

**GSP PROJECT REF: 4003.SC**

## **PLANNING STATEMENT**

**Land between 35 & 37 Monterey Close Bexley Kent  
DA5 2BX**



**March 2024**

## 1.0 INTRODUCTION

- 1.1 This statement has been prepared in support of an outline planning application in respect of the following proposed development on land between 35 and 37 Monterey Close Bexley, Kent, DA5 2BX (hereafter referred to as 'the Site'):

*Outline application for residential infill development with access to be determined and all other matters reserved for subsequent approval.*

- 1.2 For the development proposed, part of the land title SGL235701 would be affected. The part of the land title that is not included within this application is the land that includes the existing dwelling itself and its intended retained garden and parking areas.

## 2.0 SITE CONTEXT

- 2.1 The Site is designated Green Belt land, albeit the Green Belt boundary is contiguous with the rear of the properties in Monterey Close. It is also located within a Minerals Safeguarding Area.

- 2.2 The Site is adjoined to its north west by an area of Cavey's Spring/Pearsons Wood which on the Bexley Policies Map is designated as a Site of Importance to Nature Conservation (Local Wildlife Site) as part of the much larger (79ha) Chalk Wood/Gattons Plantation/Joydens Wood area of woodland. Cavey's Spring has no public access and is privately owned. Whilst some of the larger 79ha area of woodland is designated as Ancient Semi-Natural Woodland or, in the case of the majority of Joydens Wood, as Ancient Replanted Woodland, the woodland adjacent to the site is not so classified. This is shown in the DEFRA Magic Map extract below.



- 2.4 The Site is located to the south west of Monterey Close which in turn is accessed from Tile Kiln Lane.
- 2.5 Monterey Close was developed in the early 1970s and comprises a mix of detached and semi-detached two-storey properties. Numbers 35 and 37 Monterey Close are much older and pre-date the construction of the adjacent dwellings and were previously accessed directly from Tile Kiln Lane. On the land immediately to the east of the Site a development of 6 detached bungalows has been erected following an approval in July 2019 and is known as Sisters Close.
- 2.6 The Site comprises lawful residential garden land. The area of land that is potentially developable amounts to approximately 0.2ha in area. This part of the site is some 45m deep and has a frontage to the access track that runs through to number 35, of 35m. Not all of the area would however be developed as the development area will take into account the findings of the arboricultural assessment that accompanies the application.
- 2.7 The Site is within Flood Zone 1, meaning that it has a low probability of flooding from rivers and the sea. There are no public rights of way nearby, nor are there any heritage assets nearby.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The following is relevant planning history relating to the Site:

77/01028/FUL: Single-storey rear extension to form dining room, utility room, bathroom, WC and extension to lobby: Permitted

10/00073/LDCP: Certificate of Lawfulness (Proposed) for single storey side and rear extension. Alterations to roofline to provide rooms in roofspace incorporating 3 rear and 2 side dormer extensions: Refused

15/00368/FUL: External alterations including a new front entrance and side extensions. Alterations to roofline incorporating rooflights, two front and one rear dormer extensions providing room in roofspace: Refused

15/01988/LDCP: Certificate of Lawfulness (Proposed) for a single storey side and rear extension, front canopy and alterations to roofline: Refused

15/02650/LDCP: Certificate of Lawfulness (Proposed) for a single storey side extension, single storey rear extension, front canopy and alterations to roofline including gable ends and pitched roofs on front elevation: Withdrawn

16/00627/LDCP: Certificate of Lawfulness (Proposed) for two outbuildings in rear garden: Granted

16/01337/FUL: Alterations to roofline incorporating hip to gable end, front and rear dormer extensions and two rooflights in front roofslope. Single storey extension to link outbuilding to existing dwelling and raising roof level: Permitted

20/01070/FUL: Alterations and conversion of existing outbuilding to provide 1 x 2 bed dwelling: Permitted

20/01070/FUL01: Details of conditions 3 (bicycles), 4 (Refuse), 5 (access arrangement) and 8 (boundary treatment) pursuant to planning permission 20/01070/FUL for the alterations and conversion of existing outbuilding to provide 1 x 2 bed dwelling: Details Refused on the basis that planning permission 20/01070/FUL could not be implemented as the building had been demolished.

23/00585/FUL: Retention of building for residential use as 1no x two-bed dwelling with associated parking, boundary treatments including trellis and amenity area: UNDETERMINED (With the building that was the subject of 20/01070/FUL having been demolished, as opposed to being converted, this alternative application was submitted.)

- 3.2 A pre-application request was submitted under reference 22/01754/PREAPP. A written response was issued on 1<sup>st</sup> December 2022. Advice was sought in connection with the proposed construction of 2 No. 2-bed detached bungalows between numbers 37 and 35 Monterey Close. The written response by a principal planning officer concludes that such a proposal would amount to inappropriate development in the Green Belt, with no very special circumstances existing that would otherwise override this identified inappropriateness. It is noted that no harm was identified in relation to the character and appearance of the area, nor would there be any harm to the amenities of neighbouring occupiers.

#### **4.0 PROPOSED DEVELOPMENT**

- 4.1 The outline proposal involves the use of the existing vehicular access that leads to Monterey Close and thence to Tile Kiln Lane and the erection of an unspecified number of dwellings, reflective of the outline nature of the application.
- 4.2 The application is supported by an arboricultural assessment and the proposed development area as shown on drawing no. 4003.03 has taken account of the findings of the arboricultural assessment.

#### **5.0 PLANNING POLICY**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.

- 5.2 Paragraph 2 of the National Planning Policy Framework December 2023 ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

### **Development Plan**

- 5.5 In terms of the Development Plan for the London Borough of Bexley (LBB), this comprises the following document and is relevant should a planning application be submitted:
- London Plan (adopted 2021) (LP).
  - Adopted Bexley Local Plan (26 April 2023) (ABLP);

Copies of the relevant policies are attached at **Appendix 1**

- 5.6 In the London Plan, the following policies are considered relevant in the case of a planning application for housing:
- GG1 – Building strong and inclusive communities;

- GG2 – Making the best use of land;
- GG4 – Delivering the homes Londoners need;
- D1 – London's form, character and capacity for growth;
- D3 – Optimising site capacity through the design-led approach;
- D4 – Delivering good design;
- D5 – Inclusive design;
- D6 – Housing quality and standards;
- D7 – Accessible housing;
- H1 – Increasing housing supply;
- H2 – Small sites;
- H10 – Housing size mix;
- G2 – London's Green Belt;
- SI 2 – Minimising greenhouse gas emissions;
- T4 – Assessing and mitigating transport impacts;
- T5 – Cycling;
- T6 – Car parking;
- T6.1 – Residential parking;
- T7 – Deliveries, servicing and construction.

5.7 In the Bexley Local Plan, the following policies are considered relevant in the case of a planning application for housing:

- SP1: Achieving sustainable development;
- SP2: Meeting Bexley's housing requirements;
- SP5: Placemaking through good design;
- DP1: Providing a supply of housing;
- DP2: Residential development on backland and infill sites;
- DP11: Achieving high-quality design;
- DP20: Biodiversity and geodiversity in developments;
- DP21: Greening of development sites;
- DP22: Sustainable transport;
- DP23: parking management;
- DP24: Impact of new development on the transport network

### **Other Material Considerations**

5.8 The National Planning Policy Framework (NPPF) December 2023 is also relevant as a material consideration. Paragraph 7 advises that the fundamental basis of the planning system is to achieve sustainable development and paragraph 8 outlines the three integral and intertwined overarching objectives in pursuit of sustainable development (economic, environmental and social). Paragraphs 10 and 11 set out a presumption in favour of sustainable development. Paragraph 11 advises that when decisions are made on applications, this means (taking into account the footnotes 7 & 8 in the NPPF which are reproduced below):

*'c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>1</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. '*

- 5.9 Paragraph 60 notes that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 70 of the Framework acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst others) support the development of windfall sites through decisions.
- 5.10 Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.11 Section 11 sets out policy in respect of making effective use of land. Paragraph 123 states that decision should promote an effective use of land in meeting the need for homes. Paragraph 124 expands on this point by promoting and supporting the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. Paragraph 128 adds that decisions should support development that makes efficient use of land, taking into account (amongst others) the desirability of maintaining an area's prevailing character and setting.

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<sup>1</sup> This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

<sup>2</sup> The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

- 5.12 It is noted that the application of paragraphs 60, 70, 123-124 and 128 all do not depend on whether an authority has a five-year housing land supply (5YHLS).
- 5.13 Section 12 of the NPPF provides guidance and policy on achieving well designed places. Paragraph 131 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.14 Paragraph 135 is clear that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.
- 5.15 Paragraph 154 of the Framework confirms that the construction of new buildings should be considered inappropriate in the Green Belt unless it (amongst others) relates to limited infilling in villages, or is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.16 Paragraph 180 of the Framework sets out several ways in which decisions should contribute to and enhance the natural and local environment. Given that the site is not on the coast, in the countryside and no environmental issues are expected to be raised, it is considered that the most relevant parts of this paragraph are as follows:
- (a) Protecting and enhancing valued landscapes... (in a manner commensurate with their statutory status or identified quality in the development plan);
  - (b) Recognising the intrinsic character and beauty of the countryside;
  - (d) Minimising impacts on and providing net gains for biodiversity.

## **6.0 PLANNING ISSUES**

- 6.1 The following are considered to be the key issues relating to this application:
1. Development in the Green Belt;
  2. Principle of housing;
  3. Living conditions;
  4. Traffic, parking and highway safety;
  5. Ecology;
  6. Landscape and trees;
  7. Planning balance



## 1. Development in the Green Belt

- 6.2 In regards to the new buildings, paragraph 154 of the NPPF states that a local planning authority should regard these as inappropriate in the Green Belt except when this involves (amongst others): (e) limited infilling in villages; or (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.
- 6.3 As the Site is not located within an urban area is partly developed and part of the existing residential curtilage of number 37, the site can be considered as previously developed land pursuant to the definition in the NPPF and the findings of the Court of Appeal judgement dated 14 March 2017 in the case of *Dartford Borough Council vs Secretary of State for Communities & Local Government & Otrs* [2017] EWCA Civ 141.
- 6.4 Either of these two exceptions to new buildings in the Green Belt could therefore apply to the proposed development.

### *Limited infilling in village*

- 6.5 Unlike exception (g), for exception (e) the issue of openness is implicitly included in this exception to new buildings in the Green Belt, meaning no further openness tests are required. This approach is confirmed in a Green Belt appeal decision in *Gravesham* (3255704 – see paragraph 9 where the Inspector confirms that the relevant exception means there is no requirement for him to consider openness). **(Appendix 2)**
- 6.6 The applicant's starting position is that the proposed redevelopment should be treated as a limited infill exception under part (e) on the basis that it forms part of a village and an established area of development that has recently been reinforced and consolidated by the development of Sisters Close immediately to the east of the Site.
- 6.7 Given the Site's location, context and relationship to adjacent development to the SE, NE and SW it is reasonable to suggest that there is the ability to accommodate a limited amount of additional housing between the existing properties. For this exception to apply, it is also not necessary to check for conflicts against the purposes of the Green Belt. That said there would be no extension of built development into the countryside as the site is already classified as previously developed land. The exact number of dwellings can be determined at the reserved matters stage.
- 6.8 Regarding whether the Site is within a village, a recent High Court decision has clarified that a settlement or village does not have to comprise a minimum number of dwellings, or population, nor does it have to be identified in an adopted or emerging local plan. The decision goes on to comment that a settlement does not have to comprise services and local

amenities and that whether a group of dwellings constitutes a settlement, or a village, this will be a matter of fact and planning judgment for the decision maker.

- 6.9 With the above in mind, it is therefore necessary to express a judgement as to whether the Site could reasonably be considered to be within a village taking account of site specific circumstances and the nature and character of the surrounding area.
- 6.10 Firstly, neighbouring development is easily identifiable. The Site forms part of an established area of development lying to the north and south of Tile Kiln Lane.
- 6.11 Whilst recognising that the site has a PTAL rating of 1, it is nevertheless the case that there are bus-stops served by service B12 on Tile Kiln Lane within 400m walking distance of the application site. Shops and services including a convenience store are located on Summerhouse Drive, 1km/14 minute walk from the Site and at the junction of Baldwyns Park and Old Bexley Lane some 800m/12 mins walk north of the Site. Both of these locations are served by service B12.
- 6.12 As such, it is clear that increasing the population in this area will help to support these commercial uses, as well as supporting services in larger settlements nearby (i.e. in Dartford or Bexley).
- 6.13 Given the above accessibility and character merits of the Site and the surrounding area, it can hardly be considered an isolated site that is physically separated or remote from what is a large quantum of development that includes a mix of uses and public transport options.
- 6.14 The applicant is of the view that development in the surrounding area forms part of a single close-knit settlement, albeit one that straddles the administrative boundary between LB Bexley and Dartford BC's area.
- 6.15 As mentioned above, relevant case law says that a settlement does not have to comprise a minimum number of dwellings, or population, nor comprise services and local amenities. However, it is the case here that the Site forms part of a settlement that does comprise a relatively large population, with hundreds of homes and a mix of uses.
- 6.16 Whilst it is understood that a site does not have to be within a designated village in the local plan (such as the subject Site), such a designation would undoubtedly assist when judging whether exception 154(e) could apply to a development comprising new built form in the Green Belt.
- 6.17 Following the aforementioned case law, there are now a number of local appeal decisions that support the concept of village infills that do not entail a Site being within a designated village or a development boundary. Two are included as appendices to this statement where no previous built

form existed. The first (3230759 – **Appendix 3**) relates to a single dwelling infill not within a designated village but within previously developed land (akin to the subject proposal). The second (3255704 – **Appendix 2**) relates to three dwellings not between existing built form either.

- 6.18 In consideration of all of the above, it is considered that the Site has capacity to deliver an infill development and that the Site could and should be considered as falling within a village for the purposes of the exception set out in paragraph 154(e) of the Framework in connection with new buildings in the Green Belt.

*Limited infilling of previously developed land*

- 6.19 If the Council come to the view that the development of the site is not a part (e) paragraph 154 scheme, then part (g) could also be argued in respect of a limited infill of previously developed land.
- 6.20 As infilling undoubtedly adds to the quantum of built form, it would be expected that to fully satisfy this exception, it would be necessary to ensure that the form of development, which would be confirmed at the reserved matters stage, would fully respect the scale and form of development either side.
- 6.21 At this outline stage, it is not possible to complete an assessment of the likely harm to openness, given the absence of detailed plans.

*Use of the land*

- 6.22 It is accepted that there will be pressure for matters relating to outdoor storage and play equipment, boundary enclosures, parked vehicles and traffic movements, which can all have an effect on openness. However, all of these features could or would have already existed in connection with the lawful use of the Site, which is already lawfully residential
- 6.23 In respect of the impact of the use on the purposes of the Green Belt, the proposed development:
- Will not result in the unrestricted sprawl of large built up areas (the Site is previously developed land that already benefits from a non-conforming land use in the Green Belt);
  - Will not result in neighbouring towns merging into one another (the proposed development will retain the same level of separation from nearby towns being an infill between existing built form);
  - Will not cause further encroachment of development into the countryside (the development is confined to its previously developed boundaries);
  - Is not located adjacent to an historic town (this is factually the case);

- Will not compromise the recycling of derelict or other land (the development will result in the re-use of derelict land).

6.24 Whilst the applicant's view is that paragraph 155(e) is not relevant because there is no material change of use in the land, regardless, it is not considered that a conflict with this paragraph can be identified, and, as noted above, should the Council disagree about its relevance, then the infills that are the subject of the included appeals at **Appendices Two and Three** should have also fallen foul of such a conflict with Green Belt policy.

### *Visual Impact*

6.25 Whilst the absence of development takes precedence on the issue of openness, as has been held in multiple Court cases, the weight given to the issue of visual impact on the Green Belt is a matter of planning judgement for the decision maker. Given the outline nature of the application it is difficult to comment further.

6.26 That said, the Council's earlier pre-application response indicates that the two bungalows proposed as part of the submission would have a limited impact on the character and appearance of the immediate area. Given the outline nature of the proposal, it would be unreasonable for The Council to assume that the visual impact that was considered potentially acceptable in the pre-application response could not again be satisfactorily addressed at the reserved matters stage.

## **2. Principle of housing**

6.27 It is understood that the site is not allocated for housing, meaning any housing proposal would be subject to windfall site policies. The focus of the policies is to direct new housing to more appropriate locations, both in terms of previously developed land and in locations that are easily accessible, in respect of proximity to local amenities and benefit from good public transport links, in an effort to discourage use of the private car.

6.28 Regard should be had to Policy DP2 which whilst having the focus identified above, recognises that sites such the application site can make a positive contribution to meeting the London Plan small sites targets for the Borough. Given the proposed location of the development and its immediate context it is considered that if approval is granted, the details submitted at reserved matters stage are capable of meeting the defined criteria of DP2.

## **3. Living Conditions**

6.29 Given the size of the Site, the applicant considers that it would be possible to design a detailed scheme that would ensure that the nearest residential occupants would not be materially harmed by the erection of any

dwelling within the Site. However, the final scale and design will only be determined at the reserved matters stage.

- 6.30 Regarding the living conditions of the intended occupants, there should be sufficient space within the Site to ensure compliance with the NDSS relating to new builds.
- 6.31 Sufficient amenity space for the occupants of any units will also need to be shown as part of the reserved matters submission. The proposed site plan submitted with this application confirms that no 37 would retain sufficient private amenity space.

#### **4. Traffic, Parking and Highway Safety**

- 6.32 The proposed vehicular access is as existing. Regarding traffic, as a limited infill it is not considered that the extent of development that is likely to come forward for this development would warrant a transport statement.
- 6.33 In terms of parking provision, there is no reason why, at the reserved matters stage, the detailed scheme could not provide sufficient space for the parking and turning of vehicles to be used in connection with any residential infill development, in accordance with the adopted London Plan parking standards of 1.5 spaces/dwelling. Secure and weatherproof cycle storage can be secured by condition for submission as part of the reserved matters details.

#### **5. Ecology**

- 6.34 The Site is grassed and forms part of the lawful residential garden of number 37. It is considered to be of low ecological value, but a condition could be included as part of a permission to ensure satisfactory ecological enhancement measures are included as part of the detailed design.

#### **6. Landscape and Trees**

- 6.35 An arboricultural assessment accompanies this application. From the report the extent of the potentially developable area taking into account the survey and general condition of the trees and their associated root protection areas has been defined.
- 6.36 Reserved matter details would ensure appropriate siting and design of the dwellings, also ensuring that no long-term threat to retained trees would arise from future occupiers of the development due to overshadowing loss of light. Issuing a planning permission could reasonably require the submission and implementation of a native landscaping scheme that could reinforce that existing planting and/or include new planting, particularly along the rear boundary of the Site closest to nearby woodland.

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## 7. Planning Balance

- 6.37 If the Council conclude that any housing development would not result in inappropriate development in the Green Belt, then it would be appropriate to assess such an application against part (ii) of paragraph 11(d) of the Framework.
- 6.38 The applicant's position is that there are no harms or disbenefits, meaning the following would be clear benefits of any housing proposal affecting the Site:
- additions to Bexley's housing stock (there is a national drive to significantly boost the supply of homes of which this factually will make a positive contribution);
  - making effective and efficient use of previously developed land, increasing housing densities as promoted by the Framework;
  - a permission will include the ability to secure and implement a comprehensive native landscaping scheme;
  - Economic benefits in the short term associated with construction of the development;
  - Economic benefits in the long term associated with a small increase in the local population and support for local businesses;
  - Ecological enhancements can be secured as part of a planning permission, which would otherwise not be the case;
  - Framework support for this proposal is provided in paragraphs: 60 (significantly boosting housing supply), 70 (small windfalls), 123 (effective use of land for homes), 124 (using suitable brownfield land within settlements for homes) and 126 (reflects changes in the demand for land).
- 6.39 With the above in mind, the applicant is of the view that there would be no adverse impacts of allowing the proposal and certainly not to the extent that these would "significantly and demonstrably outweigh the benefits" when assessed against the policies in the Framework taken as a whole.

## 7.0 CONCLUSIONS

- 7.1 In Green Belt terms, the applicant believes that the development as described is entirely appropriate development in the Green Belt as a limited infill in a village/settlement. An alternative and further applicable Green Belt exception is that this is a limited infill of previously developed land.
- 7.2 Regarding the principle of housing in this location, given the proximity to the facilities nearby together with its proximity to bus stops with bus routes serving a range of larger settlements, coupled with the fact that the Site is previously developed land, being residential garden land not within a built-up area, means that this is an entirely appropriate site.

- 7.3 All other matters can only largely be addressed as part of a detailed reserved matters submission, but at this outline stage there is nothing to suggest that conflicts with policies would exist that seek to address topics such as living conditions, traffic, parking, highways safety, ecology, landscape and trees.
- 7.4 If approved, this previously developed site will deliver additional dwellings in an area of Bexley Borough that is unlikely to experience many opportunities for the delivery of housing given it is washed over by the Green Belt. Despite its location, the Site is very accessible. Together with the other benefits set out above, it is considered that the benefits far outweigh the disbenefits, of which the applicant considers that there are none.
- 7.5 In consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority and it is respectfully requested that this submission is approved.

# **APPENDIX 1**

## **Development Plan Policies**



MAYOR OF LONDON

# THE LONDON PLAN



THE SPATIAL DEVELOPMENT  
STRATEGY FOR GREATER LONDON

**MARCH 2021**

## GG1 Building strong and inclusive communities

Good growth is inclusive growth. To build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in planning and development must:

- A encourage early and inclusive engagement with stakeholders, including local communities, in the development of proposals, policies and area-based strategies
- B seek to ensure changes to the physical environment to achieve an overall positive contribution to London
- C provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation
- D seek to ensure that London continues to generate a wide range of economic and other opportunities, and that everyone is able to benefit from these to ensure that London is a fairer, more inclusive and more equal city
- E ensure that streets and public spaces are consistently planned for people to move around and spend time in comfort and safety, creating places where everyone is welcome, which foster a sense of belonging, which encourage community buy-in, and where communities can develop and thrive
- F promote the crucial role town centres have in the social, civic, cultural and economic lives of Londoners, and plan for places that provide important opportunities for building relationships during the daytime, evening and night time
- G ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods, and are resilient and adaptable to changing community requirements
- H support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides, creating a welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation
- I support and promote the creation of an inclusive London where all Londoners, regardless of their age, disability, gender, gender identity, marital status, religion, race, sexual orientation, social class, or whether they are pregnant or have children, can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.

## GG2 Making the best use of land

To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

- A enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites
- B prioritise sites which are well-connected by existing or planned public transport
- C proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling
- D applying a design-led approach to determine the optimum development capacity of sites
- E understand what is valued about existing places and use this as a catalyst for growth, renewal, and place-making, strengthening London's distinct and varied character
- F protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening, including aiming to secure net biodiversity gains where possible
- G plan for good local walking, cycling and public transport connections to support a strategic target of 80 per cent of all journeys using sustainable travel, enabling car-free lifestyles that allow an efficient use of land, as well as using new and enhanced public transport links to unlock growth
- H maximise opportunities to use infrastructure assets for more than one purpose, to make the best use of land and support efficient maintenance.

## GG4 Delivering the homes Londoners need

To create a housing market that works better for all Londoners, those involved in planning and development must:

- A ensure that more homes are delivered
- B support the delivery of the strategic target of 50 per cent of all new homes being genuinely affordable
- C create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing
- D identify and allocate a range of sites to deliver housing locally, supporting skilled precision-manufacturing that can increase the rate of building, and planning for all necessary supporting infrastructure from the outset
- E establish ambitious and achievable build-out rates at the planning stage, incentivising build-out milestones to help ensure that homes are built quickly and to reduce the likelihood of permissions being sought to sell land on at a higher value.

## Policy D1 London's form, character and capacity for growth

### Defining an area's character to understand its capacity for growth

- A Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth. Area assessments should cover the elements listed below:
- 1) demographic make-up and socio-economic data (such as Indices of Multiple Deprivation, health and wellbeing indicators, population density, employment data, educational qualifications, crime statistics)
  - 2) housing types and tenure
  - 3) urban form and structure (for example townscape, block pattern, urban grain, extent of frontages, building heights and density)
  - 4) existing and planned transport networks (particularly walking and cycling networks) and public transport connectivity
  - 5) air quality and noise levels
  - 6) open space networks, green infrastructure, and water bodies
  - 7) historical evolution and heritage assets (including an assessment of their significance and contribution to local character)
  - 8) topography and hydrology
  - 9) land availability
  - 10) existing and emerging Development Plan designations
  - 11) land uses
  - 12) views and landmarks.

### Planning for growth

- B In preparing Development Plans, boroughs should plan to meet borough-wide growth requirements, including their overall housing targets, by:
- 1) using the findings of area assessments (as required in Part A) to identify suitable locations for growth, and the potential scale of that growth (e.g. opportunities for extensive, moderate or limited growth) consistent with the spatial approach set out in this Plan; and
  - 2) assessing the capacity of existing and planned physical, environmental and social infrastructure to support the required level of growth and, where necessary, improvements to infrastructure capacity should be planned in infrastructure delivery plans or programmes to support growth; and
  - 3) following the design-led approach (set out in [Policy D3 Optimising site capacity through the design-led approach](#)) to establish optimised site capacities for site allocations. Boroughs are encouraged to set out acceptable building heights, scale, massing and indicative layouts for allocated sites, and, where appropriate, the amount of floorspace that should be provided for different land uses.

## Policy D3 Optimising site capacity through the design-led approach

### The design-led approach

- A All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in [Policy D2 Infrastructure requirements for sustainable densities](#)), and that best delivers the requirements set out in Part D.
- B Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with [Policy D2 Infrastructure requirements for sustainable densities](#). Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.
- C In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of [Policy H2 Small sites](#).
- D Development proposals should:

### Form and layout

- 1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions
- 2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area
- 3) be street-based with clearly defined public and private environments
- 4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users

**Experience**

- 5) achieve safe, secure and inclusive environments
- 6) provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest
- 7) deliver appropriate outlook, privacy and amenity
- 8) provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity
- 9) help prevent or mitigate the impacts of noise and poor air quality
- 10) achieve indoor and outdoor environments that are comfortable and inviting for people to use

**Quality and character**

- 11) 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
- 12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well
- 13) aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy
- 14) provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.

- E Where development parameters for allocated sites have been set out in a Development Plan, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason.

**Policy D4 Delivering good design****Design analysis and development certainty**

- A Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place-making based on the requirements set out in Part B of [Policy D3 Optimising site capacity through the design-led approach](#).
- B Where appropriate, visual, environmental and movement modelling/ assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.

**Design scrutiny**

- C Design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan.
- D The design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising the analytical tools set out in Part B, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny, based on the principles set out in Part E if they:
- 1) include a residential component that exceeds 350 units per hectare; or
  - 2) propose a building defined as a tall building by the borough (see [Policy D9 Tall buildings](#)), or that is more than 30m in height where there is no local definition of a tall building.
- E The format of design reviews for any development should be agreed with the borough and comply with the Mayor's guidance on review principles, process and management, ensuring that:
- 1) design reviews are carried out transparently by independent experts in relevant disciplines
  - 2) design review comments are mindful of the wider policy context and focus on interpreting policy for the specific scheme
  - 3) where a scheme is reviewed more than once, subsequent design reviews reference and build on the recommendations of previous design reviews
  - 4) design review recommendations are appropriately recorded and communicated to officers and decision makers
  - 5) schemes show how they have considered and addressed the design review recommendations
  - 6) planning decisions demonstrate how design review has been addressed.

**Maintaining design quality**

- F The design quality of development should be retained through to completion by:
- 1) ensuring maximum detail appropriate for the design stage is provided to avoid the need for later design amendments and to ensure scheme quality is not adversely affected by later decisions on construction, materials, landscaping details or minor alterations to layout or form of the development
  - 2) ensuring the wording of the planning permission, and associated conditions and legal agreement, provide clarity regarding the quality of design
  - 3) avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter
  - 4) local planning authorities considering conditioning the ongoing involvement of the original design team to monitor the design quality of a development through to completion.

### Policy D5 Inclusive design

- A Boroughs, in preparing their Development Plans, should support the creation of inclusive neighbourhoods by embedding inclusive design, and collaborating with local communities in the development of planning policies that affect them.
- B Development proposal should achieve the highest standards of accessible and inclusive design. They should:
- 1) be designed taking into account London's diverse population
  - 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
  - 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
  - 4) be able to be entered, used and exited safely, easily and with dignity for all
  - 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- C Design and Access Statements, submitted as part of development proposals, should include an inclusive design statement.

### Policy D6 Housing quality and standards

- A Housing development should be of high quality design and provide adequately-sized rooms (see [Table 3.1](#)) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.
- B Qualitative aspects of a development are key to ensuring successful sustainable housing. [Table 3.2](#) sets out key qualitative aspects which should be addressed in the design of housing developments.
- C Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in [Policy D3 Optimising site capacity through the design-led approach](#) than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
- D The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.



E Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.

F Housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.

#### Private internal space

- 1) Dwellings must provide at least the gross internal floor area and built-in storage area set out in [Table 3.1](#).
- 2) A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.
- 3) A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.
- 4) A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m..
- 5) Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (If the area under the stairs is to be used for storage, assume a general floor area of 1 sq.m. within the Gross Internal Area).
- 6) Any other area that is used solely for storage and has a headroom of 0.9-1.5m (such as under eaves) can only be counted up to 50 per cent of its floor area, and any area lower than 0.9m is not counted at all.
- 7) A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. Any built-in area in excess of 0.72 sq.m. in a double bedroom and 0.36 sq.m. in a single bedroom counts towards the built-in storage requirement.
- 8) The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

#### Private outside space

- 9) Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This does not count towards the minimum Gross Internal Area space standards required in [Table 3.1](#).

G The Mayor will produce guidance on the implementation of this policy for all housing tenures.

## Policy D7 Accessible housing

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

## Policy H1 Increasing housing supply

- A Table 4.1 sets the ten-year targets for net housing completions that each local planning authority should plan for. Boroughs must include these targets in their Development Plan Documents.
- B To ensure that ten-year housing targets are achieved, boroughs should:
- 1) prepare delivery-focused Development Plans which:
    - a) allocate an appropriate range and number of sites that are suitable for residential and mixed-use development and intensification
    - b) encourage development on other appropriate windfall sites not identified in Development Plans through the Plan period, especially from the sources of supply listed in B2
    - c) enable the delivery of housing capacity identified in Opportunity Areas, working closely with the GLA.
  - 2) optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:
    - a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station<sup>39</sup> or town centre boundary<sup>40</sup>
    - b) mixed-use redevelopment of car parks and low-density retail parks and supermarkets
    - c) housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses
    - d) the redevelopment of surplus utilities and public sector owned sites
    - e) small sites (see Policy H2 Small sites)
    - f) industrial sites that have been identified through the processes set out in Policy E4 Land for industry, logistics and services to support

<sup>39</sup> Tube, rail, DLR and tram stations

<sup>40</sup> District, major, metropolitan and international town centres – for the purposes of Policy H1 Increasing housing supply Part B2a, the 800m distance is measured from the edge of the town centre boundary

London's economic function, Policy E5 Strategic Industrial Locations (SIL), Policy E6 Locally Significant Industrial Sites and Policy E7 Industrial intensification, co-location and substitution.

- 3) establish ambitious and achievable build-out rates at the planning stage, incentivising build-out milestones to help ensure that homes are built quickly and to reduce the likelihood of permissions being sought to sell land on at a higher value.
- C Boroughs should proactively use brownfield registers and permission in principle to increase planning certainty for those wishing to build new homes.
- D Boroughs should publish and annually update housing trajectories based on the targets in [Table 4.1](#) and should work with the Mayor to resolve any anticipated shortfalls.
- E Where new sustainable transport infrastructure is planned, boroughs should re-evaluate the appropriateness of land use designations and the potential to accommodate higher-density residential and mixed-use development, taking into account future public transport capacity and connectivity levels.
- F On sites that are allocated for residential and mixed-use development there is a general presumption against single use low-density retail and leisure parks. These developments should be designed to provide a mix of uses including housing on the same site in order to make the best use of land available for development.

## Policy H2 Small sites

- A Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:
- 1) significantly increase the contribution of small sites to meeting London's housing needs
  - 2) diversify the sources, locations, type and mix of housing supply
  - 3) support small and medium-sized housebuilders
  - 4) support those wishing to bring forward custom, self-build and community-led housing
  - 5) achieve the minimum targets for small sites set out in [Table 4.2](#) as a component of the overall housing targets set out in [Table 4.1](#).
- B Boroughs should:
- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites
  - 2) where appropriate, prepare site-specific briefs, masterplans and housing design codes for small sites
  - 3) identify and allocate appropriate small sites for residential development
  - 4) list these small sites on their brownfield registers
  - 5) grant permission in principle on specific sites or prepare local development orders.

### Policy H10 Housing size mix

- A Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:
- 1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment
  - 2) the requirement to deliver mixed and inclusive neighbourhoods
  - 3) the need to deliver a range of unit types at different price points across London
  - 4) the mix of uses in the scheme
  - 5) the range of tenures in the scheme
  - 6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity
  - 7) the aim to optimise housing potential on sites
  - 8) the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock
  - 9) the need for additional family housing and the role of one and two bed units in freeing up existing family housing.
- B For low-cost rent, boroughs should provide guidance on the size of units required (by number of bedrooms) to ensure affordable housing meets identified needs. This guidance should take account of:
- 1) evidence of local housing needs, including the local housing register and the numbers and types of overcrowded and under-occupying households
  - 2) other criteria set out in Part A, including the strategic and local requirement for affordable family accommodation
  - 3) the impact of welfare reform
  - 4) the cost of delivering larger units and the availability of grant.

### Policy G2 London's Green Belt

- A The Green Belt should be protected from inappropriate development:
- 1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,
  - 2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.
- B Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt through the preparation or review of a Local Plan.

## Policy SI 2 Minimising greenhouse gas emissions

- A Major development should be net zero-carbon.<sup>151</sup> This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following 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.
- B Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.
- C A minimum on-site reduction of at least 35 per cent beyond Building Regulations<sup>152</sup> is required for major development. Residential development should achieve 10 per cent, and non-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.
- D Boroughs must establish and administer a carbon offset fund. Offset fund payments must be ring-fenced to implement projects that deliver carbon reductions. The operation of offset funds should be monitored and reported on annually.
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- <sup>151</sup> Where zero-carbon is used in the Plan it refers to net zero-carbon – see [Glossary](#) for definition.
- <sup>152</sup> Building Regulations 2013. If these are updated, the policy threshold will be reviewed. <https://www.gov.uk/government/publications/conservation-of-fuel-and-power-approved-document-1>
- E Major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions.
- F Development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

## Policy T4 Assessing and mitigating transport impacts

- A Development Plans and development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.
- B When required in accordance with national or local guidance,<sup>179</sup> transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Travel Plans, Parking Design and Management Plans, Construction Logistics Plans and Delivery and Servicing Plans will be required having regard to Transport for London guidance.<sup>180</sup>
- C Where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.
- D Where the ability to absorb increased travel demand through active travel modes has been exhausted, existing public transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans and funding exist for an increase in capacity to cater for the increased demand, planning permission will be contingent on the provision of necessary public transport and active travel infrastructure.
- E The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.
- F Development proposals should not increase road danger.

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<sup>179</sup> <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessments>

<sup>180</sup> <https://tfl.gov.uk/info-for/urban-planning-and-construction/guidance-for-applicants>

## Policy T5 Cycling

- A Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through:
- 1) supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure
  - 2) securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Developments should provide cycle parking at least in accordance with the minimum standards set out in [Table 10.2](#) and [Figure 10.3](#), ensuring that a minimum of two short-stay and two long-stay cycle parking spaces are provided where the application of the minimum standards would result in a lower provision.
- B Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.<sup>182</sup> Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.
- C Development Plans requiring more generous provision of cycle parking based on local evidence will be supported.
- D Where it is not possible to provide suitable short-stay cycle parking off the public highway, the borough should work with stakeholders to identify an appropriate on-street location for the required provision. This may mean the reallocation of space from other uses such as on-street car parking. Alternatively, in town centres, adding the required provision to general town centre cycle parking is also acceptable. In such cases, a commuted sum should be paid to the local authority to secure provision.
- E Where it is not possible to provide adequate cycle parking within residential developments, boroughs must work with developers to propose alternative solutions which meet the objectives of the standards. These may include options such as providing spaces in secure, conveniently-located, on-street parking facilities such as bicycle hangers.

<sup>182</sup> London Cycling Design Standards, Transport for London, <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-2>

- F Where the use class of a development is not fixed at the point of application, the highest potential applicable cycle parking standard should be applied.

## Policy T6 Car parking

- A Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.
- B Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.
- C An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.
- D The maximum car parking standards set out in [Policy T6 .1 Residential parking](#) to [Policy T6 .5 Non-residential disabled persons parking](#) should be applied to development proposals and used to set local standards within Development Plans.
- E Appropriate disabled persons parking for Blue Badge holders should be provided as set out in [Policy T6 .1 Residential parking](#) to [Policy T6 .5 Non-residential disabled persons parking](#).
- F Where provided, each motorcycle parking space should count towards the maximum for car parking spaces at all use classes.
- G Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with [Policy T6 .1 Residential parking](#), [Policy T6 .2 Office Parking](#), [Policy T6 .3 Retail parking](#), and [Policy T6 .4 Hotel and leisure uses parking](#).  
  
All operational parking should make this provision, including offering rapid charging. New or re-provided petrol filling stations should provide rapid charging hubs and/or hydrogen refuelling facilities.
- H Where electric vehicle charging points are provided on-street, physical infrastructure should not negatively affect pedestrian amenity and should ideally be located off the footway. Where charging points are located on the footway, it must remain accessible to all those using it including disabled people.
- I Adequate provision should be made for efficient deliveries and servicing and emergency access.
- J A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.
- K Boroughs that have adopted or wish to adopt more restrictive general or operational parking policies are supported, including borough-wide or other area-based car-free policies. Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in [Policy T6 .1 Residential parking](#)) must only do so for parts of London that are PTAL 0-1. Inner London boroughs should not adopt minimum standards. Minimum standards are not appropriate for non-residential use classes in any part of London.
- L Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy. Some flexibility may be applied where retail sites are redeveloped outside of town centres in areas which are not well served by public transport, particularly in outer London.



### Policy T6.1 Residential parking

- A New residential development should not exceed the maximum parking standards set out in [Table 10.3](#). These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.
- B Parking spaces within communal car parking facilities (including basements) should be leased rather than sold.
- C All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.
- D Outside of the CAZ, and to cater for infrequent trips, car club spaces may be considered appropriate in lieu of private parking. Any car club spaces should have active charging facilities.
- E Large-scale purpose-built shared living, student accommodation and other sui generis residential uses should be car-free.
- F The provision of car parking should not be a reason for reducing the level of affordable housing in a proposed development.
- G Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:
- 1) ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset
  - 2) demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. This should be secured at the planning stage.
- H All disabled persons parking bays associated with residential development must:
- 1) be for residents' use only (whether M4(2) or M4(3) dwellings)
  - 2) not be allocated to specific dwellings, unless provided within the curtilage of the dwelling
  - 3) be funded by the payment of a commuted sum by the applicant, if provided on-street (this includes a requirement to fund provision of electric vehicle charging infrastructure)
  - 4) count towards the maximum parking provision for the development
  - 5) be designed in accordance with the design guidance in BS8300vol.1
  - 6) be located to minimise the distance between disabled persons parking bays and the dwelling or the relevant block entrance or lift core, and the route should be preferably level or where this is not possible, should be gently sloping (1:60-1:20) on a suitable firm ground surface.

## Policy T7 Deliveries, servicing and construction

- A Development plans and development proposals should facilitate sustainable freight movement by rail, waterways and road.
- B Development Plans, Opportunity Area Planning Frameworks, Area Action Plans and other area-based plans should include freight strategies. These should seek to:
- 1) reduce freight trips to, from and within these areas
  - 2) coordinate the provision of infrastructure and facilities to manage freight at an area-wide level
  - 3) reduce road danger, noise and emissions from freight, such as through the use of safer vehicles, sustainable last-mile schemes and the provision of rapid electric vehicle charging points for freight vehicles.
- Such strategies should be developed through policy or through the formulation of a masterplan for a planning application.
- C To support carbon-free travel from 2050, the provision of hydrogen refuelling stations and rapid electric vehicle charging points at logistics and industrial locations is supported.
- D Development Plans should safeguard railheads unless it can be demonstrated that a railhead is no longer viable or capable of being made viable for rail-based freight-handling. The factors to consider in assessing the viability of a railhead include:
- planning history, environmental impact and its relationship to surrounding land use context – recognising that the Agent of Change principle will apply
  - location, proximity to the strategic road network and existing/potential markets
  - the existing and potential contribution the railhead can make towards catering for freight movements by non-road modes
  - the location and availability of capacity at alternative railheads, in light of current and projected capacity and market demands.
- E Consolidation and distribution sites at all scales should be designed to enable 24-hour operation to encourage and support out-of-peak deliveries.
- F Development proposals for new consolidation and distribution facilities should be supported provided that they do not cause unacceptable impacts on London's strategic road networks and:
- 1) reduce road danger, noise and emissions from freight trips
  - 2) enable sustainable last-mile movements, including by cycle and electric vehicle
  - 3) deliver mode shift from road to water or rail where possible (without adversely impacting existing or planned passenger services).
- G Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.

- H Developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or night time. Appropriate facilities are required to minimise additional freight trips arising from missed deliveries and thus facilitate efficient online retailing.
- I At large developments, facilities to enable micro-consolidation should be provided, with management arrangements set out in Delivery and Servicing Plans.
- J Development proposals must consider the use of rail/water for the transportation of material and adopt construction site design standards that enable the use of safer, lower trucks with increased levels of direct vision on waste and landfill sites, tip sites, transfer stations and construction sites.
- K During the construction phase of development, inclusive and safe access for people walking or cycling should be prioritised and maintained at all times.



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# Bexley Local Plan



Date of adoption 26 April 2023

## **POLICY SP1 Achieving sustainable development – the spatial strategy**

### **Commitments for sustainable growth**

1. The Council, through its policies and decisions, will aim to:
  - a. positively pursue sustainable development in the borough by providing locally specific requirements in line with the NPPF and the London Plan; and
  - b. work towards achieving sustainable growth in homes, jobs and services to create a network of healthy, well-connected, high-quality, desirable places where people want to live, play, learn and work in line with the vision and objectives of the Council's key strategies and this Local Plan, thus implementing the principles of sustainable development.
2. All new proposals for development must conform with the following principles of securing sustainable development in Bexley, where appropriate:
  - a. Strengthen and diversify the local economy by:
    - i. reinforcing the network of vibrant and successful town centres;
    - ii. optimising the use of the borough's industrial land through intensification of sites;
    - iii. increasing inward investment in new high technology and creative sectors supported by world-class digital infrastructure;
    - iv. promoting circular economy principles and business models; and,
    - v. improving access to jobs in Bexley, London and the wider south east through the development of local skills.
  - b. Protect and enhance the natural and built environment by:
    - i. adapting to and mitigating the impacts of climate change, including flood risk;
    - ii. focussing new development on urban, brownfield sites in accessible locations; and,
    - iii. optimising the efficient management of waste and existing natural resources.
  - c. Create high-quality, safe and well-connected healthy lifetime communities by:
    - i. offering a choice of accessible living styles that appeal across generations; and
    - ii. providing necessary infrastructure, local services, open spaces, and cultural and educational facilities.

### **Bexley's spatial approach to growth**

3. The main focus for the housing, industrial and commercial growth identified for Bexley, at varying densities and including most of its supporting infrastructure, services and facilities, will be:
  - a. the Sustainable Development Locations identified on the Policies Map and illustrated by the Key Diagram (Figure 1), which are:
    - i. areas within 800 metres walking distance of, and including, Bexley's Major and District Town Centres and 400 metres from Local Town Centres;
    - ii. areas in the borough within 800 metres of railway stations that have a corresponding town centre nearby and 400 metres where the station has no adjacent town centre; and,
    - iii. areas with public transport access levels (PTALs) of 3-6;
  - b. designated industrial locations (specifically for industrial growth and intensification); and
  - c. the Thamesmead and Abbey Wood London Plan Opportunity Area.
4. Development proposals outside of these areas will be supported where they fully demonstrate compliance with all relevant Development Plan policies.

## POLICY SP2 Meeting Bexley's housing requirements

### The Council's commitments for mixed and balanced communities

1. The Council will seek to meet the Mayor's 10-year (2019-2029) housing target for Bexley of 6,850 (net) new homes and, subject to any review of the London Plan, the Council will seek to provide for at least 6,165 (net) new homes for the remainder of the plan period between 2030 and 2038. A greater number of homes will be supported, subject to compliance with all relevant Development Plan policies.
2. In this context, and reflecting local evidence for housing, it is the Council's aspiration to achieve its strategic target of 50% affordable housing as a proportion of all qualifying provision across the borough over the plan period, by application of the threshold approach set out in policy DP1. This should be achieved with an overall tenure mix of 70% low cost rented and 30% intermediate housing products and with a mix of housing types and sizes identified in the Bexley Strategic Housing Market Assessment (SHMA) and set out in Table 3.
3. The Council will seek to accommodate the specific needs of particular groups of residents. The Bexley SHMA, the Gypsy and Traveller Accommodation Assessment (GTAA), and the Council's Self-build and Custom Housebuilding Register identify demand for the following housing numbers over the plan period:
  - a. 55 units per annum of specialist older person accommodation (falling within use class C3);
  - b. 26 units per annum of residential care accommodation (falling within use class C2);
  - c. 3.6 gypsy and traveller pitches (detailed in Table 4) over the plan period based on a cultural definition of need; and
  - d. 24 self-build homes per annum (based on the average number of new entries on the Council's self-build register each year).
4. In order to create high-quality, safe and well-connected lifetime communities, which offer a choice of living styles that appeals across generations, new homes should be provided that are available to households across a range of incomes and sizes. To achieve this, the Council will:
  - a. seek to deliver a balance of family and other types and sizes of housing within affordable and market housing schemes, as identified in the Bexley SHMA;
  - b. work closely with registered providers to support the development of new homes and explore the potential for intensification of existing social housing land;
  - c. encourage sensitive residential intensification within the borough's identified Sustainable Development Locations, and permit it outside of these locations subject to part 4 of policy SP1; and
  - d. monitor the demand for self-build or custom build accommodation in the borough and plan accordingly.

### Housing development on small sites

5. The Council recognises that the London Plan sets a significant proportion of Bexley's housing requirement to be met through the development of sites smaller than 0.25 hectares in size. Therefore, the Council will encourage proposals for appropriate development of small sites within the borough's identified Sustainable Development Locations, and permit them outside of these locations subject to part 4 of policy SP1.

### Policy SP2 Meeting Bexley's housing requirements

#### Local Plan housing mix

unit size	tenure	market	low-cost rent	shared ownership/ intermediate rent	all tenures
1 bedroom		5.7%	18.6%	12.8%	9.6%
2 bedrooms		32%	59.3%	42.7%	39.8%
3 bedrooms		41.1%	17.3%	34%	34.5%
4 bedrooms		21.2%	4.9%	10.5%	16.1%
		100%	100%	100%	100%

Table 3: Sizes of homes needed, by tenure (source: Bexley SHMA)

## **POLICY DP1 Providing a supply of housing**

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1. Development proposals for new housing must:
    - a. be well designed, appropriate for the area, high quality, sustainable and take account of the impacts of cumulative development, including on the health and wellbeing of the borough's residents;
    - b. make the most effective and efficient use of land, seeking to achieve higher densities in the most accessible locations;
    - c. achieve relevant London Plan space, accessibility, environmental, and housing amenity standards, having regard to published guidance; and
    - d. encourage mixed communities through 'tenure blind' architecture.
  2. Development proposals, as a starting point, should seek to deliver a mix of dwelling sizes, including family housing, in line with Table 3, in order to meet overall need across the borough over the plan period.
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### **Affordable housing from qualifying developments**

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3. For residential development proposals with a capacity of 10 or more (gross) dwellings, the Council will follow a threshold approach to affordable housing in line with London plan policies H4 and H5.
  4. Development proposals that do not meet the affordable housing threshold will be refused unless justified by a full, normally unredacted viability assessment that is submitted at the same time that a planning application is submitted.
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### **Self-build and custom housebuilding**

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5. Developers are encouraged to provide plots within residential schemes for individuals or groups to build their own homes.

## **POLICY DP2 Residential development on backland and infill sites**

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1. Proposals for new dwellings on small (less than 0.25ha) brownfield sites, including infill and backland sites, will generally be encouraged within the borough's identified Sustainable Development Locations, and permitted outside of these locations subject to part 4 of policy SP1. In all locations proposals will be supported in particular where:
  - a. the development capacity of the site is optimised; and,
  - b. the development provides well-designed housing with a high standard of amenity that makes a positive contribution to the area.
2. Proposals for development on residential gardens and/or communal amenity spaces (including green spaces) will be resisted, except where:
  - a. adequate and safe access for vehicles and pedestrians is provided, with no unacceptable adverse effects on the access to adjacent dwellings;
  - b. there are no unacceptable adverse effects on the privacy and amenity of residents of neighbouring properties;
  - c. distinctive landscape and nature conservation features, such as trees, hedgerows and ponds, are retained; and,
  - d. the proposed and existing dwellings retain sufficient private and, if appropriate, communal amenity space.

## **POLICY SP5 Placemaking through good design**

1. The Council will continue to expect high quality standards of design in Bexley. Design should respect the existing character and context but need not be constrained by what already exists; local character evolves over time. The Council will seek to ensure that:
  - a. all development within the borough is of high-quality design, contributes positively to the local environment, and protects the best elements of Bexley's character;
  - b. design enhances social cohesion and health and wellbeing and considers the principles of inclusive and active design, in order to support good physical and mental health; and,
  - c. design considers the relationships between building and spaces, including its contribution to and shaping of the public realm.
2. The Council will masterplan future development, where appropriate, to ensure it achieves the objectives of sustainable development and proposals for developments in these areas will need to demonstrate that they will fit satisfactorily into the masterplan.
3. In locations suitable for large developments, proposals that are piecemeal in nature will normally be resisted unless the proposal demonstrates that it will fit satisfactorily into a larger development.

## **POLICY DP11 Achieving high-quality design**

1. Development proposals within a Primarily Residential Area, as defined on the Policies Map, must seek to protect or enhance the area's character and its amenities. Proposals for uses other than those residential in nature, will only be acceptable where they provide community, social or leisure facilities, or employment uses compatible with a residential area.
2. Irrespective of location, all development proposals for new buildings, extensions and alterations, conversions, changes of use and public and private spaces will be expected to follow the principles and requirements set out in this document and to:

### **Character**

- a. ensure that the layout, height, scale and massing, façade treatment, and materials are complimentary to the surrounding area contribute positively to the street scene

### **Landscaping**

- b. provide a high standard of landscaping design, appropriate to the proposal and with regard to the character of the surrounding area

### **Privacy, outlook and adverse impacts**

- c. ensure that appropriate levels of privacy, outlook, natural daylight and other forms of amenity are provided
- d. ensure existing properties' amenity is appropriately protected
- e. ensure that all proposed development and uses do not unacceptably affect residents or occupiers of either the proposed development or of existing neighbouring residents, businesses and community facilities by means of noise, odour, vibration and light spill or other disturbances

### **Quality of residential accommodation**

- f. provide sufficient useable on-site external amenity space (communal, semi-private and private) and appropriate play spaces for children, relative to the proposed scale of development
- g. meet appropriate internal accommodation standards

### **Crime**

- h. apply the principles of designing out crime whilst maintaining an attractive, connected environment

### **Advertisements**

- i. ensure that new advertisements do not detract from the character and appearance of the surrounding area and do not have an adverse effect on public safety



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**POLICY DP20 Biodiversity and geodiversity in developments**

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**Protection for biodiversity**

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1. Development proposals will only be permitted where it can be demonstrated that:
  - a. a strict approach to the mitigation hierarchy has been taken (i.e. avoid, mitigate, compensate and net gain) and all unavoidable impacts on biodiversity can be justified;
  - b. completion of the development will result in a measurable long-term net gain for biodiversity, as demonstrated through the application of an acceptable method of measurement, and/or impact assessments;
  - c. biodiversity enhancement measures and where appropriate mitigation measures have been incorporated within the design, layout and materials used in the built structure and landscaping;
  - d. opportunities to help connect and improve the wider ecological networks, wildlife corridors and stepping stones for wildlife have been taken by creating linkages through the development site;
  - e. deficiencies in access to nature conservation are reduced, where possible; and,
  - f. opportunities to increase wildlife aesthetic value and visual connections with important features have been considered.

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**Protection of designated sites and habitats**

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2. Development proposals that would have a direct or indirect impact on a site designated for its nature conservation or geological interest should protect and enhance the designated site's value, and will not be permitted unless all of the following criteria are met:
  - a. there are no reasonable, less damaging, alternative solutions, locations or sites;
  - b. ecological buffer zones have been incorporated into the scheme, where appropriate, to protect and enhance the designated site's intrinsic value;
  - c. the continuity of wildlife habitat within wildlife corridors is maintained; and,
  - d. access to the designated site is not compromised and where possible, access and/or interpretation is improved.

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**Protection of Ancient Woodland and veteran trees**

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3. Irreplaceable habitats, including Ancient Woodland and aged or veteran trees found outside of Ancient Woodland will be protected from loss or deterioration resulting from development. Where development proposals may affect irreplaceable habitats and their immediate surroundings, the following principles of good practice shall be used to guide the site assessment and design of development:
  - a. establishment of the likelihood and type of any impacts;
  - b. implementation of appropriate and adequate mitigation, compensation, and management measures that respect the features and characteristics of the veteran trees and/or Ancient Woodland;
  - c. provision of adequate buffers; and
  - d. provision of adequate evidence to support development proposals.

## **POLICY DP21 Greening of development sites**

1. Development proposals should set out what measures have been taken to achieve urban greening onsite; and all new major developments should quantify what urban greening factor (UGF) score has been achieved.
2. Development proposals will be required to provide a high standard of landscape design, having regard to the well-being, water, wildlife and character of the surrounding area, ensuring sustainable planting for the long term and be supported by appropriate management and maintenance measures.
3. There will be a presumption in favour of the retention and enhancement of existing trees, woodland and hedgerow cover on site; and planning permission will not normally be permitted where the proposal adversely affects important trees, woodlands, or hedgerows.
4. Development proposals should maximise potential for the planting of new native trees and hedges within the development site and new streets should be tree-lined, unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.
5. Planting and landscaping within developments and ecological buffer zones:
  - a. will be required to contribute to habitats and features of landscape and nature conservation importance; and,
  - b. must not include 'potentially invasive, non-native species' and, where found on a site, appropriate measures to remove these species must be taken as part of the redevelopment.

## **POLICY DP22 Sustainable transport**

1. The Council will expect to see measures in all development proposals that facilitate and promote walking, cycling, public transport and shared mobility. In particular, development proposals should incorporate where appropriate the below points at an early design or pre-application stage:

### **Walking**

- a. identify and implement accessible, safe and convenient direct walking routes to Town Centres, transport nodes and other key destinations;
- b. promote and improve pedestrian wayfinding;
- c. provide for the undertaking of audits to ensure that the existing pedestrian infrastructure is suitable for its proposed use and that new development improves pedestrian amenity;
- d. encourage a higher quality pedestrian and street environment for all users through the promotion of healthy streets and integrated communities;
- e. ensure residential streets encourage children to play out;

### **Cycling**

- f. provide secure, integrated, convenient and accessible cycle parking facilities in line with the standards set out in the London Plan, as a minimum;
- g. provide on-site changing facilities, including lockers and showers for cyclists, where appropriate;
- h. contribute positively to an integrated cycling network for London by providing infrastructure that is safe, comfortable, attractive, coherent, direct and adaptable;
- i. provide links to existing and planned cycle infrastructure projects including the Council's strategic quietways and cycleways network;

### **Public transport network**

- j. allocate road space and provide high level of priority on existing or proposed routes;
- k. ensure good access to public transport networks;
- l. ensure that all parts of the network can be used safely, easily and with dignity by all;
- m. ensure direct, safe, accessible and pleasant walking routes to stops;
- n. ensure standing, garaging and drivers' facilities are provided where needed;
- o. improve interchange between different modes of transport;

### **Shared mobility (smarter travel)**

- p. provide electric vehicle charging infrastructure in line with London Plan minimum standards, to be made publicly available where possible;
- q. provide spaces for car clubs/pool cars, to be made publicly available where possible; and
- r. ensure compatibility with recognised providers of both services.

## **POLICY DP23 Parking management**

1. In applying the principles of sustainable development in line with Policy SP1, the Council will seek to balance the need for parking and the environmental, economic and social impacts of traffic movement and parked vehicles. Therefore, proposals for residential development will be expected to provide parking within the lowest applicable maximum London Plan standards except:
  - a. areas with a PTAL of 2 that are outside of Sustainable Development Locations (see Figure 12) where, in exceptional circumstances, consideration will be given on a case by case basis for 3 or more bedroom dwellings to have a maximum standard of up to 1.25 spaces; and
  - b. within the Bexley Riverside Opportunity Area where, except for developments covered by 1a) above, maximum residential parking standards will be the London Plan outer London standards rather than the Opportunity Area standards for outer London.
2. Parking provision materially below London Plan maximum standards may be acceptable in areas that have a PTAL of 3 – 4, for residential development sites that are:
  - a. outside of a Controlled Parking Zone (CPZ) or Restricted Parking Zone (RPZ), where it can be demonstrated through a parking survey that there is sufficient on-street, off-site parking capacity within 200 metres of the development boundary; or
  - b. inside an existing or planned CPZ or RPZ, in which case, where parking surveys suggest issues will arise, the applicant will normally be required to enter into a legal agreement to restrict future occupiers from obtaining on-street parking permits.
3. For residential developments of fewer than 10 units, where the spaces per dwelling calculation results in a fraction of a space, provision will be rounded up to the nearest whole space.
4. For specialist housing for older people, a case by case approach will be taken with the London Plan residential parking standards used as a starting point and particular regard being had to the need for appropriate visitor and staff parking in the context of:
  - a. the public transport access levels in the relevant area; and
  - b. the characteristics of the residential care to be provided including the nature of shift patterns.

Such matters should be informed by a transport assessment and other appropriate information.
5. Parking for industrial development should be provided in line with projected operational need. Non-operational parking should be determined on a case by case basis using the London Plan office parking standards as a starting point and having regard to the nature of the use and locality. In both cases parking provision should be calculated via a transport assessment once applicants have demonstrated they have minimised parking requirements through a delivery and servicing plan, parking management plan and travel plan.

## **POLICY DP24 Impact of development on the transport network**

1. Proposals that reduce the need to travel and improve access to sustainable modes of transport will be supported.
2. Proposals should not have a significant negative effect on the safety of any users, including vulnerable users of the transport network such as pedestrians and cyclists. Proposals should identify, minimise, and mitigate potential negative impacts and seek to achieve a net positive effect on safety wherever practicable.
3. Proposals should not have a significant cumulative negative impact on the operation or efficiency of the local road network, Transport for London Road Network or National Highways Strategic Road Network, the public transport system or local amenity. Proposals should identify, minimise and mitigate potential negative impacts.
4. Development proposals should not result in:
  - a. unsuitable use of any road that is prejudicial to its function in the Road Hierarchy, as set out in Table 11 and identified on the Policies Map, or a street according to its position in the movement and place matrix of street types, as set out in the Local Implementation Plan, illustrated by Figure 13, and taking into account the function of adjacent streets; or
  - b. severe cumulative adverse impacts on the operation of roads or streets in the area.

## **APPENDIX 2**

**Appeal decision APP/K2230/W/20/3255704**

**Land adjacent to School Lane,  
Higham, Kent ME3 7JG**

**Decision date: 18 May 2021**



## Appeal Decision

Site visit made on 4 May 2021

by **David Wallis BSc (HONS) PG DipEP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> May 2021

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**Appeal Ref: APP/K2230/W/20/3255704**

**Land adjacent to School Lane, Higham, Kent ME3 7JG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Loft against the decision of Gravesham Borough Council.
  - The application Ref 20191222, dated 3 October 2019, was refused by notice dated 21 January 2020.
  - The development proposed is erection of 3no. self-build houses with associated garages and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 3no. self-build houses with associated garages and landscaping at land adjacent to School Lane, Higham, Kent ME3 7JG in accordance with the terms of the application, reference 20191222, dated 3 October 2019, subject to the conditions in the attached schedule and the pre-payment of the Strategic Access Management and Monitoring fee.

### Preliminary Matters

2. The application is submitted in outline form with all matters reserved except for access. Illustrative plans have been provided showing a potential layout of the appeal development and I have taken these into account in my decision.

### Main Issues

3. The main issues for the appeal are:
  - whether the proposal is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
  - the effect of the development upon landscape character;
  - the effect of the development upon the North Kent Marshes Special Protection Area (SPA) and Ramsar Site;
  - whether provision for affordable housing is reasonable and necessary; and
  - if the development is inappropriate, whether the harm by reason on inappropriateness, and any other harm, is clearly outweighed by other

considerations, so as to amount to very special circumstances necessary to justify the development.

## **Reasons**

### *Whether the proposal would be inappropriate development*

4. The appeal site is located within the Green Belt. The Framework advises that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for certain listed exceptions. The appellant contends the appeal proposal complies with two of these, being either a limited infill in a village or a partial or complete redevelopment of previously developed land (paragraph 145 (e) and (g) of the Framework).
5. In determining whether a development constitutes limited infill in a village, I note that the terms 'limited' and 'infilling' are not defined in the Framework, and thus these are matters of planning judgement. I have however been made aware of several Court cases and appeal decisions where it was determined that settlement boundaries are not definitive when assessing whether a site is part of a village. This is also reflected in the preamble to policy CS02 of the adopted Gravesham Local Plan Core Strategy 2014 (the Core Strategy).
6. The appeal site is outside of, but adjacent to, the development boundary of the village of Higham, which is drawn on the opposite side of School Lane as shown on the proposals map accompanying the Core Strategy. However, this relationship also applies to neighbouring properties at Home Farm Cottage, Meadows Cottage and the dwellings in Jupp Court, which sit to the north of the appeal site. Higham railway station and its associated car park are to the northeast and east sides of the appeal site. Although the railway station is also in the Green Belt, it is a key transport facility forming part of the village services and environs.
7. The appeal site defines a plot on the approach to the existing property of Meadows Cottage, on land that currently acts as residential garden. These properties rely socially on the village for services and public transport. There is also a strong physical connection to the village being directly opposite and visible from the built-up area of Higham to the west and abutting the railway station car park to the east.
8. Whilst there is a stark change in land levels between the appeal site and the train station car park, spatially the proposed dwellings would be situated in between aspects of the built environment and other village uses. I see no reason why the infilling the Framework accepts cannot be between residential dwellings and another use of the built village environment, particularly one as potentially intensive as a train station car park. The proposed dwellings would also share the same functional and visual relationship with the settlement as the existing dwellings on the eastern side of School Lane.
9. I therefore conclude that the proposal would not be inappropriate development in the Green Belt having regard to the Framework as it would represent limited infilling in a village. Since the proposal constitutes limited infilling in a village, there is no requirement for me to consider openness or whether other considerations amount to very special circumstances.

### *Landscape character*

10. Policy CS12 of the Core Strategy identifies that landscape character and valued landscapes will be conserved, restored and enhanced. In this instance, the appeal site falls within the locally designated Higham Arable Farmlands landscape character area, which is noted for being open arable farmland with isolated farmsteads, views to the River Thames and undulating topography.
11. From my site visit, it was clear that the appeal site was a residential garden, laid to lawn and with domestic plantings. The appeal site is physically and visually separated from the agricultural land to the south by way of a densely landscaped boundary and is clearly in domestic use. Due to its close visual and physical relationship to the village of Higham, the appeal site cannot be considered to have any attributes of an isolated farmstead.
12. The appeal site does have a definite undulating gradient, with the higher ground being upon the site boundaries. However, the self-contained nature of the appeal site would prevent any direct loss of any of the features that contribute to the wider landscape character area. Any limited views of the proposed dwellings from the arable farmland to the south would place the development in context with the village of Higham. I find that the dwellings would not interrupt or obstruct any greater views of the wider landscape setting.
13. On this basis, the proposal would not harm the landscape character of the Higham Arable Farmlands. I conclude there would not be conflict with the purposes of policies CS12 or CS19 of the Core Strategy, which aim to conserve, restore and enhance overall landscape character.

### *Effect upon the North Kent Marshes SPA and Ramsar*

14. In 2018 the Court of Justice of the European Union ruled that the decision maker, when considering the effect that a proposal may have on a European Site<sup>1</sup>, must consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage. This responsibility now falls to me within this appeal.
15. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the site within the National Site Network.
16. The appeal site falls within the 6km zone of influence for the North Kent Marshes SPA and Ramsar site. This site is designated for its environmental importance, since it provides habitats for wintering birds, wildfowl and wading birds including terns and brent geese. All sites are used for public recreation and there is no dispute between the parties that it cannot be ruled out that the proposal, when considered alone or in combination with other schemes, would have significant effects on the quality features of interest of the SPAs due to the increased recreational use. I have no reason to disagree with the Council's conclusion relating to the potential significant effects.
17. Having concluded that the scheme, either alone or in combination with other schemes, would have a significant effect on the quality features of interest of the identified European sites, it is incumbent upon me to undertake an AA. In

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<sup>1</sup> now the National Site Network following the Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019

this AA I may consider any conditions or other restrictions which could secure mitigation of this harm, and which would therefore allow development to proceed in the knowledge that the conservation objectives, which are to protect important migratory species of birds and to prevent disturbance to their habitat, on the identified site would be ensured.

18. Natural England and the Council have indicated that there is an agreed strategic solution to mitigate the effects of the proposal, in the form of Strategic Access Management and Monitoring (SAMM). This strategy requires financial contributions from developments, allocating detailed and costed infrastructure and non-infrastructure projects to proposals dependent on their scale and location.
19. The main parties agree that the mitigation can be delivered via the appellant entering into an agreement and making payment pursuant to Section 111 of the Local Government Act 1972. The appellant has supplied evidence of advance payment during the appeal with all requisite signatories upon the receipt and declaration, dated 14 August 2020. The Council has listed the specifics of the infrastructure to which the payment would contribute towards, in the technical report underpinning the SAMM<sup>2</sup>.
20. This legal agreement would therefore serve to mitigate the recreational impacts arising from the proposal. I am therefore able to favourably conclude my AA.
21. On this basis I am able to conclude that the required mitigation would be properly secured and that the proposals would be unlikely to have a significant effect on the identified SPA or Ramsar either alone or in combination with other projects. The proposal therefore complies with policy CS12 of the Core Strategy which seeks to ensure that detrimental effects on the integrity of the SPA and Ramsar Site are avoided.

#### *Affordable housing*

22. The appeal development is for 3 open market self-build dwellings. The glossary to Framework confirms that self-build housing could be either market or affordable housing. In this instance the Council seeks a 35% contribution towards affordable housing.
23. The planning practice guidance<sup>3</sup> sets out that planning obligations for affordable housing should only be sought for residential developments that are major developments (10 homes or more, or the site has an area of 0.5 hectares or more). Designated rural areas may choose to set a lower threshold, providing that the designation fits the description under section 157(1) of the Housing Act 1985, which refers to National Parks, Areas of Outstanding Natural Beauty or areas the Secretary of State has ordered be designated a rural area.
24. Policy CS16 of the Core Strategy states that affordable housing will be required on sites of 3 units or more, or on sites of 0.1 hectares or more, in the rural area. The proposed development would not provide any affordable housing units nor any commuted sum of equivalent value, thus rendering the proposal non-compliant with the Development Plan.
25. However, no evidence has been put to me to demonstrate that the appeal site fits the description of a designated rural area<sup>2</sup> (other than the site is not in an

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<sup>2</sup> Phase 1 – Bird Disturbance Report by Footprint Ecology July 2012

<sup>3</sup> National Planning Practice Guidance Paragraph Ref: 23b-023-20190901



urban area). The Green Belt is not listed as a designated rural area and therefore there is no national or statutory support for seeking a lower threshold for affordable housing contributions in this case. For this reason, policy CS16 is considered to be inconsistent with the national guidance and the weight of conflict with the policy is reduced.

26. A viability assessment has been submitted with the appeal, that appears to set out a reasoned case for waiving the need for affordable housing contributions from the proposals. The Council has not commented on whether the assessment is robust but has equally not indicated that the reason for refusal on this ground can be withdrawn. In the circumstances, I have had regard to section 38(6) of the Planning and Compulsory Purchase Act, which affirms that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
27. In the absence of affordable housing contributions, I therefore conclude that the proposal would be in conflict, albeit limited, with policy CS16 of the Core Strategy, which seeks the provision of affordable housing.

### **Other Matters**

28. It is common ground between the parties that the Council cannot demonstrate a 5-year housing land supply. Paragraph 11 of the Framework, through footnote 7, is therefore engaged and a presumption in favour of sustainable development applies.
29. I have already found the proposal to be not inappropriate development under paragraph 145(e) of the Framework. On other matters, the policies of the Framework do not provide a clear reason for refusal. Consequently, I will consider the proposal under paragraph 11(d)(ii) whereby permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
30. The Self Build and Custom Housebuilding Act 2015 came into place on 1 April 2016 and puts a duty on Councils to keep a register of individuals and organisations who want to acquire land for self-build homes, and to have regard to this register in carrying out its planning, housing, land disposal and regeneration functions. The appellant has put forward unchallenged figures from the register that demonstrate a clear need for such housing to be provided.
31. The Council acknowledges that it has no current policy for delivering self-build housing and an emerging policy is not imminent. In such circumstances, there are clear benefits derived from the proposal to meeting housing needs. In addition, the appeal site is in an accessible location close to public transport opportunities and local village facilities, thus contributing economically and socially to a prosperous rural community.
32. With the application made in outline form, there is no evidence before me to suggest that the proposed development would have a harmful effect on the landscaped structure of the site boundaries nor upon any wildlife therein. I noted during my visit that, despite the appeal site's sloping terrain, dwellings could be feasibly accommodated and designed without causing adverse impacts on the living conditions of nearby residents. The Highways Authority has not raised any concerns with the access or parking arrangements at the appeal site, and I have no evidence before me to give rise to a different conclusion.

33. The proposal would conflict with the Development Plan insofar as it would not provide affordable housing, contrary to policy CS16 of the Core Strategy. However, in my view, the policy is afforded limited weight for the reasons given above and therefore only limited conflict with that policy would occur. This limited conflict would not significantly and demonstrably outweigh the significant benefits of the proposal when assessed against the Framework as a whole. In these circumstances, I consider that the appeal scheme would comprise sustainable development and the presumption in favour of such, as set out in the Framework, applies. That is a significant material consideration that outweighs any conflict with some elements of the development plan. Therefore, for the reasons set out above, I conclude on balance that the appeal should succeed.

### **Conditions**

34. The Council has provided a list of conditions it considers necessary, to which the appellant has confirmed acceptance. Notwithstanding, I have the following comments to make.
35. In the attached schedule, conditions 1, 2 and 3 are necessary to ensure the reserved matters application and the housing itself comes forward in a timely manner. Condition 4 is imposed for the avoidance of doubt as to the nature of the development hereby permitted, although this excludes those plans marked as illustrative since these are not submitted for approval<sup>4</sup>.
36. I have not included a separate condition with regards boundary treatments, as they form part of the 'landscape' reserved matter submission. It is however necessary to include condition 5 to secure appropriate cycle and refuse storage facilities. No evidence has been provided to justify a condition regarding contaminated land, although it is reasonable to require details of surface and foul water drainage given the sloping ground.
37. Condition 7 is necessary to ensure construction is undertaken safely and without detriment to highway safety or neighbour's living conditions. Whilst the Council has suggested submission of a scheme relating to external lighting, given the Green Belt location, I have amended the condition so as to limit the potential for such lighting. Similarly, I have imposed a condition removing permitted development rights to provide limit and control development across the appeal site.
38. Conditions 10 and 11 are imposed in the interests of highway safety for all users of the highway.

### **Conclusion**

39. For the reasons given above, I conclude that planning permission should be granted for the proposed development.

*David Wallis*

INSPECTOR

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<sup>4</sup> Planning practice guidance paragraph ref: 21a-005-20190723

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 18\_95\_01 Revision C July 2019 and the Site Access Visibility drawing PCD337/001.
- 5) The reserved matters submission pursuant to condition 1 of this permission shall show full particulars of the siting of cycle storage and refuse bin storage to serve the development. The development shall be implemented in accordance with the approved details prior to the occupation of the development hereby permitted and shall be retained as such thereafter.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities; and
  - v) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 8) No means of external illumination shall be provided in the development hereby permitted unless and until details have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with these approved details and retained as such thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements to the dwellinghouse, including the roof of any dwellinghouse, or the construction of any further outbuilding within the

curtilage of any dwellinghouse, shall occur unless prior written consent has been obtained from the Local Planning Authority.

- 10) The reserved matters submission pursuant to condition 1 of this permission shall show full particulars of the car parking spaces and turning facilities to serve the development. The development shall be implemented in accordance with the approved details prior to the occupation of the development hereby permitted and shall be retained as such thereafter.
- 11) Prior to the first occupation of the development hereby permitted, vision splays of 2.0m x 2.0m shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6m above carriageway level shall be permitted within the splays thereafter.

## **APPENDIX 3**

**Appeal decision APP/G2245/W/19/3230759**

**Haresfield, Badgers Road, Badgers Mount TN14 7AY**

**Decision date: 2 October 2019**



## Appeal Decision

Site visit made on 3 September 2019

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

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**Appeal Ref: APP/G2245/W/19/3230759**

**Haresfield, Badgers Road, Badgers Mount TN14 7AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Harding against the decision of Sevenoaks District Council.
  - The application Ref 19/00538/OUT, dated 22 February 2019, was refused by notice dated 18 April 2019.
  - The development proposed is the erection of single detached dwelling on infill plot.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of single detached dwelling on infill plot at Haresfield, Badgers Road, Badgers Mount TN14 7AY in accordance with the terms of the application Ref 19/00538/OUT, dated 22 February 2019 and the site location plan submitted with it, subject to the attached schedule of conditions.

### Procedural Matters

2. The application was for outline permission with all matters reserved for later determination. The appellant has submitted a site layout drawing and a site cross section. For the purpose of this appeal I have taken the details shown on the submitted drawings as illustrative only.
3. The Sevenoaks District Council Local Plan Proposed Submission Version (the emerging Local Plan) has been submitted, but has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration.

### Main Issues

4. Subsequent to the Council determining the application the appellants have provided additional information in the form of an Ecological Appraisal (the EA), dated 10 May 2019. The Council has considered the contents of the EA and conclude that this matter can be addressed by the imposition of suitable planning conditions. I have no reason to disagree with this opinion.
5. The main issues are, therefore: -
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including any relevant effects on the openness of the Green Belt, and: -

- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Whether Inappropriate Development*

6. The appeal site is a garden associated with the detached dwelling of Haresfield on the outskirts of the village of Badgers Mount. Haresfield is accessed off Badgers Road, a track giving access to a group of dwellings off the A224 and is the last dwelling on the northern side of the track before entering open countryside. There are several existing dwellings with frontages to this part of Badgers Road, with planning permission recently granted to build an additional dwelling between The Cottage and Parish Field under Council Ref: 18/03530. Whilst partially screened by existing planting, these dwellings have a presence in the street scene. The garden contains a swimming pool, a greenhouse and a shed. At the time of my visit there were also two caravans on the site. The garden is bounded by mature, dense planting.
7. The Council's first reason for refusal does not refer to any specific policies within the development plan, referring only to the Council's Supplementary Planning Document: Development in the Green Belt 2015 (the SPD). However, the section of the SPD relating to Limited Infilling in Villages refers to Policy LO7 of the Sevenoaks District Council Local Development Framework Core Strategy (the Core Strategy). This Policy is therefore relevant to my decision and I have therefore taken it into account.
8. The main parties agree that the site lies within the Metropolitan Green Belt. Paragraph 145 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include limited infilling in villages; and 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. The appellant argues that the proposal fulfils the criteria for infilling within a village, whilst the Council argue that it fulfils the criteria of neither.
9. Policy LO7 of the Core Strategy sets out the Council's Spatial Strategy for development in rural areas and is broadly consistent with the aims of the Framework of promoting sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities as set out in Paragraph 78. The policy states that within all the settlements covered by the policy new development should be of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated. Badgers Mount falls within the category defined in the Core Strategy as a 'small village or hamlet', having a very restricted range of services which render them unsuitable locations for promoting development. Badgers Mount is sufficiently built up to justify a defined Green Belt boundary but the Core Strategy considers that, in view of the lack of facilities, development in these locations will be limited to small scale infilling only.

10. The appeal site falls beyond the urban confines of Badgers Mount as defined in the Sevenoaks District Council Local Plan Allocations and Development Management Plan 2015 (the ADMP). However as confirmed by a High Court Judgement<sup>1</sup> a defined village boundary in a Development Plan is not conclusive to determining whether a site is within a village or not. The properties lying off Badgers Road are a continuation of the built form of Badgers Mount and comprise of part of the outer edge of the village.
11. There is dispute between the parties as to whether the proposed development constitutes 'infilling'. Whilst the Framework does not include a definition of 'infilling', the SPD defines limited infill development as "the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only". Further, the SPD defines a substantially built up frontage as "an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene". The development of one dwelling is considered 'limited'.
12. The recently permitted dwelling, together with the other dwellings along the northern side of this stretch of Badgers Road, create a regular spacing of development, with the separation between Haresfield and Selworthy, its immediate neighbour, being significantly larger. The gap between Haresfield and Selworthy is atypical in the pattern of development. In this case, although the term 'narrow' is open to interpretation, the size of the gap would allow the development of one dwelling whilst retaining spaces between itself and the buildings on either side typical of the pattern of development in the vicinity. Whilst the proposal before me is in outline form, with all matters reserved for later determination, the positioning of the proposed dwelling can be controlled at a later date to conform to the general grain of development in the area. As a result, taking into account the established grain and form of development, I find that the development would constitute limited infilling within the built-up frontage on the north side of Badgers Road.
13. I therefore consider that, even were I to agree with the Council that the development does not fall under paragraph 145(g) of the Framework in respect of limited infilling which would not have a greater impact on the openness of the Green Belt, I find that the proposal would constitute limited infilling in a village and would as a result fall under the exception in Framework paragraph 145(e). Having concluded that it meets this exception there is no need for me to consider the proposal against any of the other exceptions within that paragraph.
14. I conclude, therefore, that the development is not inappropriate development within the Green Belt. The development therefore complies with the aims of Paragraph 145 of the National Planning Policy Framework and the Council's Supplementary Planning Document: Development in the Green Belt.

### **Other Matters**

15. The site lies within an Area of Outstanding Natural Beauty (AONB). However, the site is well-screened by the existing planting and its position on lower ground. I conclude as such that the proposal would preserve the landscape and scenic beauty of the AONB. I note that this is in accordance with the Council's assessment of the impact of the proposal in the Officer's Report.

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<sup>1</sup> Wood v SSCLG (2015) EWCA Civ 195



16. Concerns have been raised concerning the effect of additional traffic on the track. The development is of a relatively small scale and the number of traffic movements that it would generate would be limited. So, whilst contributing incrementally to overall traffic flows, the impact will, of itself, not be significant.
17. My attention has been drawn to an appeal at Somers Lodge, Wheatsheaf Hill (Appeal Ref: APP/G2245/W/18/3203679). However, I have little information regarding the details of this appeal and cannot therefore be certain that the circumstances are comparable to those before me here. I have, in any case, determined this appeal on its own merits.

### **Conditions**

18. I have had regard to the planning conditions suggested by the Council. The appellant has had the opportunity to comment on these and has not raised any concerns in regard to them. I have assessed these against the guidance in paragraph 55 of the Framework.
19. In addition to the standard conditions requiring the submission of reserved matters and stipulating time limits I have placed a condition upon the development limiting the scale of the permission to one dwelling, in accordance with the description set out in the application, and a condition requiring the development to be built in accordance with the approved plan. These are necessary for the avoidance of doubt and in the interest of certainty.
20. There are many mature trees within the site, and it is likely that they are used by nesting birds. I have therefore included a condition restricting the removal of nesting habitats or, in the alternative, the submission of a bird survey to be submitted to and approved in writing by the local planning authority. This is necessary to protect nesting birds.
21. Conditions requiring the replacement of trees approved as part of the soft landscaping of the site, should they die, and details of tree protection during the construction phase are necessary to prevent damage to trees and preserve the visual appearance of the area. These conditions are supported by Policy EN1 of the Sevenoaks District Council Allocations and Development Management Plan 2015 (the ADMP).
22. I have included conditions requiring submission of details of a biodiversity scheme and a lighting scheme to minimise impact on biodiversity. These are necessary to promote and protect biodiversity as supported by Policy EN1 of the ADMP, Policy SP11 of the Sevenoaks District Council Local Development Framework Core Strategy 2011, and Section 15 of the Framework.
23. A condition requiring the provision of a charging facility for electric vehicles is necessary in order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the ADMP.
24. These conditions correspond to conditions suggested by the Council. However, I have amended the wording for clarity.

**Conclusion**

25. For the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should be allowed, subject to the conditions attached.

*I Dyer*

INSPECTOR

## Schedule of conditions

- 1) Details relating to the appearance of the proposed buildings, means of access, landscaping of the site, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development is commenced and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development to which this permission relates must be begun before: -
  - The expiration of three years from the date of this permission; or: -
  - The expiration of two years from the final approval of the reserved matters whichever is the later.
- 4) The number of dwellings hereby permitted shall not exceed one.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan.
- 6) Bird nesting habitat shall only be removed outside of the bird nesting season (March to August) unless a bird survey has been submitted and approved in writing by the local planning authority. Any clearance of bird nesting habitat outside of March to August shall be carried out in accordance with the approved survey and any measures therein implemented in full prior to the clearance of any bird nesting habitat.
- 7) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of any trees located within the vicinity of the proposed works in accordance with BS5837 : 2012 Trees in Relation to Construction shall be submitted and approved in writing by the local planning authority. Thereafter the land so enclosed shall be kept clear of all contractors materials and machinery. The existing soil levels around the boles of the trees shall not be altered. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.
- 8) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.
- 9) No development shall take place until a scheme to promote biological diversity has been submitted and approved in writing by the local planning authority with a scheme of implementation. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.
- 10) Prior to first occupation of the development hereby permitted a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will: identify those areas/features on site that are

particularly sensitive for bats and that are likely to cause disturbance in or around their roosting sites or along important routes used to forage and commute; and show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. Prior to first occupation of the development hereby permitted all external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter in accordance with the plan.

- 11) No development hereby permitted shall be carried out on the land until details for the provision of facilities for the safe charging of electric vehicles has been submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units retained and maintained thereafter.

END OF CONDITIONS