significant, so that the heritage can be enjoyed and appreciated by the existing and future generations.

6.2.34 In summary, there are no public benefits that can be established from these proposed elements, the proposal would have an adverse impact on the setting of the locally listed building, character and appearance of the Chislehurst Conservation area. Whilst the proposed alteration and demolition work to the existing buildings and locally listed buildings would provide a good and modern living accommodation for the prospective occupiers, the benefits of these elements including the

proposed carbon saving measures would be limited to the private owner/occupiers only.

6.2.35 NPPF paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. NPPF paragraph 202 states 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.

6.2.36 The proposed new Vine House by reason of its siting, design, scale location and relationship with the existing buildings would fail to respect the build and spatial composition of existing building and locally listed building. The proposal would require major engineering works and would also be harmful to the character and appearance of the Chislehurst Conservation area and the natural landscape of this Green Belt land, contrary to BLP Policies 39 and 41.

6.2.37 The proposed demolition, alteration and extension to the locally listed building would appear to be excessive, out of scale and out of keeping with the original buildings. The proposal would result in a complete loss of Polo Mews No3 and No.4 resulting in a significant harm to its significance and setting. The Polo Mews and Bothy buildings are not individually listed and there is a group value inherited from its layout and setting. Whilst these buildings are under private ownerships and have been converted into residential, the proposed works contained within this application would further deteriorate or diminish the significance of these locally listed buildings and also impact upon the setting of the Chislehurst Conservation Area, contrary to BLP Policies 39 and 41.

### **6.3 Housing – Acceptable**

- Provision of housing and a new self-build dwelling (Vine House)

6.3.1 In support of the proposed partly subterranean new 3 bed house (Vine House), a self-build technical note prepared by ICENI Ltd is submitted which suggests that the Council has failed to meet the Self Build legislation 2015 (as amended) duty. The applicants have advised that the proposed Vine House should be considered as a self-build plot as the applicant intends to build and occupy the Vine House as their home.

The Self-build and Custom Housebuilding Act 2015 require local planning authorities (LPA) to maintain a register of individuals, and association of individuals, who are seeking to acquire serviced plots of land in their area to build homes for their occupation. This annual register is designed to inform the Local Planning Authority (LPA) the level of demand for self-build and customer build plot in the borough and enable the LPA to develop housing and planning policies in light of this interest.

6.3.2 In line with the regulation, the register is maintained and reviewed by the Council on a regular basis. The first based year of the Bromley's register is started on the 1<sup>st</sup> of April 2016 and finishes on the 30<sup>th</sup> of October 2016, this is due to the 2016 legislation coming in force on the 31<sup>st</sup> of October 2016. The base year period of each subsequent based year starts from 31<sup>st</sup> of Oct and end on the 30<sup>th</sup> of October of the following year. There are 7 based year periods since the 2016 legislation came in force.

- Eligibility to enter the register / demand for self-build

6.3.3 The self-build register is split into two parts, Part 1 and Part 2. The eligibility of part 1 requires individual or groups of individuals be (1) aged 18 or older; (2) a British citizen, a national of a EEA State other than the United Kingdom, or a national of Switzerland; and (3) seeking to acquire a serviced plot of land in the relevant authority's area to build a house to occupy as that individual's sole or main residence.

6.3.4 The entries on Part 1 of the register count towards the demand, that is the number of suitable serviced plots that the council must grant development permission for. The entries on Part 2 of the register means individual(s) did not meet the eligibility (in part 1) and do not count towards the requirement for serviced plots. However, the council have regard to the entries on both Part 1 and Part 2 when carrying out planning, housing, land disposal and regeneration functions.

6.3.5 In Bromley, a local connection test applies which requires that individual(s) must have been a resident in this Borough for a continuous period of five years before entering on the Part 1 register. This was agreed by the Council's Development Control Committee in November 2020. This is in line with the government's regulations which allows local authorities to set local eligibility conditions. It should be noted that there is no statutory requirement for public consultation.

- Current Council's position in meeting the demand of register (duty to grant planning permission)

6.3.6 Paragraph 023 of the planning practice guidance states: "*Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of*

*plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period”.*

- 6.3.7 Since the 1<sup>st</sup> of April 2016, there are a total of 7 base periods (up to 30<sup>th</sup> October 2022). According to the self-build legislation, the Council has a rolling three-year deadline from the end of each base period to meet the demand of the local self-build register (duty to grant planning permission). In line with this, the total number of entries up to base year period 4 (ending 30<sup>th</sup> of October 2019) and the total number of recorded self-build permissions up to based year period 7 (ending 30<sup>th</sup> of October 2022) are relevant in considering whether the council is currently meeting the number of entities on the self-build register (demand for self-build).
- 6.3.8 The Council's self-build register record indicates that a total number of entries under Part 1 and Part 2 (demand) until based year 4 (ending 30<sup>th</sup> October 2019) is 87. The total of 87 self-build permissions was granted between base year 2 to base year 7. The Council's self-build register indicates that the Council have met the self-build demand in full since the end of base period 1. In terms of the individual base periods, the Council has fully met the demand when taken into account the three-year rolling period, up to based year 4 (ending 30<sup>th</sup> Oct 2019). The position of the following base year periods (from base year period 5) will depend upon the number of self-build permissions granted onwards in the relevant base year periods, from base year period 8 (between 31<sup>st</sup> of October 2022 and 30<sup>th</sup> October 2023), on a three-year rolling basis. At the present time, the Council register confirms the Council have met the self-build demand.
- b) Issues raised in Icenis Technical Note
- 6.3.9 A Technical Note (prepared by Icenis Ltd) considers the Council's 5 year continue residency local connection test is not acceptable and there was no public consultation. Icenis states that Bromley forms part of a wider London Housing Market Area (HMA) and therefore it would be expected that individuals would apply to more than one register. Icenis states Bromley Council should recognise that HMAs do not always respect local authority boundaries and that people may have connections with more than one borough or indeed with one of the surrounding districts.
- 6.3.10 Officers would point out that the 2016 Self-build and custom build regulation forms the legal basis for LPA to set their local eligibility conditions. There are no legal consultation requirements associated with the local connection test. Regulation 5(5) states that the local authority must publicise the local eligibility criteria (in the same manner as it publishes the register), which in Bromley's case is on the Council's website. The regulation also clearly defers to the LPA to set up their local connection test. Neither the regulations nor the planning policy guidance have indicated that residency restriction were unsuitable. The planning policy guidance envisages decisions based on residency or employment

within an area. The test itself is called a local connection test, which in itself suggests restrictions to a local area.

6.3.11 Icenl considers that “tilted balance” under NPPF11 (d) applies in this case as the Council have a significant self-build shortfall of 192 units and there is no relevant local policy relating to self-build and custom build.

6.3.12 As outlined above, the Council’s current self-build register has confirmed that the self-build demand is met up to base year period 4. The position of base year period 5 will depend on the number of permissions granted in base year period 8. Furthermore, London Plan Policy H2A (4) is relevant, stating that Boroughs should pro-actively support well-designed new homes on small sites below 0.25 hectare in size through both planning decision and plan-making, in order to support those wishing to bring forward custom, self-build and community led housing. This policy is an explicit acknowledgement that a policy relating to self-build and custom build exists, and therefore the development plan is not silent on the issue of self-build and custom housebuilding. It is noted that this applies to small sites of 0.25ha and the red line boundary covers the whole of the Home Farm. The proposed self-build element occupies a small proportion of the overall site area of the farm and therefore it is considered that London policy H2 would be applicable. Furthermore, The London Plan good growth objective GG3 supporting text paragraph 1.4.6 states *“The homebuilding industry itself also needs great diversity to reduce our reliance on a small number of large private developer. New and innovative approaches to development, including Build to Rent, community-led housing, and self-build and custom build, will all need to play a role, and more of our new homes will need to be built using precision-manufacturing.”* As such, it is considered that the “tilted balance” would not apply by virtue of a lack of relevant Development Plan policies, as there is a relevant Development policy relating to self-build and custom housebuilding.

6.3.13 Limb (i) of the NPPF does not apply as the site is located in Green Belt and Conservation Area. Limb (ii) of NPPF paragraph 11d relates to the planning balance and this is set out in the recommendation and planning balance section of this report.

6.3.14 Icenl also considers that not all self-build CIL exemption should be considered as valid, as CIL exemption for self-build can include extensions, replacement dwellings, and barn conversion. Icenl consider that replacement dwellings should not be counted towards self-build permissions.

6.3.15 Officers would point out that the Council has not included any CIL Exemptions for extensions. However, it should be noted that the CIL Form 7 Part 1 exemption is relevant in counting the number of permissions for the purpose of meeting self-build demand for other developments, such as conversion or construction of building to self-build units, including replacement dwellings. The CIL exemption gives a

strong indication that a development will come forward as self-build. The legislative requirement is for sufficient permissions to be provided. The CIL exception includes new building and replacement dwelling and these fulfil the purpose of the Act as self-build home.

c) Weight to be given on housing delivery and self-build

6.3.16 There is a presumption in favour of sustainable development and in line with paragraph 11(d) of the NPPF, the absence of a 5-year Housing Land Supply means 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'.

6.3.17 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 position was agreed at Development Control Committee on the 2<sup>nd</sup> of November 2021 and acknowledged as a significant undersupply. For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the trajectory assumes the new London Plan target of 774 units per annum applies from FY 2020/21.

6.3.18 London Plan policy H1.2 states that borough should "optimise the potential for housing delivery on all suitable and available brownfield sites through their development Plans and planning decision.

6.3.19 New proposals providing residential units up to 10 units would generally attract a minor benefit to the Council's housing stock. As such, the proposed new Vine House and a self-build dwelling would contribute to a minor benefit. However, it should be noted that the proposed new dwelling is by definition an inappropriate development in Green Belt and is regarded as inappropriate development unless very special circumstance is clearly demonstrated that outweighs its harm. In the event that this is found to provide a clear reason for refusal, the presumption in favour of the development would not apply.

d) Internal living spaces

6.3.20 The space standards for residential development are set out in Table 3.1 of the London Plan and the Government published 'Technical housing standards - nationally described space standard'. This is supported by Policy D6 of the London Plan, the Mayor's 'Housing' SPG 2016 and Bromley Local Plan Policies 4 and Policy 37. The internal floor space of the new dwelling including the locally listed buildings would be well above the national space standard. The sizes are tabled as follow:

<b>Unit and size</b>	<b>National spaces standards</b>	<b>Proposed</b>
<b>Bothy Cottage (4 bed)</b>	106sq.m	220sq.m
<b>Bothy Cottage and Flat (4 bed)</b>	106sq.m	220sq.m
<b>Polo Mews No 1 to No 4 (4 bed)</b>	106sq.m	290
<b>Vine house (3 bed)</b>	95sqm	335sqm

e) Housing tenure and size

6.3.21 London Plan Policy H8 states the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floor spaces.

6.3.22 The existing and proposed housing tenure are private. The proposal would result in an overall reduction of 1 habitable room across the site. However, the overall residential floor spaces of the following units would be increased by appropriate 47.4 percent and would not be contrary to the objective of this policy.

	<b>Existing</b>	<b>Proposed</b>
<b>Bothy Cottage</b>	127sq.m	220sq.m
<b>Bothy Cottage and Flat</b>	192sq.m	220sq.m
<b>Bothy shed and garage</b>	84sq.m	60sq.m
<b>Polo Mews No 1 to No 4</b>	373.1sq.m	290
<b>Garage and shed</b>	7.7sq.m	30
<b>Vine house</b>	0	335sqm
<b>Total</b>	<b>783.8sq.m</b>	<b>1, 155sq.m (+ 47.4%)</b>

## 6.4 Design

6.4.1 London Plan Policy D3 states all development must make the best use of land by following a design-led approach that optimises the capacity of the site and due consideration should be given to the form and layout, experience, quality, and character. This is in line with Bromley Local Plan Policy 37 which states new development will be expected to be of a high standard of design and layout and comply with the criteria a to criteria j. The proposal has been subjected a design review.

- Bothy Cottage and Bothy House

6.4.2 The scale and proportion of the proposed extensions and alterations to the buildings is considered to be excessive, in particular on the north elevation of the buildings. The proposed gabled ends with multiple pitched roofs are considered to be out of proportion and not in keeping with the host building. The proposed first floor terraces and glazed

balustrade will add to the prominence of the building. This element would further draw attention to the proposed extension.

6.4.3 The design and layout of the proposal does not enhance the character of the original building and is moving and departing away from its listed descriptions. It is considered that the design and layout of the proposal are excessive and would not enhance the character of its host building.

- *Polo Mews:*

6.4.4 The design of the Polo Mews buildings is modern and contemporary with green roofs which will improve biodiversity and surface water management. However, the proposal would have an impact on the heritage assets result in the loss of Polo Mews No.3 and No.4 and impact upon the setting of the remaining listing buildings and its surrounding area. It is considered that the proposal would not enhance the character of the existing Polo Mews.

- *Green Acres:*

6.4.5 The minor alterations to the unlisted Greenacres and installation of 2 ground floor windows is considered acceptable.

- *Vine House:*

6.4.6 The rationale to introduce a partly subterranean dwelling at this location is unclear. There is a clear disconnection between the characteristics of the site and the design approach of the Vine House. The location of this proposed new dwelling is at odds and does not correspond to the setting of the overall site. The proposed dwelling would be provided with an extensive outdoor terrace. Whilst the layout of the proposal would provide a good quality living environment for the prospective occupant, the natural topography of the site would be altered to accommodate this new dwelling. Whilst green roofs are proposed, this remains as an artificial structure and would be above the adjacent ground level which would appear at odds when viewed from within the site and wider area.

6.4.7 It is noted that the proposal is aiming to reduce its visibility in a wider landscape setting. However, the visual impact of this proposed development would remain at this site. A landscape and visual assessment is submitted which suggests the site is "well-screened" and 'protected' from long-range and mid-range views. It should be noted that there is a public right of way across the site and along the northern side of the application site. The existing of planting would not fully screen the proposed built development. This is due to the variation of ground level and will depend on the time of the year.

6.4.8 Overall, the proposed extensions and alteration to the locally listed buildings would be excessive. The design of the proposal would not be in keeping with the host properties and its setting as outlined in the listed

descriptions. The proposal new Vine House is a modern design would provide good internal living environment with an indoor swimming pool. However, the siting, layout and design of this proposal does not correspond to the setting of the site and building within the site and its surrounding area, contrary to BLP Policies 37 and the Council's Urban Design Guidance.

- Design out crime

6.4.9 London Plan Policy D3 states that measures to design out crime should be integral to development proposals and be considered early in the design process. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. This approach is supported by Local Plan Policy 37(h) (General Design). The Designing out Crime Officer has raised no objection to the proposal.

- Fire Safety

6.4.10 London Plan Policy D12 states that in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety and a fire statement detailing how the development proposal will function is required. A fire statement is submitted which demonstrates the proposed development has been designed to comply with the Building Regulation.

## **6.5 Impact on neighbouring amenities – Acceptable**

6.5.1 BLP Policy 37 (General Design and Development) criteria (e) states that the Council will expect all development to respect the amenity of occupiers of neighbouring buildings and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight privacy or by overshadowing. The nearest residential building is Foxbury which is located over 70 metres west from the application site. Due to this distance and the fact the proposed vineyard does not include any wine processing on site, it is considered that the proposal would not have an adverse impact on neighbours' residential amenities.

## **6.6 Transport and Highways – Acceptable**

- Access

6.6.1 BLP Policy 32 states the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.

6.6.2 The existing vehicular access to the site is via Kemnal Road and a private gate. This existing access arrangement will be maintained. The proposed changes within the established agricultural use would not result in a material change to the traffic with seasonal traffic at harvest

time as is currently the case. The vehicular access to the proposed three bed new dwelling (Vine House) would be same as the established dwellings with the complex.

6.6.3 The access to a proposed picnic area would be via the existing public right of way across the site. There is no change to the siting, location and access of the existing public right of way.

6.6.4 The Council Highway including the right of way officer have been consulted and there was no objection raised. Overall, it is considered that the access arrangements would be acceptable.

- Parking standard

6.6.5 The London Plan states car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. London Plan Policy T1 states that 80 percent of all trips in London should be made by foot, cycle or public transport by 2041. The London Plan seeks to encourage more sustainable travel, enabling car free lifestyles that allow an efficient use of land and improve well-being by encouraging cycling and walking.

6.6.6 The submitted Transport Note states that "*The viticultural enterprise would not result in any material change to the traffic generation that currently arises from the farm. Most agriculture equipment is currently stored on site and there would similarly be some seasonal traffic at harvest time as it is currently the case*".

6.6.7 It is noted that there is no parking standard for agricultural use and there is a maximum parking standard for residential use. The residential parking standard will depend on the location and public transport accessibility of the site.

6.6.8 The public transport accessibility rating of this outer London site is rated at 0, on a rating between 0 to 6b where 0 is worst and 6b is best. It is noted that the proposed number of parking spaces would be reduced from 32 spaces to 22 spaces. However, it should be noted that the proposal would contain a total 6 dwellings and the number of residential parking spaces should not be more than 9 spaces. As such, it is considered that the proposed number of parking spaces would be excessive and contrary to London Plan Policy T6.1

- Cycle parking and electric vehicle charging point

6.6.9 London plan Policy T5 states proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Appropriate levels of cycle parking should be secured and designed in line with the London Cycling design standards. Table 10.2 of the London Plan sets the minimum long stay and short stay cycle storage requirement for new development.

6.6.10 Neither cycle storage nor electric vehicle charging points provision are outlined in this submission. In the absence of these details, the proposal would be contrary to London Plan Policies T5 and T6.

- Construction impacts

6.6.11 A construction management plan outlining the mitigation measures during demolition and construction period is required. Whilst full details have not been submitted, it is considered these details could be secured by a planning condition should planning permission be forthcoming.

## **6.7 Energy and Sustainability – Acceptable**

6.7.1 Paragraph 153 of the NPPF states that in determining planning applications, LPAs should expect new developments to comply with policies and requirements for decentralised energy supply unless this is demonstrated to be unfeasible or unviable.

6.7.2 BLP Policy 124 and London Plan Policy SI 2 requires major development should be net zero- carbon, reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy:

- 1) Be Lean: use less energy and manage demand during operation;
- 2) Be Clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly;
- 3) Be Green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site;
- 4) Be Seen: monitor, verify and report on energy performance.

6.7.3 London Plan requires a net zero-carbon target for all new major developments with at least a 35% on-site reduction beyond Part L 2013 of the Building Regulations. Under the Be Lean measures, residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero carbon target cannot be fully achieved on site, any shortfall should be provided in agreement with the borough, either:

- 1) Through a cash in lieu contribution to the borough's carbon offset fund or
- 2) Off-site provided that an alternative proposal is identified, and delivery is certain.

6.7.4 A Sustainability and Energy Statement following the GLA's energy hierarchy has been received. Under the "Be Lean" category, a range of passive design features would be employed to reduce the heat loss and demand for energy. The measures include building fabric performance and insulation and ventilation systems to reduce the carbon emission of the proposed development. These measures would achieve carbon

reduction of 25 percent, above the minimum 15 percent requirements for domestic requirement as outlined in the GLA energy guidance. This is considered acceptable.

6.7.5 Under “Be Green” category, a range of on-site renewable energy technologies have been considered. The proposed new dwelling (Vine House) is designed to operate off-Grid and to use electricity generated by an on-site hydrogen fuel cell (Hydro Genesis System). The fuel cell converts hydrogen into electricity via a chemical reaction, that is when hydrogen comes into contact with oxygen, it generates heat and water as a by-product. The electricity generated by the fuel cell will also be used to power a ground source heat pump, providing space heating and hot water to the new dwelling. The hydrogen created on site would be using electricity generated by photovoltaic panels.

6.7.6 The existing dwellings would be supported by air source heat pump and 80 solar panels (400w with a total output of 32 kW). The water use to each unit will achieve the enhanced standard required by the Building Regulations of 110 litres per person per day.

6.7.7 These proposed measures would achieve a 100 percent carbon reduction and considered to be acceptable. The Council’s energy officers have reviewed the submitted and considered the proposed energy strategy is acceptable and no planning obligations associated to carbon offsetting is required for this case.

6.7.8 In response to the GLA Stage 1 comment, an updated energy assessment including an overheating assessment has been provided. This assessment confirms the risk of overheating is very low for the proposed new dwelling. It should note that the proposed new dwelling will be required to comply with the Part O of the building regulations. It is considered that the overheating assessment is acceptable.

6.7.9 The updated assessment also confirmed the proposed solar panels would be installed with an inclination of 20 degrees and orientated towards due south. The proposed number and position of the solar panels would maximize the renewable energy output to support this development. The Be Seen measures would be secured by planning condition.

6.7.10 Overall, it is considered that the proposal would comply with the policy requirement. Should planning permission be forthcoming, planning conditions requiring compliance of the submitted details including verification report should be secured by planning conditions.

## **6.8 Biodiversity and Green Infrastructure (Protected species, biodiversity net gain, urban greening factor and trees)**

a) Protected species

6.8.1 BLP Policy 72 states planning permission will not be granted for development that will have an adverse effect on protected species, unless mitigation measures can be secured to facilitate survival, reduce disturbance, or provide alternative habitats. London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secured net biodiversity gain.

6.8.2 A preliminary ecological assessment including a biodiversity net gain assessment have been received. This assessment considers the likely impact upon biodiversity and protective species and biodiversity. The report considers the ecological value of the site is of site level only. development is of site level only. The native hedgerow is considered to be of greatest ecological value in the context of the site as it provides potential commuting and foraging habitat for a range of species, including bats. The native hedgerow will be retained and buffered from the proposed development. The proposed development would introduce significant habitat creation, including orchards, and native scrub. The proposed vineyard will enhanced and provide an improved grassland species composition and foresting a range of wildlife foraging and commuting opportunities.

b) Biodiversity Net gain

6.8.3 Paragraph 8.6.6 of the London Plan (Policy G6) states that biodiversity net gain is an approach to development that leaves biodiversity in a better state than before. This means that where biodiversity is lost as a result of a development, the compensation provided should be of an overall greater biodiversity value than that which is lost. Defra have published a biodiversity metric 3.1. This metric is a habitat-based approach used to assess an areas value to wildlife. The metric uses habitat features to calculate a biodiversity value.

6.8.4 The submitted report indicates that the proposal would achieve 18.4 percent biodiversity net gain. The biodiversity metric does not include the existing trees which are located within the site. In line with the UK habitat classification, the coding score of vineyards is “cropland” habitat with a lower that “traditional orchard” used in the metric. As such, It is considered that the level of biodiversity net gain cannot be confirmed.

c) Urban Greening factor

6.8.5 London Plan Policy G5 states major development should contribute to the greening of London including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping, green roofs, green walls and sustainable drainage. The London Plan and the Urban Greening Factor London Planning Guidance sets a target score of 0.3 for all other forms of development.

6.8.6 It is noted that the proposal would introduce a greater variety and amount of planting within the site as illustrated in the Landscape Design and

Access Statement. It is also noted that the site has an established use as agriculture use. However, there is no information provided to confirm the level of urban greening factor and in the absence of this details the level of urban green factor cannot be confirmed, contrary to London Plan G5.

d) Protected Species

6.8.7 The site is surrounded by and partially within the Kemnal Woodlands which is designated as Site of Importance for Nature Conservation (SINC) in the Bromley Local Plan. There is no natural water body located within the site, except an existing human created pond for water attenuation and is located near the north west corner of the site. There are no European Protection Species licences recorded at this site.

- Bats

6.8.8 The site including the existing buildings were subject to a bat roosting survey. The existing have negligible to low suitability for roosting. A dust survey was also carried out in July 2022 and confirmed there was no bat roosting within the site and there were low activities recorded commuting and foraging across the site.

6.8.9 The nearest licence work for the destruction of a resting place site for common pipistrelle, located approximately 1.3km south of the site of the area in 2013.

- Badgers

6.8.10 There is no evidence of badger recorded within the site, although the site provides some foraging and community opportunities.

- Dormouse

6.8.11 The habitat conditions of the site is considered unsuitable for dormice. There are no records of dormice within 1 km of the site and the closest past licence works for dormouse was located over 10km from the site.

- Great crest newts

6.8.12 Although the grassland within the site provides foraging and commuting opportunities, the grassland surrounded the human made pond is subject to regular management and therefore only provides limited community opportunities. A Great crest newts eDNA survey with a returned negative result was received. The closet pond located within 250m of the site was also surveyed with a negative eDNA return. The closest past licence work is located approximately 1.6km south east of the site for a period between 2020 – 2026. Due to the negative results of eDNA surveys, there is no evidence of great crest newts at the site.

- Bird and reptiles

6.8.13 The hedgerows and adjacent woodland have the potential to support nesting birds. The desk study returned no records of reptiles within the local area and given the condition of the site as a grassland, it is considered that there are no reptiles present at this site.

e) Trees

6.8.14 Trees play an important role within the urban environment. London Plan Policy G7 states development proposals should ensure that wherever possible, existing trees of value are retained. BLP Policy 73 states that new development will be required to take particular account of existing trees on the site and on adjoining land, which are in the interest of visual amenity and/or wildlife habitat.

6.8.15 An arboricultural survey and a root protection plan have been submitted which indicates that the TPO trees would not be adversely affected by the proposed development. A total of 24 trees have been surveyed and the Council's tree officer has carried out a site inspection and agreed with the observations outlined in the submitted documents.

6.8.16 The submitted details indicate that existing trees will be retained as outlined in the appended plans, except an Oak tree (T23 – category U) will be removed. This tree is observed with a dead stump which stems between root buttresses on the southern side and the removal of this tree is considered to be acceptable. Should planning permission be recommended, a tree method statement, tree protection plan including tree planting detail should be secured by planning conditions.

## **6.9 Drainage and Flood Risk - Acceptable**

6.9.1 The NPPF states that major development should incorporate sustainable drainage systems which should take account of advice from the lead flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits. London Plan Policy SI-13 and BLP Policy 116 states 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 where there should also be a preference for green over grey features, in line with the drainage hierarchy in policy SI 13 of the London Plan.

6.9.2 The application is accompanied by a flood risk assessment which indicates that the site is located within Flood Zone 1 where the probability of river or sea flooding is less than 0.1% (1 in 1000) chance in any given year as defined by the Environment Agency.

- 6.9.3 The proposed surface water drainage strategy has been designed in line with the Environment Agency Climate Change Guidance to consider and manage the impact of a 1 in 100 year plus 45% climate change rainfall.
- 6.9.4 The proposed drainage strategy would also incorporate the following measures which demonstrates that the discharge rates of the site will be reduced to mimic the existing green field run-off rate for all storm events. The proposed measures include a new human made basin/pond, permeable hardstanding and geo-cellular storage tank. The outfall of the storage tank can be connected into the existing water basin located to the north of the site or directly to the existing culverted water course. The geo-cellular storage tanks will be installed with a hydro break for to manage the discharged rate of surface water.
- 6.9.5 Foul water network generated from the site would be discharged via the existing foul water network. The Council's drainage officer has received the submitted details and considered the principle of the proposed measures acceptable, subject to the design details. Should planning permission be forthcoming, a planning condition requiring the detailed design measures in line with the submitted "Flood Risk Assessment" Report carried out by Herrington Consulting Ltd dated 10/08/2022 Issue 3 Revision 2 shall be submitted and approved by the Council prior to commencement of the development.

## **6.10 Environmental Health (Air quality, contamination and noise) - Acceptable**

### **a) Air Quality**

- 6.10.1 Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment. Developments should aim to meet "air quality neutral" benchmarks in the GLA's Air Quality Neutral report.

- Operational Phase

- 6.10.2 The site lies within the extended Air Quality Management Area (AQMA). An air quality assessment including an updated air quality neutral assessment have been submitted. The assessment indicates that the proposed change in agricultural use to viticulture and the construction of a single residential dwelling will result in traffic below the relevant screening criteria detailed in the EPUK/IAQM Guidance. The effects to air quality are therefore not significant and no further assessment is required.
- 6.10.3 The proposal includes the provision of solar and hydrogen energy plant which have no sources of emission to air. As a result of the energy plant, the proposal would not have an adverse impact to the air quality at

operational phase of the proposed development. The effects to air quality are therefore not significant and no further assessment is required.

- Construction Phase

6.10.4 During the demolition and construction phase of the development, it is anticipated that the proposal would have an impact on the local air quality attributed to dust and noise generated by construction vehicles and onsite machinery. Should planning permission is forthcoming, a planning condition to secure the details of Construction Management Plan in line with the Council's Control of Pollution and Noise from Demolition and Construction Site Code of Practice 2017 should be imposed.

**b) Land contamination**

6.10.5 In accordance with policy 118 of the BLP when new development of contaminated land, or land suspected of being contaminated is proposed, details of site investigation and remedial action should be submitted. A phase 1 preliminary contamination risk assessment report is submitted which indicated the risk of the proposed development on human health and controlled water is low. Should there be any works where contamination is encountered which has not previously been identified, full details of further assessment including remediation scheme measures should be secured by a planning condition.

**c) Noise**

6.10.6 London Plan Policy D13 'agent of change principle' places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure the established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

- Operational phase

6.10.7 The Council's environment officer have advised the details of air source heat pump have not been provided and these details shall be secured by planning condition to confirm its impact on residential amenities including those living within the application site.

- Construction phase

6.10.8 The GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance set out the standard relates to construction. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to

and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the guidance. Should planning permission if forthcoming, the noise during construction period could be secured by a planning condition to limit the size and noise of construction vehicles.

## **6.11 Planning obligations and CIL**

6.11.1 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. The Mayor of London's CIL is also a material consideration. The application is liable to both Mayoral and Local CIL

6.11.2 BLP Policy 125 and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance. There is no planning obligation identified.

## **7. CONCLUSION AND PLANNING BALANCE**

7.1 The site has an established agricultural use and planning permission is not required for the proposed vineyard or change from hay cropping to plantation of grape. As such, there is no public benefit or very special circumstances arise from this part of the proposal.

7.2 The site is public accessible via a public right of way. The creation of a public picnic area on private land could benefit some users. However, this benefit is limited as the site is already publicly accessible.

7.3 The proposed 3 bed private residential unit (Vine house) in an area of open field is an inappropriate development and would have an adverse impact on the openness of the Green Belt. The proposal would have a negative spatial and visual impact on the openness of Green Belt and impact on the setting of Chislehurst Conservation area. In line with the Government policy (NPPF) which is supported by Bromley Local plan and London plan, substantial weight is therefore given to its harm.

7.4 The proposal would require major excavation work and alteration of the natural ground level to accommodate the proposed floor level and ground roofs. The proposed new Vine house with indoor swimming pool, outdoor terrace and a human made pond would provide a good quality living condition for the applicants who already reside within the application site, the incorporation of renewable measures to achieve net carbon zero would comply with the development plan policy requirements. However, these factors do not outweigh the harm to the Green Belt that has been identified.

- 7.5 The proposed alternation, excavation and demolition works to the locally listed building would also have an adverse impact on its setting, significance. The proposed works are considered to be unsympathetic, out of scale and keeping with the original building. As such, the proposal would also have an adverse impact on the character and appearance of the Conservation Area.
- 7.6 The proposed realignment of internal road and incorporation of green roof to the locally listed buildings would improve the biodiversity and surface water management of the buildings within the site. These benefits would contribute to a better living environment for the occupants within the site and would not constitute very special circumstances which outweigh the identified harm in Green Belt.
- 7.7 Having regards to the provision of the development plan, it is considered that when taken together, the benefits arising from this development would not clearly and demonstrably outweigh the harm to the Green Belt by reason of inappropriateness, harm to openness and other harm identified within this report. Accordingly, very special circumstances have not been demonstrated in this case and planning permission should be refused.
- 7.8 This planning application has been processed and assessed with due regard to the Public Sector Equality Duty and when considering the public sector equality duty, no protected groups would be disadvantaged by these proposals.

**RECOMMENDATION      Planning permission to be refused.**

## **Reasons of refusal**

### **1. New Vine House**

The proposal would result in a form of development which is inappropriate development in the Green Belt. The siting, scale and design of the proposal would also fail to preserve the openness of the Green Belt and would result in harm to the rural character of the locality. The other considerations put forward by the applicant would fail to clearly and demonstrably outweigh the harm by reason of its inappropriateness and other harm. Consequently, very special circumstances have not been demonstrated and the proposal is therefore contrary to the National Planning Policy Framework (2021), London Plan Policy G2, BLP Policies 37, 49 and 51.

### **2. Bothy cottage, Bothy house and flat**

The proposed alteration, demolition and extensions to the Bothy cottage, Bothy House and flat, by reason of their excessive size, scale and design would be out of scale and out of keeping with the original buildings. The proposal would also have an adverse impact on its setting and its significance as a group, failing to preserve or enhance the character and appearance of the locally listed buildings and Chislehurst Conservation Area, contrary to the National Planning Policy Framework (2021), London Plan Policies D3 and HC1, BLP Policies 37, 49, 51 and 52.

### **3. Polo Mews No.1 to No.4**

The proposal alteration, demolition and extensions to No.1 to No.4 Polo Mews, by reason of its excessive size, scale and design would be out of scale and out of keeping with the original buildings.

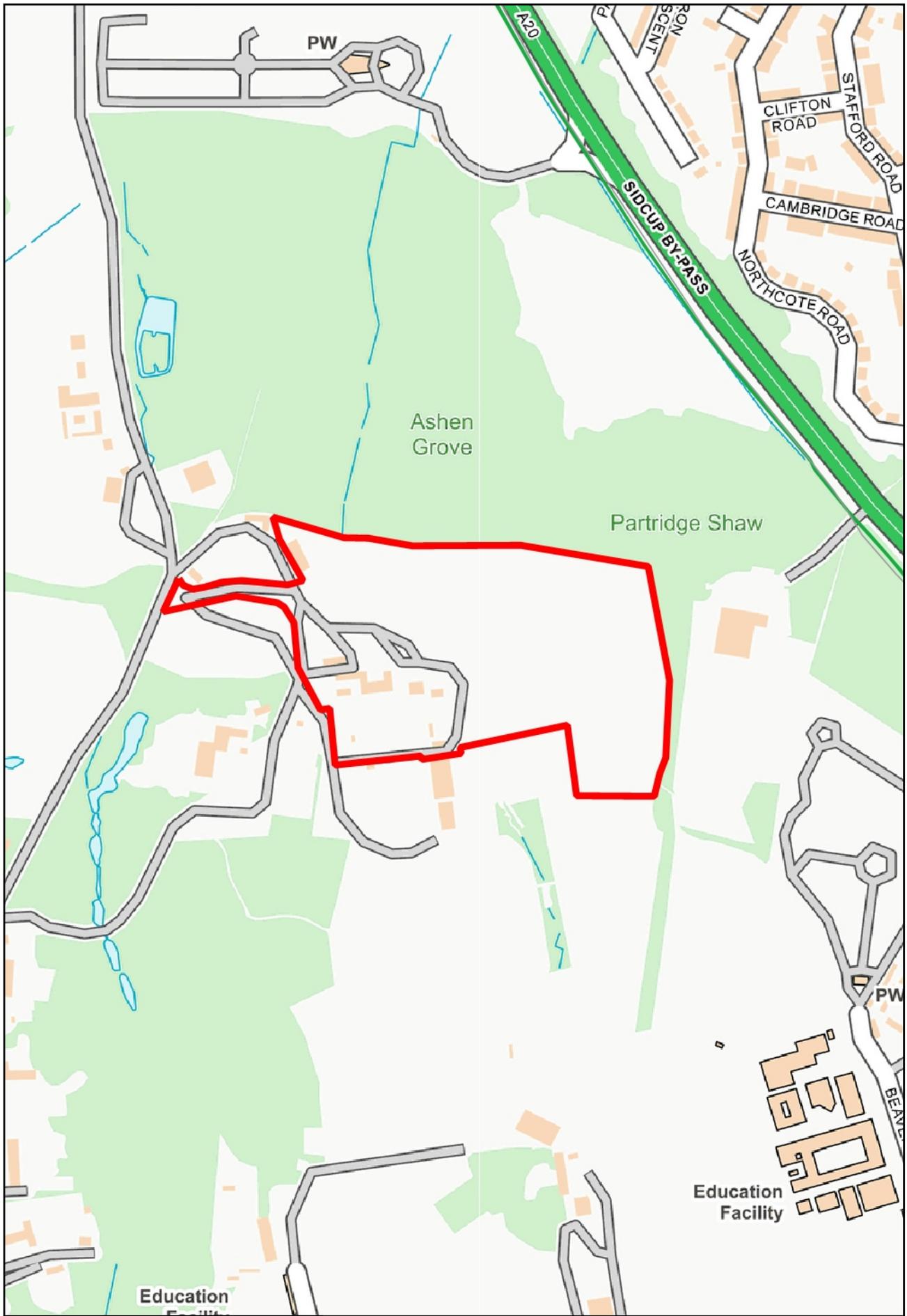
The proposed demolition of No.3 and No.4 Polo Mews, alteration, demolition and extensions to No.1 to No.2 Polo Mews would have an adverse impact on its setting and significance of the locally listed buildings as a group, fail to preserve or enhance the character and appearance of the locally listed buildings and Chislehurst Conservation Area, contrary to the National Planning Policy Framework (2021), London Plan Policies D3 and HC1, BLP Policies 37, 49, 51 and 52.

### **4. Parking, cycle and electric vehicle charging point.**

The proposal development, by reason of its excessive number of parking spaces would fail to achieve sustainable development. Insufficient information has been provided to confirm adequate cycle storage spaces and electrical vehicle charging point can be provided, contrary to London Plan Policies T5, T6 and T6.1.

### **5. Urban greening factor and biodiversity net gain**

Insufficient and inadequate information have been provided to demonstrate the level of BNG at 18 percent and a 0.3 target score can be achieved, contrary to Policies G5 and G6.



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Ordnance Survey 100017661.

 22/03243/FULL1 - Home Farm,  
Kemnal Road, Chislehurst

22 August 2023

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<b>Committee Date</b>	31.08.2023	
<b>Address</b>	Downe Livery Stables High Elms Road Downe Orpington BR6 7JL	
<b>Application Number</b>	22/03417/FULL1	<b>Officer</b> - Robin Evans
<b>Ward</b>	Darwin	
<b>Proposal</b>	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).	
<b>Applicant</b>	<b>Agent</b>	
Mark Aldridge	Fiona McDaniel	
Downe Livery Stables formerly Downe Hall Stables High Elms Road, Downe Orpington BR6 7JL	32 Larkfield Road Richmond TW9 2PF	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
Call-In	Yes	

<b>RECOMMENDATION</b>	Application Permitted
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<b>KEY DESIGNATIONS</b>
Areas of Archaeological Significance Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding

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

<b>Vehicle parking</b>	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

<b>Representation summary</b>	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.



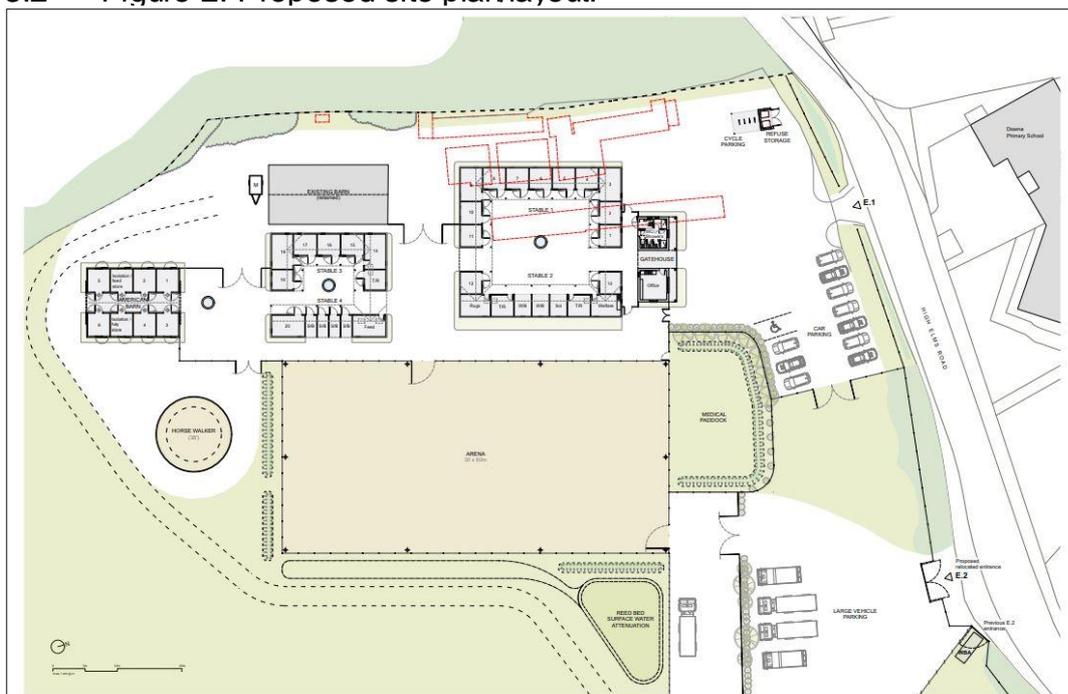
2.1.8 Photo 5. Existing main stable area viewed from south.



### 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.

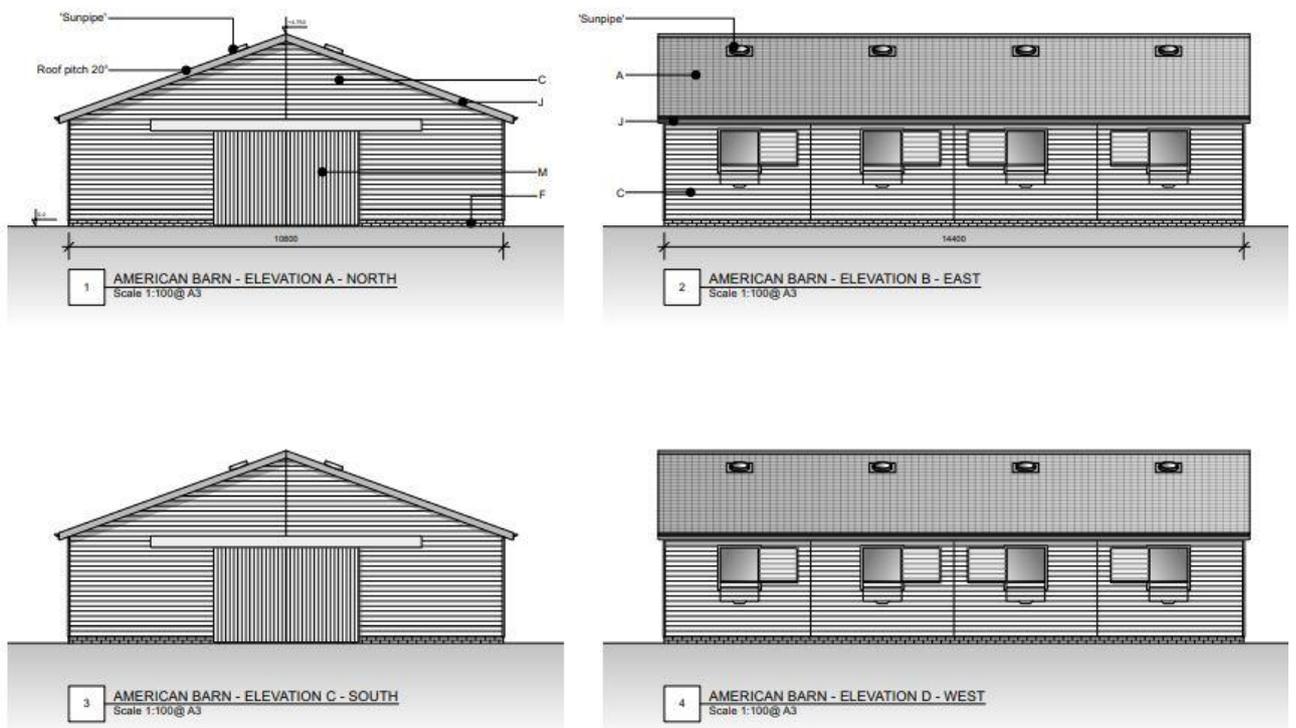
3.2 Figure 2. Proposed site plan/layout.



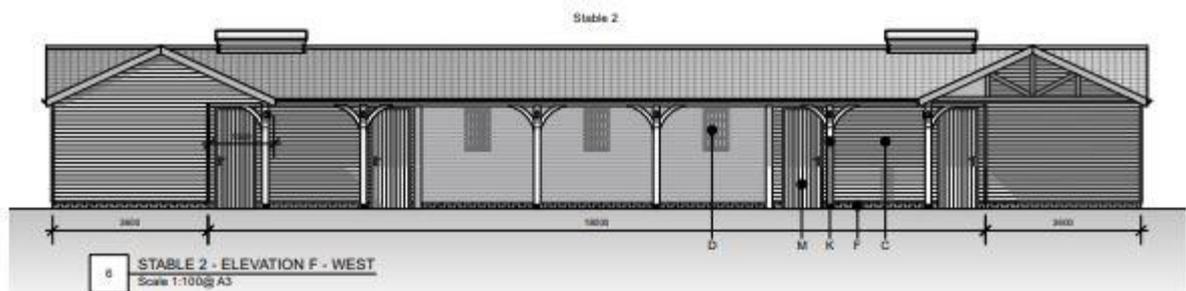
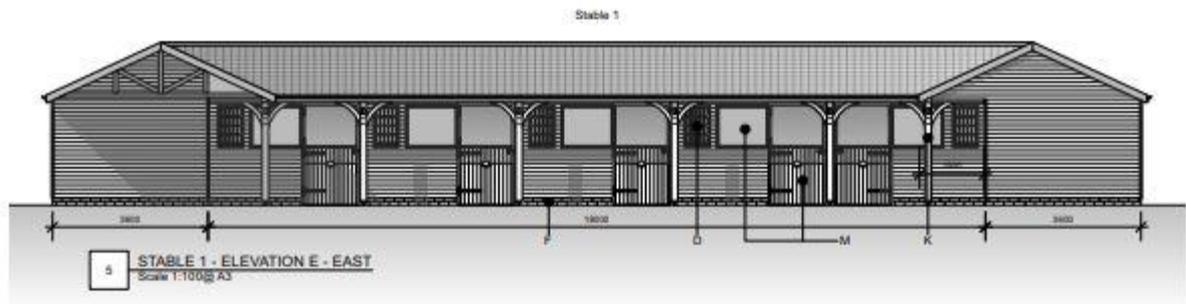
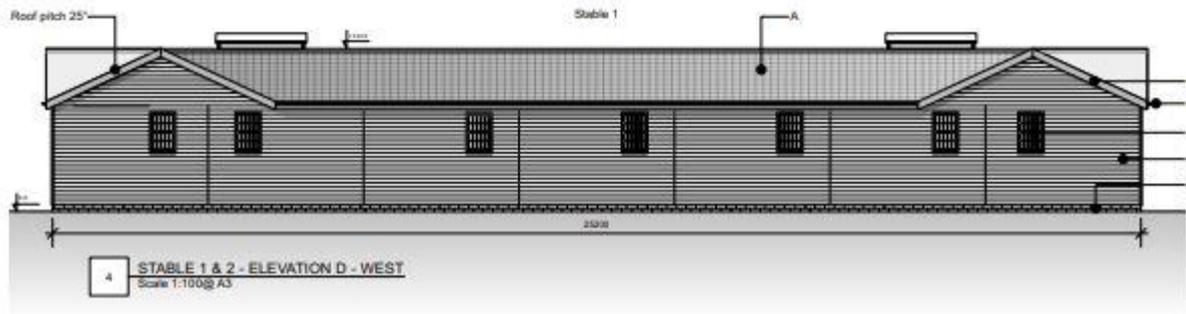
3.3 Figure 3. Proposed Elevations – Gatehouse/Office/Amenity block.



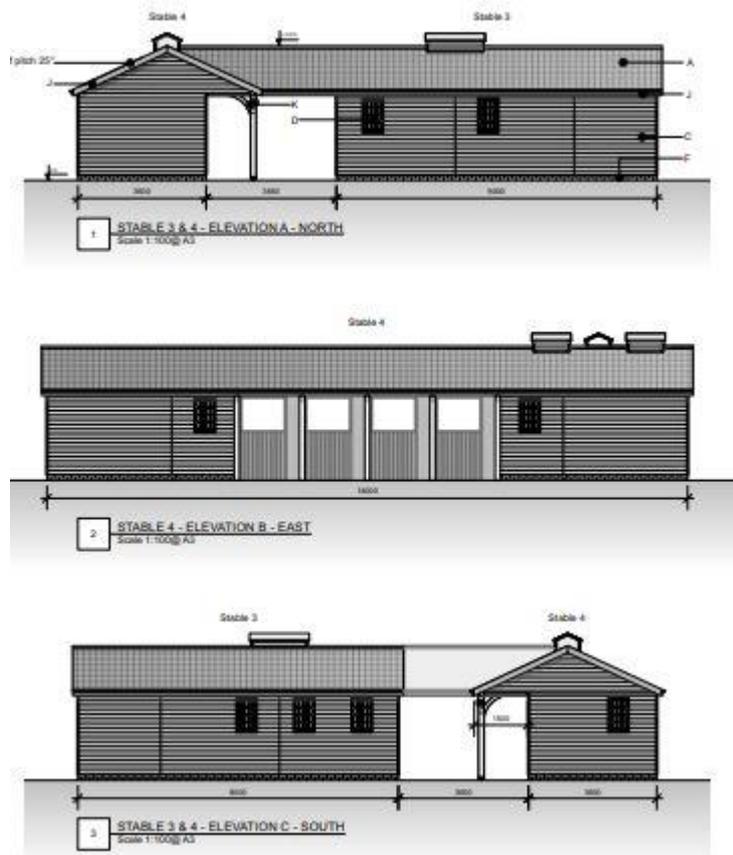
3.4 Figure 4. Proposed Elevations – American barn.



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)**

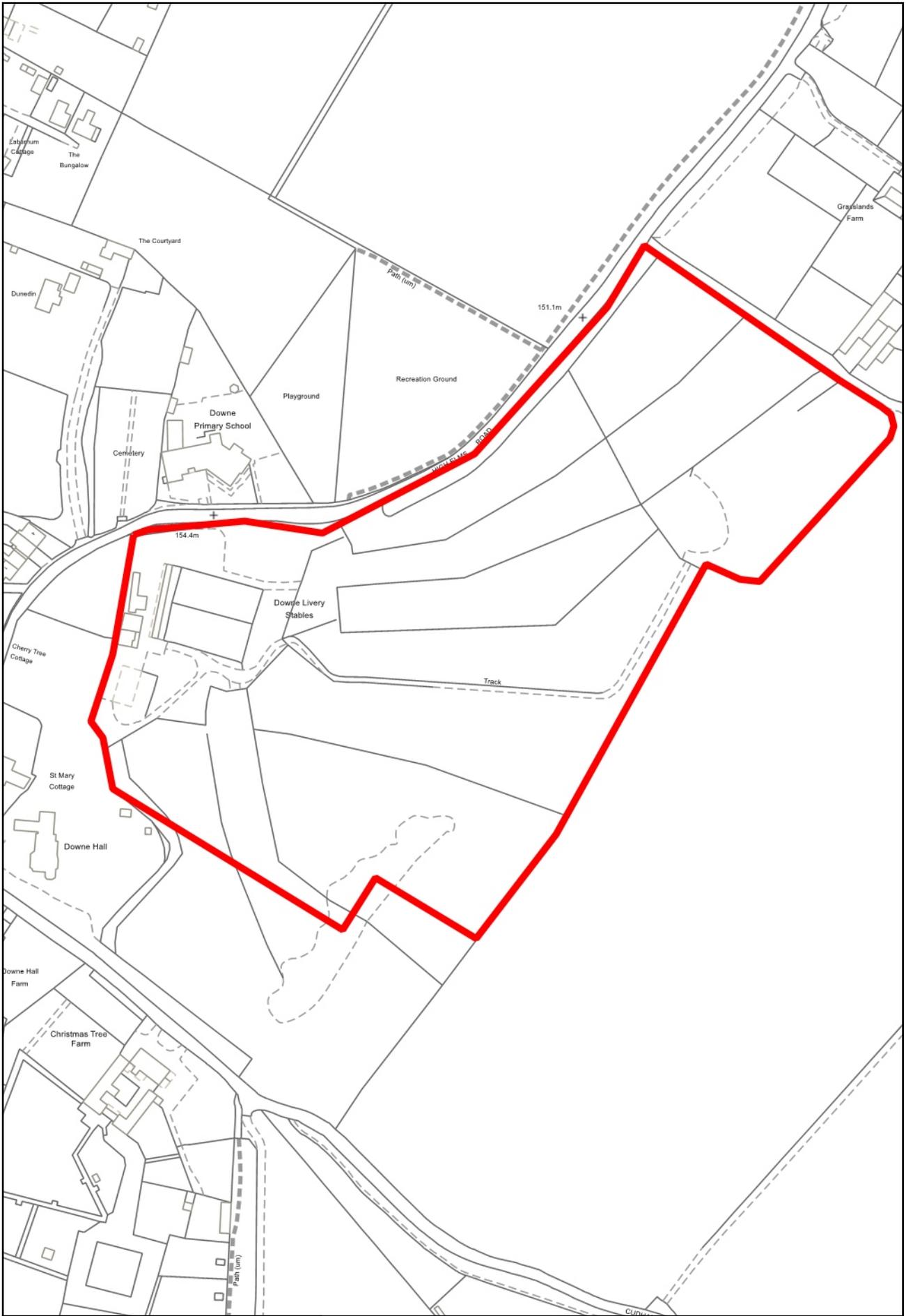
Permitted land use  
No loose materials for parking/turning areas,  
Cycle parking  
Non-Road Mobile Machinery

### **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

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