



Appeal Decisions

Inquiry opened on 3 May 2017

Site visit made on 9 May 2017

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 June 2017

Appeal A: APP/G5180/W/16/3157888

Appeal B: APP/G5180/Y/16/3157889

Appeal C: APP/G5180/W/17/3171036

Appeal D: APP/G5180/Y/17/3171038

Sundridge Park Mansion, Willoughby Lane, Bromley BR1 3FZ

- The appeals are made by City and Country Sundridge Ltd against decisions of the Council of the London Borough of Bromley.
 - **Appeal A** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref DC/15/02398/FULL1, dated 15 May 2015, was refused by notice dated 10 June 2016.
 - The development proposed is change of use of existing Grade I listed Mansion to 22 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure.
 - **Appeal B** is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application Ref DC/15/02399/LBC, dated 15 May 2015, was refused by notice dated 10 June 2016.
 - The works proposed are change of use of existing Grade I listed Mansion to 22 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure.
 - **Appeal C** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref DC/16/04478/FULL1, dated 23 September 2016, was refused by notice dated 3 March 2017.
 - The development proposed is change of use of existing Grade I listed Mansion to 20 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure.
 - **Appeal D** is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application Ref DC/16/04477/LBC, dated 23 September 2016, was refused by notice dated 3 March 2017.
 - The works proposed are change of use of existing Grade I listed Mansion to 20 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for change of use of existing Grade I listed Mansion to 22 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure at Sundridge Park Mansion, Willoughby Lane, Bromley BR1 3FZ in accordance with the terms of the application, Ref DC/15/02398/FULL1, dated 15 May 2015, subject to the conditions set out in the attached Schedule 1.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for change of use of existing Grade I listed Mansion to 22 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure at Sundridge Park Mansion, Willoughby Lane, Bromley BR1 3FZ in accordance with the terms of the application Ref DC/15/02399/LBC, dated 15 May 2015, subject to the conditions set out in the attached Schedule 2.

Decision – Appeal C

3. The appeal is allowed and planning permission is granted for change of use of existing Grade I listed Mansion to 20 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure at Sundridge Park Mansion, Willoughby Lane, Bromley BR1 3FZ in accordance with the terms of the application, Ref DC/16/04478/FULL1, dated 23 September 2016, subject to the conditions set out in the attached Schedule 1.

Decision – Appeal D

4. The appeal is allowed and listed building consent is granted for change of use of existing Grade I listed Mansion to 20 residential dwellings, with associated internal/external alterations and partial demolition works, rear extensions, rear car park, cycle parking and refuse/recycling provision, hard and soft landscaping (including removal of some trees), woodland management and associated infrastructure at Sundridge Park Mansion, Willoughby Lane, Bromley BR1 3FZ in accordance with the terms of the application Ref DC/16/04477/LBC, dated 23 September 2016, subject to the conditions set out in the attached Schedule 2.

Application for costs

5. At the Inquiry an application for costs was made by City and Country Sundridge Ltd against the Council of the London Borough of Bromley. This application is the subject of a separate decision.

Preliminary matters

6. The Inquiry sat for 4 days on 3, 4, 5 and 9 May 2017. There were accompanied visits to the site on 3 and 9 May 2017.
7. The descriptions of the proposed development/works set out above vary slightly from those on the application forms. I have adopted the descriptions agreed in the Statement of Common Ground.
8. Prior to the Inquiry the Council confirmed that it would not seek to defend the third reason for refusal in respect of Appeal A, relating to the long term provision of passing bays along Willoughby Lane. In its closing submissions the Council accepted that, following the examination of the evidence, it could no longer submit that planning permission should be withheld for the reasons stated in its decision notices. Nevertheless, objections were raised by a local resident who appeared at the Inquiry and there were also written representations opposing the appeals. I have had regard to all of these objections, and all of the evidence before the Inquiry, in reaching my decisions.

Main issues

9. The main issues for Appeals A and C are:
 - the effect of the proposal on Metropolitan Open Land and whether it would represent inappropriate development for the purposes of the development plan
 - the effect of the proposals on heritage assets and their settings
 - the nature and extent of any social, economic and/or environmental benefits
10. The main issue for Appeals B and D is the effect of the proposal on the special interest of the listed building.

Reasons

Background and Policy Context

11. Sundridge Park Mansion is a Grade I listed building dating from the late 18th century. It is the result of collaboration between John Nash and Humphry Repton. The unusual triangular plan of the mansion was prescribed in one of Repton's 'red books' in 1793. Sited in an elevated location, against the backdrop of a wooded bank, the mansion was designed to take advantage of views of the parkland which was created around it. The park is Grade II listed in the Register of Parks and Gardens. Many of the trees to the rear of the mansion are covered by a Tree Preservation Order.
12. The building remained in use as a dwelling until the early 1900s when it became a hotel. At that time most of the surrounding parkland was leased to a company who created a golf course. Later it was used as a management training centre and then as a hotel and conference venue. This use ended in 2014 and the building has remained vacant since that time. In 2011 planning permission was granted to convert the house and an adjoining building, known as the Cottage, to 14 residential units. The appellant considers that this permission remains extant. A separate permission has recently been given to convert the Cottage into 4 residential units.

13. Sundridge Park Stables is a Grade II listed building comprising a two storey crescent located to the north west of the house. The stables were contemporary with the house. They have been converted to residential use and are now known as Stable Villas. Further to the west is a modern development of 41 residential units known as Repton Court. The site is on the edge of a suburban area to the north of Bromley town centre. Vehicular access to the appeal site and the other developments mentioned above is via Willoughby Lane, a single track lane with passing bays which runs through Sundridge Park Golf Course. The site is located within Metropolitan Open Land (MOL).
14. The development plan includes the London Plan 2016 (LP) and the Council's Unitary Development Plan (2006). The Council's emerging Local Plan has yet to be submitted for examination. The Council and the appellant agreed that very limited weight can be attached to its policies at this stage. I share that view. LP Policy 7.17 supports the protection of MOL, stating that inappropriate development should be refused except in very special circumstances. This is intended to give MOL the same level of protection as Green Belt.
15. UDP Policy G2 also states that permission should not be given for inappropriate development within MOL unless very special circumstances can be shown. The policy goes on to say that extensions to buildings will be inappropriate unless they fall within specific criteria. The appellant accepts that the appeal scheme would not fall within those criteria. However, insofar as there is conflict between LP Policy 7.17 and UDP Policy G2, that conflict should be resolved in favour of the LP which is the most recent plan. Moreover, the LP is consistent with the National Planning Policy Framework (the Framework) and makes explicit reference to the policy guidance on Green Belts which is set out therein at paragraphs 79 to 92.
16. The Council's reasons for refusal alleged conflict with LP Policy 7.8 which seeks to protect heritage assets and their settings. Other relevant policies of the LP and UDP are identified in the Statement of Common Ground dealing with matters such as design, housing, transport, heritage assets, nature conservation and trees. The Council did not allege conflict with any of these other policies.

Metropolitan Open Land – Appeal A

17. There are extensive areas of hardstanding to the east and west of the mansion. Although currently unused these areas have historically been used for vehicle parking. An essential feature of the Appeal A scheme is the removal of parking from in front of the main facades of the building and its relocation behind the house. A smaller area of hardstanding, in the form of an 18th century carriage circle, would be retained to the west of the house allowing dropping off and deliveries at the main entrance. The removal of parking from these areas would be a gain in terms of the openness of the MOL.
18. This gain would be achieved by building a two level parking structure at the back of the mansion, part of which would be set into the steeply rising ground. A small number of cars would be parked in the open on an upper deck set a little below the first floor level of the house. Most of the cars would be concealed, either on the lower deck or in garages contained within the slope at upper deck level. There would be sufficient capacity to accommodate the

- parking for the 22 proposed units and the 4 units already permitted in the Cottage.
19. Much of the new residential accommodation would be provided through the conversion of the existing building. This would be the re-use of a building of permanent and substantial construction. By virtue of paragraph 90 of the Framework (read together with the LP) this would not be inappropriate development in MOL.
 20. Paragraph 89 of the Framework allows for the extension of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. Again, the LP has the effect of applying this part of Green Belt policy to MOL. Neither the Framework nor the LP contains further guidance on assessing what is or is not disproportionate. At the Inquiry the Council and the appellant agreed that any such assessment should take both quantitative and qualitative aspects into account and I share that view.
 21. Dealing first with the quantitative aspects, the Council and the appellant agreed a range of figures relating to areas of hard surfaces and the footprint and volume of built development. For Appeal A, there would be a modest increase in the total footprint of hard surfaces and buildings of around 9%. The area of hard surface would be reduced by around 6% and the area of soft landscaping would be increased by a similar amount. The increase in built volume would increase by around 39%. Although no breakdown of that figure was provided, it is clear from the plans that the parking structure would be a significant component of that increase.
 22. The qualitative aspects include the demolition of some service buildings to the rear of the main house, the construction of extensions incorporating residential accommodation and the construction of the parking structure. The residential extensions have been designed in a way which would be sympathetic to the original building. In no sense would they appear unduly dominant, out of scale or disproportionate. The parking structure would be set into the rising bank and the greater part would be below existing ground levels. The existing slope would be reinstated above the garages at upper deck level. The main visible elements of the parking structure would be the approach ramps, the open parts of the upper deck and some retaining walls.
 23. The visible elements would be sited in the area of the historic service yard and would largely be concealed by the mansion and the bank. In the main they would be seen from within the mansion, from the car park access and from within the car park itself. There may also be some glimpsed views from some upper floor windows at Stable Villas. Insofar as the parking structure would be visible in such views, it would appear as an appropriately scaled parking court, tucked away to the rear of the building. The fact that the parking structure would be subterranean does not make it irrelevant or unimportant when assessing whether the extension would be disproportionate. However, in my view the fact that it has been designed in a way which would not be visually disproportionate is a relevant factor when reaching a rounded assessment.
 24. I note that part of the parking structure would be built on land which is not '*previously developed*' as that term is used in the Framework. However, that is not relevant to the third bullet point of paragraph 89, which is the relevant bullet point for this analysis. My overall assessment, encompassing both

- quantitative and qualitative aspects, is that the proposed extensions would not amount to a disproportionate addition to the original building.
25. The proposals also involve some engineering operations, mainly in the form of alterations to the various hard surfaces around the building. As noted above, there would be an overall reduction in the area of hard surfaces and a corresponding increase in soft landscaping. These operations would preserve the openness of the MOL.
26. It is also relevant to consider the effect of the proposals on the purposes of including land in MOL. I consider that the most relevant purpose in this case is that of assisting in safeguarding the countryside from encroachment. For the reasons given above, I conclude that there would be no conflict with this objective.
27. My conclusion in relation to Appeal A is that the proposals would not amount to inappropriate development in MOL, would not harm the purposes of including land in MOL and would accord with LP Policy 7.17.

Metropolitan Open Land – Appeal C

28. Appeal C proposes 2 fewer units than Appeal A. The amount of car parking contained in the subterranean parking structure would be reduced and a small external parking area for 8 vehicles is proposed in the western corner of the site. As compared with the original building, the total area of buildings and hard surfaces would increase by around 18% (which would be more than Appeal A) and the total volume of built development would increase by 35% (which would be less than Appeal A). The scale and design of the extensions containing residential accommodation and the external appearance of the parking structure would be more or less the same and my comments above on the qualitative aspects of the design would apply equally.
29. The formation of the 8 vehicle parking area would be an engineering operation. The creation of this modest parking area would replace existing hard surfaces around the mansion and would also relocate some of the vehicle parking activity which historically took place there. Consequently, it would not result in any greater impact on the openness of MOL. Although some of the details of Appeal C differ from the Appeal A scheme, my overall assessment in relation to MOL is the same as for Appeal A. The proposals would not amount to inappropriate development in MOL, would not harm the purposes of including land in MOL and would accord with LP Policy 7.17.

Effect on heritage assets and their settings – Appeals A and C

30. The heritage assets of particular concern are the Grade I listed mansion, the Grade II listed park and the Grade II listed Stable Villas. As the park forms the setting for both the mansion and its former stables it is convenient to consider effects on the park and on the settings of the listed buildings together.

The mansion

31. The Heritage Impact Assessment identifies that the mansion is one of only 4 Repton/Nash houses. The concept of a Tempietto set on an elevated terrace against a wooded backdrop is said to be the epitome of the English Garden style. The house was completed by the architect Samuel Wyatt and contains

- important features associated with him including the main staircase and decorated plasterwork. These features are regarded as being amongst the best of the era. These assessments are well-researched and are fully consistent with what I saw on my visits. The mansion is a heritage asset of the highest level of architectural and historic interest.
32. The building has been vacant since 2014. The external fabric appears to be in good condition and the interior has not suffered serious deterioration. Nevertheless, there is evidence of some areas of loss and damage to the plasterwork decoration. Clearly it would be highly desirable for the building to be brought back into use. There is no dispute that residential use is, in principle, the most suitable use for the mansion. Indeed, planning permission and listed building consent have already been granted for a scheme of conversion to 14 units, although that scheme is not viable.
33. Service buildings to the rear of the mansion would be demolished to accommodate the new extensions. These have been assessed as adding little to the significance of the building. Their removal has already been accepted in the context of the 14 unit scheme. There would also be some limited loss of historic fabric within the historic core of the house. These interventions have been kept to the minimum required to facilitate the reuse of the building. The loss of historic fabric would be less than that previously permitted. The proposed layout of the residential units would respect the historic plan form and the hierarchy of spaces within the building. In particular, the principal rooms would be preserved intact and the entrance hall and Wyatt staircase would be retained as part of the common circulation area.
34. As noted above, the extensions would be in keeping with the design of the external facades. The parking structure would be largely concealed and, to the extent that it could be seen externally, would not appear out of scale or unduly dominant. Some aspects of the design have been amended to reflect the comments of Historic England, which now supports the proposals. In summary, these are schemes of conversion and extension which have evolved from a thorough assessment of the significance of the building and meaningful engagement with relevant stakeholders. Both appeal schemes represent a commendable response to the challenges of bringing this very important heritage asset back into viable residential use.
35. Whilst there would be some loss of original fabric, any such loss would be limited. Any resulting harm to significance would be far outweighed by the benefit of bringing the building back into an appropriate use which would secure its refurbishment and its preservation in the longer term. Overall, the appeal proposals would preserve the special interest of the listed building.

The park and the settings of the listed buildings

36. The park and the mansion were conceived by Repton/Nash as a single entity. The mansion is sited and designed so as to take advantage of views of the park. The park was laid out as a pleasure ground for the enjoyment of the occupiers of the mansion. It was also designed to control views of the mansion and to show it off to good effect. Each makes an important contribution to the significance of the other. Although the creation of a golf course has maintained the openness of much of the park, its significance as a heritage asset has been eroded by the growth of trees which have curtailed views towards the mansion.

- The immediate setting of the mansion has also been compromised by extensive areas of hard standing which have been used for parking vehicles.
37. The relocation of vehicle parking to the back of the building and the reduction of hard surfacing close to the main facades would be a significant gain in heritage terms. Both appeal schemes include detailed hard and soft landscaping proposals which would include reinstating lawn immediately to the east of the mansion and the creation of a carriage circle in front of the main entrance on the western side. These proposals would enable the house to be seen, in shorter range views, much as Repton/Nash intended.
 38. There is extensive woodland in that part of the park which is within the appeal site. The proposals include a scheme of woodland management, intended to enhance the arboricultural structure of the area, its contribution to the setting of the mansion and its ecological value. Proposals for the woodland include the reinstatement of lost paths and viewpoints and the restoration of a Pulhamite grotto and a stone stairway.
 39. Residents of Stable Villas are concerned about the number of trees which would be lost. This is a factor which is also referred to in the Council's reasons for refusal, although it was not pursued by the Council at the Inquiry. As noted above, the wooded bank behind the mansion was part of Repton's design concept. An area would need to be cleared to facilitate the construction of the parking structure. The loss of some trees here has already been accepted in the context of the 14 unit scheme. The appeal schemes would result in the loss of 14 further individual trees and some woodland. However, this area is of limited arboricultural value, being characterised by rather spindly self-sown trees.
 40. It is important to note that some large trees on the edge of the woodland, closest to Stable Villas, would be retained. A much greater area of woodland further up the slope would also be retained. I appreciate that there would be some impact at first, with a loss of vegetation immediately behind the mansion. However, the proposals include replanting around and above the proposed parking structure. In time this would improve the structure of the woodland and the mix of species. Overall, I do not consider that the short term loss of trees is a factor which weighs significantly against the appeals.
 41. The Council's reasons for refusal also referred to traffic signs and a traffic signal associated with the access to the car park. These points were not pursued by the Council at the Inquiry. There would be a need for a limited amount of signage at the point where the car park access emerges next to the access to Stable Villas. Subject to satisfactory detailed design, which could be secured by a condition, there is no reason why this should result in any harm to the settings of the mansion or Stable Villas. The traffic signal would be a minor feature located in an inconspicuous position, between the back of the Cottage and a retaining wall. It would have no material impact on the settings of any of the listed buildings or on the significance of the park.
 42. The Appeal C proposals include an 8 space external car park in the western corner of the site. When approaching the site along Willoughby Lane, the mansion does not come into view until it is quite close because of the dense vegetation alongside the lane. At the point where the mansion comes into view, the proposed car park would also be visible. This would have some impact on

the setting of the mansion in that it would interrupt the transition between the more formal landscape around the mansion and the more naturalistic planting on the edge of the golf course. That said, the impact would be limited because the car park would be to one side of the main focus of the view, which is the mansion. Moreover, it would be at a lower level than the terrace and would be partially screened by proposed planting. To my mind any harm to the park and the settings of the listed buildings would be minor and would be outweighed by the heritage benefits of moving parking away from the principal facades of the mansion.

Conclusions on heritage assets

43. Both appeal schemes would secure the appropriate re-use of an important listed building. The special interest of the mansion would be preserved and its setting would be enhanced. The setting of Stable Villas would be preserved. There would be no harm to the significance of the mansion, Stable Villas or the park as designated heritage assets. The proposed relocation of most of the vehicle parking would enable the significance of the mansion to be better appreciated. The proposals would accord with LP Policy 7.8 which seeks to protect heritage assets and their settings.

Social, economic and environmental benefits – Appeals A and C

44. The proposals would secure the appropriate reuse, refurbishment and longer term preservation of Sundridge Park Mansion, a highly graded heritage asset. They would also enhance the park which is a designated heritage asset in its own right as well as forming the setting for the mansion. These would be very significant environmental benefits to which considerable weight should be attached.
45. The proposals would also secure the delivery of 22 (or 20) units of residential accommodation. Given the need for housing in London, and in Bromley, that would be an important social benefit whether or not the Council can demonstrate a 5 year supply of deliverable housing sites. There would also be economic benefits resulting from the construction of the development and spending in the local economy generated by the new residents.

Other matters – Appeals A and C

46. A local resident who appeared at the Inquiry raised a number of matters, as did those who made written representations objecting to the appeals. Some of these matters have already been covered above. In addition, it was suggested that the appeal schemes are unnecessary because the 14 unit scheme must have been thought viable when it was approved and that the appellant must have been aware of the situation when it decided to purchase the site. With regard to traffic considerations, it was stressed that Willoughby Lane is in the control of the golf club. The number of passing bays was thought to be very important and it was stated that one had recently been removed. The level of traffic generation (as assessed by the appellant) was disputed and the safety of the access was questioned. Other matters raised included the effect on the amenity of residents of Stable Villas due to noise, loss of privacy and car headlights and the potential for flooding due to tree removal. One of the written representations argued that the degree of impact would amount to an infringement of the objector's human rights.

47. The applications were supported by viability assessments which were reviewed by independent consultants appointed by the Council. The Statement of Common Ground records that the Council agrees with the appellant that the 14 unit scheme is not commercially viable or deliverable. An assessment made by a Councillor was referred to at the planning committee which considered the application which led to Appeal C. However, that assessment did not form any part of the case for the Council. Consequently, there is no evidence before me which contradicts the viability evidence which has been agreed between the Council and the appellant.
48. I note that Willoughby Lane is privately owned. However, that is not a new situation. The lane already serves the mansion, Repton Court, Stable Villas and the golf club. There is no reason to think that the golf club would set out to create traffic problems by unreasonably restricting opportunities for vehicles to pass. The traffic assessment submitted by the appellant, which was accepted by the highway authority, found that the appeal schemes would generate less traffic than the previous use of the mansion as a hotel and conference venue. The junction has been subject to a safety audit. The junction would accommodate relatively low volumes of traffic travelling at slow speed. The Council and the appellant have suggested a condition requiring the approval of a further safety audit, which would finalise details of matters such as sight lines, signs and traffic signals, before the access is brought into use.
49. As noted above, there may be some glimpsed views of the upper parking deck from some upper floor windows at Stable Villas. In general, the visibility of the car park from Stable Villas would be very limited due to the intervening bank. Existing and proposed trees and vegetation would further limit views. Cars entering and leaving the car park would pass in front of Stable Villas. The application was supported by a noise assessment which concluded that the resulting noise levels at Stable Villas would be within recommended limits. The effect of car headlights would be little different to the existing situation in which the headlights of vehicles approaching Repton Court and Stable Villas will be seen as they negotiate the junction. Whilst there would be some additional traffic to the rear of the mansion, I do not consider that this would have such a significant effect as to be materially harmful to living conditions.
50. A drainage strategy and proposed drainage layout were submitted with the applications, the delivery of which could be secured by an appropriate condition. Having considered all of these other matters, I do not consider that any of them are matters which weigh against the appeals. Nor do I consider that any of the impacts would be such as to represent an interference with the human rights of the existing residents.
51. At the Inquiry there was a dispute as to whether the Council is able to demonstrate the delivery of a 5 year supply of housing sites. However, it is not necessary for me to resolve that issue for the purposes of these appeal decisions. That is because I have found that the proposals would accord with the development plan and that permission should therefore be granted. If the appellant were correct in its view on housing land supply that could only add weight to the case for allowing the appeals.

Conclusion – Appeals A and C

52. The appeal schemes would not amount to inappropriate development in MOL, nor would they conflict with the purposes of including land within MOL. They would accord with LP Policy 7.17 which seeks to protect MOL. Although they would not accord with UDP Policy G2, greater weight should be attached to the compliance with Policy 7.17 because the LP is more recent and is consistent with the Framework.
53. The appeal schemes would preserve the special interest of the Grade I listed mansion and would enhance its setting. The setting of Stable Villas would be preserved. There would be no harm to the significance of the mansion, Stable Villas or the park as designated heritage assets. The proposals would accord with LP Policy 7.8 which seeks to protect heritage assets and their settings.
54. No conflict has been identified in relation to any other relevant policies of the development plan. I conclude that both schemes are in accordance with the development plan as a whole. Insofar as there are other significant material considerations to be taken into account, these are all matters which weigh in favour of the appeals. Both appeals should therefore be allowed.

Appeals B and D

55. The Council's reasons for refusing the listed building applications were solely related to the absence of planning permission. The Council did not seek to argue that the works to the listed building would be harmful to its special interest. The Council accepted that its reference to UDP Policy BE9 was made in error, as that policy is concerned with total or substantial demolition of a listed building and is therefore not relevant to these proposals. For the reasons given above, I consider that both appeals should be allowed.

Conditions

56. A schedule of suggested conditions was provided for the Inquiry. There was a large measure of agreement between the Council and the appellant and any points of disagreement are recorded in the schedule. I have considered these suggestions in the light of Planning Practice Guidance. Whilst I have made some minor changes to reflect that guidance the conditions described below are in essence those suggested by the parties.

Appeals A and C

57. Condition 2 requires development to be in accordance with the approved plans, reflecting the advice in Planning Practice Guidance. Conditions 3, 4 and 5 seek details of facing materials, hard landscaping and new windows to protect the special interest and the setting of the listed building. Condition 6 requires submission of a construction traffic management plan in the interests of highway safety and to protect the living conditions of nearby residents. Conditions 7 and 8 relate to the provision and maintenance of visibility splays and further road safety audits in the interests of highway safety. Condition 9 requires submission of an arboricultural method statement. This is needed before work starts in the interests of protecting trees during the construction period.

58. Condition 10 seeks details of measures to reduce the risk of crime in the interests of community safety. Condition 11 requires submission of a piling method statement to protect drainage infrastructure. Conditions 12 to 17 relate to restoration of the Pulhamite feature, details of signage, implementation of tree works and landscaping in accordance with the application documents, parking arrangements around the mansion and submission of a service and delivery plan. All of these are needed in the interests of securing the protection and enhancement of the setting of the listed mansion and the protection and enhancement of the park, as set out in the application documents.
59. Condition 18 requires parking to be provided and retained in accordance with the plans in order to ensure adequate facilities for parking the vehicles of future occupiers. Condition 19 requires refuse and recycling storage to be provided and retained in accordance with the plans in order to protect the setting of the listed mansion and in the interests of sustainable development. Condition 20 seeks details of cycle parking and Condition 22 requires provision for charging electric cars in the interests of sustainable transport. Condition 21 seeks to limit emissions from boilers in the interests of air quality.
60. Condition 23 requires the implementation of the drainage proposals submitted with the application in the interests of managing risks of flooding and pollution. Condition 24 requires the implementation of the proposals for external lighting submitted with the application in the interests of protecting the setting of the listed mansion and in the interests of biodiversity. Condition 25 seeks to avoid external plant, equipment or other paraphernalia in the interests of protecting the setting of the listed mansion. Condition 26 seeks to control hours of work during construction to protect the living conditions of nearby residents.
61. Condition 27 requires the implementation of the recommendations relating to protected species which were submitted with the application in the interests of biodiversity. Condition 28 requires submission of a car park management plan in order to ensure adequate provision of and access to facilities for parking the vehicles of future occupiers. Condition 29 seeks to ensure that the parking facilities for the 4 units already permitted within the Cottage are relocated to within the appeal schemes as envisaged in the application documents. Condition 30 requires submission of a woodland management plan. This is needed before work starts in the interests of protecting and enhancing the woodland both during the construction period and thereafter.
62. A suggested condition requiring submission of a site wide energy strategy is not necessary because this issue has already been addressed in the documents submitted with the application. Suggested conditions relating to accessible, adaptable and wheelchair dwellings are not necessary because the development must be carried out in accordance with the approved plans. A suggested condition relating to the gradient of the car park ramp is not necessary because these details are shown on the approved plans. A suggested condition relating to wheel washing is not necessary because this would be covered by the construction traffic management plan.

Appeals B and D

63. Condition 2 requires the works to be in accordance with the approved plans, to protect the special interest of the listed building and for consistency with Appeals A and C. Conditions 3 to 7 require any making good to match the

existing work and seek details of internal finishes/decoration, any external flues, materials for a glazed extension and ironwork railings. These conditions are needed to protecting the special interest of the listed building. Condition 8 requires details of measures to protect the Pulhamite feature during the construction period in order to protect the setting of the listed mansion and to protect and enhance the park.

David Prentis

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard	of Counsel, instructed by the Solicitor to the Council
He called	
Claire Glavin	Principal Planning Officer, London Borough of Bromley
BA(Hons) MTP MRTPI	
David Bord	Principal Planning Officer, London Borough of Bromley
BA(Hons) PGDip MRTPI	

FOR THE APPELLANT:

James Strachan	Queen's Counsel, instructed by JLL
He called	
Clare Brockhurst	Partner, Tyler Grange
BSc(Hons) DipLA FLI	
Steven Tyson	Director, Shaw and Jagger Architects
RIBA	
Steven Brown	Principal, Woolf Bond Planning
BSc(Hons) DipTP MRTPI	
Kevin Hunt	Planning Director, JLL
MTCP MRTPI	

INTERESTED PERSON:

Hatice Scivoletto	Local resident
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DOCUMENTS SUBMITTED AT THE INQUIRY

	<i>Documents submitted by the appellant</i>
APP1	Appeal Decision – Beaufort Road, Kingston upon Thames
APP2	Opening statement
APP3	London Strategic Housing Market Assessment 2013
APP4	<i>Hunston</i> Judgment [2013] EWCA Civ 1610
APP5	<i>Gallagher</i> Judgment [2014] EWHC 1283 (Admin)
APP6	Application for costs
APP7	Table of levels submitted by Mr Tyson
APP8	Closing submissions
APP9	Appeal Decision – London Russian Ballet School

	<i>Documents submitted by the Council</i>
LBB1	Notice of the Inquiry
LBB2	Closing submissions
LBB3	Response to application for costs

Agreed document
Statement of Common Ground dated 28 April 2017

Schedule 1 – Conditions for Appeals A and C (the planning applications)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the relevant approved plans listed in schedule 3.
- 3) Details and samples of all external materials, including roof cladding, wall facing materials and cladding, door frames, decorative features and rainwater goods shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is commenced. Development shall be carried out in accordance with the approved details.
- 4) Details and samples of all external hard landscaping materials shall be submitted to and approved in writing by the local planning authority before the external landscaping work is commenced. Development shall be carried out in accordance with the approved details.
- 5) Details and samples of all new windows (including roof lights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms, glazing bars, sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the local planning authority before the installation of the relevant window is commenced. The windows shall be installed in accordance with the approved details. Any replacement windows shall match the design and materials of the windows to be removed.
- 6) Development shall be carried out in accordance with the details set out in the submitted *Construction Traffic Management Plan*.
- 7) Details of the layout of the access road and turning area including its junction with Willoughby Lane and dimensions of visibility splays shall be submitted to and approved in writing by the local planning authority and these access arrangements shall be substantially completed as approved before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.6m in height within the approved splays (other than any trees which have been accepted by the local planning authority) and the splays shall thereafter be permanently retained as such.
- 8) A Stage 2 Road Safety Audit shall be submitted to and approved in writing by the local planning authority before the commencement of highways works to the car park access road. The submission shall include details of traffic lights, retaining wall, sight lines, additional swept path in light of cutting back the hedge area to widen the carriageway, site clearance, general arrangement, signs and road marking and setting out. The highways works shall be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied. A Stage 3 Audit shall be submitted to and approved in writing by the local planning authority following satisfactory completion of the approved works and before they are opened to road users. The road safety auditor should also request that a member of the Council's traffic team be present on site at the time of the Stage 2 Road Safety Audit.

- 9) No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials shall be taken onto the site for the purposes of development until an arboricultural method statement detailing the measures to be taken to protect trees during the construction of the development has been submitted to and approved in writing by the local planning authority. The statement shall include details of:
- type and siting of protective fencing and maintenance of protective fencing for the duration of the project
 - type and siting of scaffolding (if required)
 - details of the method and timing of demolition, site clearance and building works
 - depth, extent and means of excavation of foundations and details of method of construction of new foundations
 - location of site facilities and storage areas for materials, structures, machinery, equipment or spoil and mixing of cement or concrete
 - location of bonfire site (if required)
 - details of the location of underground services avoiding locating them within the protected zone
 - details of the method to be used for the removal of existing hard surfacing within the protected zone
 - details of the nature and installation of any new surfacing within the protected zone
 - methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until building works have been completed and all plant, machinery or materials for the purposes of development have been removed from the site.

- 10) Details of measures to minimise the risk of crime shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development hereby permitted. The measures shall achieve the Secured by Design accreditation awarded by the Metropolitan Police. The measures shall be implemented as approved prior to first occupation of the development and shall thereafter be permanently retained as such.
- 11) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.
- 12) Prior to the first occupation of any of the residential units the Pulhamite grotto shall be restored in accordance with a detailed specification of

- works which has been submitted to and approved in writing by the local planning authority.
- 13) Details of any signage erected on the site shall be submitted to and approved in writing by the local planning authority prior to the first erection of any signage. The signage shall be implemented in accordance with the approved details and shall thereafter be permanently retained as such.
 - 14) With the exception of any tree protection measures, work to trees on the site shall be carried out in accordance with the recommendations in the report entitled *Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan* by Hayden's dated 22 September 2016 (Rev D). The works shall be completed prior to the first occupation of any of the residential units.
 - 15) The landscaping scheme set out in the report entitled *Sundridge Park Mansion Planning Application - Landscape* by Liz Lake Associates (Revised August 2016) and plan 1295 A4 01F: *General Arrangement Hard Landscape*, shall be implemented in the first planting season following the first occupation of the building or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.
 - 16) There shall be no parking by residents or visitors (apart from temporary service parking or drop off/pick up) in the western forecourt area or on the south and east side of the mansion building at any time (unless otherwise shown on the approved plans). Details of measures to secure this (including soft and hard landscaping layout) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the residential units in the mansion. The measures shall be implemented as approved prior to the occupation of any of the residential units in the mansion and shall thereafter be permanently retained as such.
 - 17) Prior to the first occupation of any of the residential units a Service and Delivery Plan for the use of the forecourt area shall be submitted to and approved in writing by the local planning authority. Thereafter there shall be no use of the forecourt by vehicles other than as provided for in the approved Service and Delivery Plan.
 - 18) Before any part of the development hereby permitted is first occupied the parking spaces, garages and turning space shown on the plans hereby approved shall be completed in accordance with the approved plans. Thereafter, the parking spaces, garages and turning space shall be kept permanently available for such use.
 - 19) The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied and permanently retained thereafter. The collection day bin storage area shall

- be used for the storage of bins on collection day only and all bins shall be returned to the bin store within the mansion on collection day.
- 20) Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the local planning authority. The bicycle parking/storage facilities shall thereafter be permanently retained as such.
 - 21) The application site is located within an Air Quality Management Area declared for NOx. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh.
 - 22) An electric car charging point shall be provided to a minimum of 20% of car parking spaces prior to the first occupation of the development hereby approved. The development shall be permanently retained as such thereafter.
 - 23) Prior to the first occupation of the development hereby approved drainage works shall be carried out in accordance with the *Drainage Strategy Statement* by GH Bullard and Associates dated December 2015 and the *Addendum to Drainage Strategy Statement* dated March 2016, together with plans 154/01(50) 101C and 183/2015/01 Rev P1. The approved works shall be carried out in accordance with the approved plans and documents and shall thereafter be permanently retained as such.
 - 24) All external lighting shall be carried out in accordance with the *Lighting Report* dated September 2016 by Liz Lake Associates and plans 12115/1A and 1295 A3 04C. The external lighting shall be implemented as approved prior to the first occupation of any of the units and permanently retained as such thereafter.
 - 25) No structure, plant, equipment, machinery or domestic furniture or associated outdoor paraphernalia shall be placed, erected or installed on or above the roof or on the external walls of the development hereby permitted.
 - 26) Demolition and construction works associated with the approved development shall not take place before 0800 or after 1800 on any weekday nor before 0800 or after 1300 on any Saturday. No works shall take place on any Sunday, Bank Holiday, Christmas Day or Good Friday unless otherwise approved in writing by the local planning authority.
 - 27) The findings and recommendations of the ecology report entitled *Protected Species Assessment* by The Ecology Partnership dated January 2016 shall be implemented in accordance with the details of the report and permanently retained thereafter.
 - 28) A Car Park Management Plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby permitted. Thereafter, the car parking areas and garages shall only be used in accordance with the approved Car Park Management Plan.

- 29) Notwithstanding car parking, cycle parking and waste and recycling storage areas to be provided pursuant to planning permission reference DC/15/02133/FULL1 (approved on 24 June 2016) for the detached Cottage building, prior to occupation of 75% of the residential units hereby approved use of the car parking, cycle parking and waste and recycling storage areas granted under DC/15/02133/FULL1 shall permanently cease and be replaced by the corresponding facilities hereby approved.
- 30) Prior to the commencement of development a Woodland Management Plan, to include a programme for the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The approved Woodland Management Plan shall subsequently be implemented in accordance with the approved details and timescale unless otherwise agreed in writing with the local planning authority.

Schedule 2 – Conditions for Appeals B and D (the listed building applications)

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the relevant approved plans listed in schedule 3.
- 3) All internal and external works of making good to the retained fabric of the building shall be finished to match the adjacent work with regard to methods used and to material, colour, texture and profile.
- 4) Details of the internal decoration and/or finishes of the listed building shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is commenced. The works shall be carried out in accordance with the approved details.
- 5) Details of any external flues, including colour samples and fixing, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is commenced. The works shall be implemented in accordance with the approved details and thereafter permanently retained as such.
- 6) A sample of the proposed ironwork to be used to enclose the lightwell and terrace of flats 2 and 4 shall be submitted to and approved in writing by the local planning authority before the work is commenced. The works shall be implemented in accordance with the approved details and thereafter permanently retained as such.
- 7) Details of the materials to be used for the glazed extension for Flat 14 shall be submitted to and approved in writing by the local planning authority prior to the commencement of these works. The works shall be implemented in accordance with the approved details and thereafter permanently retained as such.
- 8) Details of the measures to secure the protection of the Pulhamite grotto and other landscape features in the vicinity of the construction site during the construction period shall be submitted to and approved in writing by the local planning authority. The approved measures shall be adhered to throughout the construction period.

Schedule 3 – Approved plans

Part 1 – Approved plans for Appeals A and B (the 22 unit scheme)

EXISTING PLANS

154/01 (02)001 A
154/01 (02)010 A
154/01 (02)100
154/01 (02)101
154/01 (02)102
154/01 (02)103
154/01 (02)104 B
154/01 (02)110
154/01 (02)111
154/01 (02)112
154/01 (02)115
154/01 (02)116

PROPOSED PLANS

4583–D C

1295 A3 01 A
1295 A3 02 A
1295 A3 04 B
1295 A3 05 A
1295 A3 06 B
1295 A3 07 B
1295 A3 08 A
1295 A3 09 A
1295 A3 10 A
1295 A3 11 A
1295 A3 12 A
1295 A3 13 A
1295 A3 14 A
1295 A3 15 A
1295 A3 16
1295 A4 01
1295 A4 15 D

154/01 (02)020 F
154/01 (02)121 F
154/01 (02)122 F
154/01 (02)123 H
154/01 (02)124 D
154/01 (02)125 B
154/01 (02)126 B
154/01 (02)127 B

154/01 (02)128 A
154/01 (02)130 D
154/01 (02)131 C
154/01 (02)132 B
154/01 (02)133 A
154/01 (02)134 A
154/01 (02)135
154/01 (02)136
154/01 (02)139
154/01 (02)140 D
154/01 (02)170 A
154/01 (02)171
154/01 (02)180
154/01 (02)203
154/01 (03)120 F
154/01 (03)141 D
154/01 (03)142
154/01 (03)143
154/01 (50)100 A
154/01 (50)101
154/01 (60)001 B

14584/1/11 B
14584/1/11.2 A
14584/1/11.3 A
14584/1/11.4 A
14584/1/11.5 A

Part 2 – Approved plans for appeals C and D (the 20 unit scheme)

EXISTING PLANS

154/01 (02)001 A
154/01 (02)010 A
154/01 (02)100
154/01 (02)101
154/01 (02)102
154/01 (02)103
154/01 (02)104 B
154/01 (02)110
154/01 (02)111
154/01 (02)112
154/01 (02)115
154/01 (02)116

PROPOSED PLANS

4583-D

1295 A3 01 B
1295 A3 02 B
1295 A3 04 C
1295 A3 05 C
1295 A3 06 C
1295 A3 07 C
1295 A3 08 B
1295 A3 09 A
1295 A3 10 A
1295 A3 11 A
1295 A3 12 B
1295 A3 13 B
1295 A3 14 B
1295 A3 15 B
1295 A3 16 A
1295 A4 01 F

154/01 (02)020 G
154/01 (02)120 G
154/01 (02)121 G
154/01 (02)122 G
154/01 (02)123 I
154/01 (02)124 D
154/01 (02)125 C
154/01 (02)126 B
154/01 (02)127 D
154/01 (02)128 A
154/01 (02)130 B
154/01 (02)131 C
154/01 (02)132 B
154/01 (02)133 A
154/01 (02)134 A
154/01 (02)135
154/01 (02)136
154/01 (02)139
154/01 (02)140 E
154/01 (02)141 E
154/01 (02)170 B
154/01 (02)171
154/01 (02)180
154/01 (02)203 A
154/01 (03)142 A
154/01 (03)143
154/01 (50)100 C

154/01 (50)101 D

154/01 (60)001 B

14584/1/11 B

14584/1/11.2 A

14584/1/11.3 A

14584/1/11.4 A

14584/1/11.5 A

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End of conditions

Richborough Estates