

Application No : 10/00230/FULL1

**Ward:
Bickley**

**Address : Land East Side Blackbrook Lane
Bickley Bromley**

OS Grid Ref: E: 543189 N: 168460

Applicant : London Quadrant Housing Trust

Objections : YES

Description of Development:

96 dwellings (72 houses and 24 flats - 2 one bedroom/ 22 two bedroom/ 27 three bedroom/ 38 four bedroom/ 7 five bedroom) with estate roads and pedestrian routes, 144 car parking spaces and open space

Proposal

Full planning permission is sought for the development of the application site to provide 96 residential units as follows:

- 51 market units comprising 7x5 bedroom houses, 31x4 bedroom houses and 13x3 bedroom houses
- 21 affordable rented houses comprising 7x4 bedroom houses and 14x3 bedroom houses
- 24 affordable flats comprising 2x1 bedroom (both rented) and 22x2 bedroom (4 rented and 18 shared ownership)
- the dwellings will be provided in a mix of 2 storey with rooms in the roof and 3 storey houses and 3 x 3 storey blocks of flats – a total of 14 house types and 3 flat types are proposed
- affordable housing will be provided in the southern part of the site with the market units in the central and northern part of the site. A total of 36.2% habitable rooms (x% units) are affordable with 67.7% for social rented and 32.2% for shared ownership
- 6 wheelchair accessible units will be provided for the affordable units and almost all of the market homes will be capable of wheelchair use without structural alteration. Each of the affordable wheelchair accessible properties will have a covered parking space within the curtilage
- the overall density of the development will 29 units per hectare (124.24 habitable rooms per hectare)
- one single vehicular access point will be provided to Blackbrook Lane, opposite Nos 103 and 105 Blackbrook Lane. Two additional pedestrian and cycle access points will be provided, one at the north leading on to Thornet Wood Road and one at the southern end of the site leading on to Blackbrook Lane
- within the development a hierarchy of roads is proposed to provide primary access roads, leading to more informal 'homezone' areas with shared

pedestrian/vehicular use. These areas will be identified by the use of a variety of different materials, including a band of cobbles and signs to denote the 'homezone' area

- a total of 151 car parking spaces are proposed, 136 of which will be off street. Each house will have at least one parking space within its curtilage with 2 spaces for each of the 4 and 5 bedroom units. This equates to an average of 1.5 spaces across the site. The parking for the flats will also be within the curtilage of each block. Fifteen visitor parking spaces will be provided in unmarked areas of the carriageway where the road will be wider
- cycle parking is proposed for each unit either within the curtilage or in dedicated cycle storage areas
- there will be private gardens to the front and rear of each house. Each upper floor flat will have a balcony and ground floor flats will have a dedicated patio area. Also communal spaces will be associated with each of the 3 blocks of flats. In addition there will be a range of public spaces on the site with a landscaped green in the northern part, a central green opposite the main entrance road and an equipped playspace and area of retained woodland in southern part of the site
- all homes will meet Lifetime Homes Standards and Code for Sustainable Development Level 3 and the applicant intends that Code for Sustainable Development Level 4 will be met . Affordable Homes will also meet the Design and Quality Standards set by the Homes and Communities Agency
- a community biomass heating system will be provided for the affordable housing units
- the application documents refer to a D1 building for people with learning difficulties – the applicant has advised that this is not being sought as part of the application and was included in error.

The applicant has submitted a substantial amount of information to support the application as follows:

- Design and Access Statement
- Planning Statement
- Green Belt Report
- Housing Supply Assessment
- Transport Assessment
- Arboricultural Implications and Enhancement Report
- Ecological Assessment
- Consultation Statement
- Sustainable Design and Construction Statement
- Archaeology Aerial Photographic Assessment

In summary the applicant considers that there are 'very special circumstances' that would justify the granting of planning permission for housing on this Green Belt site as follows:

- the Council does not have a five year supply of deliverable housing sites and longer term housing supply is dependent on sites in Bromley Town Centre. There are still insufficient sites to meet current and emerging housing requirements, placing a heavy reliance on windfall sites
- there is an identified need for larger affordable family housing in the borough which is not being addressed and can be met by this development
- the impact on the 'openness' of the Green Belt is not significant as many of the trees on the site will be retained and the site is already surrounded by built development
- the development of the site does not compromise the purpose or land use objectives of the Green Belt
- there are numerous recent examples of land in the Green Belt or on Metropolitan Open Land that have been released for housing development following successful appeals where housing supply and the impact on openness have been cited, and accepted, as 'very special circumstances.'

In addition the applicant considers that the proposal is acceptable in general terms for the following reasons:

- the scheme meets all of the UDP requirements in terms of density, affordable housing, car and cycle parking provision, impact on the surrounding road network, provision of private and public amenity space, protection of the ecological and environmental attributes of the site, energy requirements and housing quality standards
- in terms of layout, scale, massing and appearance the proposed houses and flats will relate successfully to each other and to the character of the surrounding area,
- the protected trees on the site would be retained and, where possible, enhanced and provide a barrier between existing houses and the site
- planning contributions relating the provision of affordable housing, education, public art, travel plan and tree management are offered.

Location

The application site is located on the eastern side of Blackbrook Lane and extends from Bromley High School in the south and to the junction of Blackbrook Lane and Thornet Wood Road in the north. To the east lies the Bickley Manor Hotel. There is residential development on the western side of Blackbrook Lane characterised by detached 2 storey dwellings. Thornet Wood Road comprises primarily detached bungalows.

The application site is vacant and supports scrubby grassland in the centre, many of the trees are self sown, smaller trees across the site and larger, mature trees around the perimeter of the site. The trees on the perimeter and a within a wider area in the south east corner of the site are protected by a Tree Preservation Order.

Comments from Local Residents

Nearby properties were notified and representations were received which can be summarised as follows

- land is Green Belt and should not be built on under any circumstances
- further erosion of open 'green field' land when taken with Aquila and Blue Circle developments which have added significant pressure to the area
- lack of 5 year housing supply and need for larger family housing does not constitute 'very special circumstances'
- openness of Green Belt would be severely reduced
- site was specifically excluded from development because of its important Green Belt designation
- EIA should be undertaken
- housing should be on 'brownfield' land not Green Belt
- overdensity and layout is out of character with the area; three storey buildings are out of character with the area
- Blackbrook Lane is already very busy and the infrastructure cannot take any more traffic, especially on top of traffic from the Aquila development; increase pressure on all nearby junctions namely Bickley Park Road/Blackbrook Lane Hawthorne Road/Blackbrook Lane junction and Hawthorne Road; Blackbrook Lane/Southborough Lane
- traffic busier in Blackbrook Lane since the installation of width restrictors in Southborough Road which has diverted traffic to Blackbrook Lane
- additional traffic would reduce safety for pupils and staff at Bromley High School and other pedestrians using Blackbrook Lane
- on-street parking outside the site will result from the development
- traffic flows were not measured at the busiest times when the school opens and closes and the survey was carried out in 2008
- other new developments in the area have altered the character in an adverse way
- medical centres and A&E departments locally are already oversubscribed
- increased pressure on local schools from more children in the area
- loss of this land to residential use will put pressure on nearby fields and Bickley Manor Hotel for residential development
- the soil is clay which is already prone to flooding and the drainage arrangements will make this worse; pumps for drainage are unreliable
- bats and great crested newts in Jubilee Park and other local wildlife could be adversely disturbed
- lack of information about the impact on air quality
- increased crime/vandalism from social housing already experienced since Aquila site was occupied
- loss of trees and vegetation on the site which currently makes an important contribution to the area in visual and wildlife terms

- the local consultation of residents was nearly 2 years ago and the current scheme does not address the concerns raised at the time
- the site may be used to house travellers if housing development is approved
- disturbance during construction

One letter raises no objections, subject to no increase in density if permission is granted, no vehicular access to Thornet Wood Road, tree belt fronting Thornet Wood Road being enhanced and a playing field being purchased and used to expand Jubilee Park.

Pre application consultation was carried out by the applicant on October 11th 2008 in the form of an exhibition at Bromley High School which was attended by 230 people. Details of the feedback are set out in a Consultation Statement submitted with the application.

Comments from Consultees

The Council's Housing Development Manager raises no objections to the proposal.

The Council's Highways Officer raises no objections to the proposal.

The Metropolitan Police Design Advisor advises that he would prefer not to see the inclusion of secondary pedestrian and cycle entrances to the north and south of the site as this can give opportunity for persons of unlawful intent to enter the site. The applicant advises that these entrances are provided to provide better access for the new residents to local facilities and prevent occupants and other people making their own informal access points. In addition the entrance points will be well lit and could be controlled by resident only gates.

English Heritage raises no objections to the proposal on archaeological grounds.

Thames Water raises no objections to the proposal.

The Environment Agency raises no objections to the proposal subject to the submission of a revised Flood Risk Assessment (FRA) incorporating permeable paving and surface water detention areas. An amended FRA has been submitted and confirmation as to its acceptability will be reported verbally to the meeting.

The Council's Drainage Consultant raises some concerns regarding the location of measures proposed to deal with surface water from a 100 year storm. However it is not considered that the concerns would justify a reason for refusal but should be further investigated if the application is refused and goes to appeal.

The GLA have raised concerns about this application and advise that it does not comply with the London Plan for the following reasons:

- The proposal represents inappropriate development on Green Belt land for which very special circumstances have not been presented to outweigh the resultant harm, contrary to the requirements of PPG2 and London Plan policy 3D.9 (Policy 7.16 of the draft replacement London Plan)
- The applicant has failed to demonstrate that the maximum reasonable amount of affordable housing has been provided in accordance with London Plan policy 3A.10 (Policy 3.13 of the draft replacement London Plan). Further information based on local housing need/market demand is required to justify the unit mix to ensure compliance with the London Plan
- The proposed level of development would significantly alter the openness and natural character of this site, contrary to the requirements of PPG2 and London Plan policy 3D.9 (Policy 7.16 of the draft replacement London Plan).
- Inadequate information is provided in the design and access statement to maximise inclusive access for people with mobility impairments through out the scheme, and to ensure compliance with London Plan policy 4B.5 (Policy 3.1 of the draft replacement London Plan).
- The applicant has broadly followed the energy hierarchy asset out in the London Plan. Sufficient information has been provided to understand the proposals as a whole and to verify carbon dioxide savings in principle. However further information is required in order ti ensure compliance with London Plan policy 4A.4 (Policy 5.2 of the draft replacement London Plan).
- While the development is unlikely to impact on the public transport or strategic road network, additional information is however required to ensure compliance with London Plan policies 3C.20 and 3C.25 (policies 6.7 and 6.14 of the draft replacement London Plan).

Taking each of these comments in turn officers have the following comments:

- Green Belt – officers agree with these comments.
- Housing – the level and mix of affordable housing accords with Policy H2 of the Council’s Unitary Development Plan.
- Design – officers agree with these comments.
- Inclusive design – the applicant has advised that all of the market units are capable of wheelchair use without structural alteration.
- Energy – as the application is recommended for refusal this matter can be addressed should an appeal be submitted.
- Transport - as the application is recommended for refusal this matter can be addressed should an appeal be submitted.

Transport for London note that the proposed parking levels accord with the maximum London Plan standards but exceed the UDP standards. They advise that the parking levels should be reduced. They also advise that S106 contributions should be sought for bus stop improvements.

Local Members have expressed concerns about the scheme regarding traffic generation and development of Green Belt land for housing.

Planning Considerations

The application falls to be determined in accordance with the following Unitary Development Plan policies, which have been 'saved' by direction from the Secretary of State on July 20th 2009:

BE1 Design of New Development
G1 Green Belt
H1 Housing Supply
H2 Affordable Housing
H7 Housing Density and Design
NE4 Additional Nature Conservation Sites
NE5 Protected Species
NE7 Development and Trees
NE12 Landscape Quality and Character
T2 Assessment of Transport Effects
T3 Parking
T7 Cyclists
IMP1 Planning Obligations

The adopted Affordable Housing Supplementary Planning Document is relevant.

In strategic terms the most relevant London Plan policies are:

3A.1 Increasing London's Housing Supply
3A.2 Borough Housing targets
3A.3 Maximising potential of sites
3A.5 Housing choice
3A.9 Affordable Housing targets
3C.23 Parking Strategy
3D.9 Green Belt
3D.13 Children and young peoples play and informal recreation strategies
3D.14 Biodiversity and Nature Conservation
3D.15 Trees
4A.1 Tackling climate change
4A.3 Sustainable design and construction
4A.4 Energy assessment
4A.7 Renewable energy
4A.14 Sustainable drainage
4B.1 Design principles for a compact city

The Draft Replacement London Plan, published in October 2009 is also a material consideration, including

- paragraph 3.3 and Table 3.1 which set out proposed housing targets for Bromley

- paragraph 3.12 – affordable housing target.
- Policy 7.16 – Green Belt

There are a number of national policy documents that are relevant to the consideration of this application. These include:

PPS 1 Developing Sustainable Development
PPG 2 Green Belt
PPS 3 Housing
PPS 9 Biodiversity and Geological Conservation
PPG 13 Transport
PPS 25 Development and Flood Risk

From a tree point of view the proposed layout would not significantly harm any retained tree and the majority of trees protected by the Tree Preservation Order will be retained. The area of regenerating woodland in the south-east corner of the site (within the TPO) will be retained as a small nature reserve.

From an ecological point of view the site is not a Site of Interest for Nature Conservation and the report submitted by the applicant advises that there are no protected species on the site. The proposed mitigation and enhancement measures resulting from the loss of the vegetation in the centre of the site are considered to be acceptable.

The report is submitted to Plans Sub Committee because there is considerable local interest in the development.

Planning History

There have been no recent relevant applications on the site.

However in an appeal decision notice dated 20 March 1982 (ref 19/80/2356 and 3457) the Inspector considered two applications for residential development. He concluded that the site significantly contributed to the visual appearance of the Green Belt and helped maintain the character and essential function of the Green Belt. The Inspector also referred to a previous decision in the 1960's where the Borough Council and the Kent County Council agreed that the Aquila site could be permanently maintained as a defence research establishment providing the buildings on Blackbrook Lane were removed and the site returned to the Green Belt. The roads and buildings were cleared in 1975.

In addition there have been three applications for development of part of the site, as follows:

83/01060 Erection of 9 bungalows - application refused 1st August 1983 and appeal withdrawn.

88/03405/FUL (Plots 1, junction Thornet Wood Road and Blackbrook Lane) Change of use from green belt land to garden nursery and erection of landscape accommodation with provision of 6 car parking spaces - application withdrawn.

88/4131 (Plots 1 and 2, junction Thornet Wood Road and Blackbrook Lane) - use of land as garden nursery and erection of landscape accommodation with provision of new access and 10 car parking spaces application refused 23 December 1988 and appeal dismissed 7th August 1989.

As part of the pre-application process the applicant sought a screening opinion as to whether an Environmental Impact Assessment was required (ref 08/03747/EIA). The proposals constitute Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. After taking into account the selection criteria in Schedule 3 of the Regulations and the terms of the European Directive, it was considered that the proposed development would not be likely to have significant effects on the environment by virtue of factors such as nature, size and location. This opinion was expressed taking into account all relevant matters, including the information submitted with the request, advice from technical consultees and the scale/characteristics of the proposed development on the site. The applicants were advised accordingly.

Conclusions

The main issues to be considered are:

- whether the proposal is an inappropriate use in the Green Belt and, if so, whether there are 'very special circumstances, that outweigh the harm caused by inappropriateness and any other harm
- whether the development has an adverse impact on the openness of the green belt
- the impact of the development on trees and the biodiversity of the site
- the impact of the scale, layout and massing of the development
- the impact on the local transport network, and parking provision on the site

The proposed residential development is considered to be an inappropriate use within the Green Belt and is unacceptable in principle, in terms of Central Government advice in PPG2 'Green Belts,' and adopted UDP and London Plan policies. It is considered that insufficient grounds have been presented by the applicant to demonstrate that there are 'very special circumstances' to overcome these objections for the following reasons:

- The site lies on the urban edge of the green belt and these areas come under the most intense pressure for development so it is critical to defend this green belt boundary

- It contributes to maintaining separation between Bickley and Petts Wood which would be lost if the site was redeveloped for housing.
- Diversion of resources to developing vacant green belt sites is a direct competition to the ongoing process of developing brownfield sites in the urban areas of the borough and it is recognised planning policy to deliver sustainable communities in the urban area and protect the Green Belt.
- The applicant considers that there are two very special circumstances for the development of the site. The first relates to the Council's five year supply of deliverable housing and the second to the need for larger affordable housing. The Council does not agree with these reasons; the Council is confident that it will meet the housing target having regard to the recent Strategic Housing Land Availability Assessment (SHLAA) and the residential units proposed in the Bromley Area Action Plan. The Council has exceeded its affordable housing target (as set out in the UDP) for the last three years and will seek the provision of affordable housing on all sites. With regard to large family housing it is necessary for the applicant to demonstrate that this provision cannot be made on non-Metropolitan Open Land or Green Belt sites. This evidence has not been submitted.
- Green Belt allocation - the site was considered for residential development by the Inquiry preceding the adoption of UDP in July 2006 and also reviewed as part of the Housing Supply Study commissioned by the Council at the Inspector's request. In both instances it was recommended that the application site should not be released from the Green Belt.
- It is considered that the arguments regarding the removal of the site from the Green Belt, as set out in the applicant's Green Belt Report, would be better considered as part of the LDF Core Strategy and Sites Allocation DPD process rather than in the context of a stand alone planning application.
- The examples of schemes previously allowed in the Green Belt share some of the same issues as this current application. However the sites in Bromley, with the exception of Anerley School for Boys, were identified for potential development in the Housing Supply Study and following the due process were permitted, albeit on appeal in some cases.
- The site cannot be considered as previously developed as the MOD buildings that occupied the site were temporary and relinquished to enable structures to remain on the Aquila site.
- The applicant refers to the erosion of the Green Belt through the development of Bromley High School. However it is considered that this is an institution within the Green Belt and, as such, an appropriate use of Green Belt land. This is not sufficient reason to relinquish the adjacent site to residential development.

With regard to openness it is noted that the perimeter trees will be retained and the applicant has included areas of green space within the layout of the development. However it is considered that this does not compensate for the impact on openness that the erection of 96 dwellings would have on this site. The site provides an important visual edge to this part of the Green Belt and the eastern side of Blackbrook Lane is significantly different in character to the western side as a result of this site

and Jubilee Park to the south. The retention of the tree belt along the frontage would not be sufficient to maintain this contribution, as residential development within the site would be clearly visible and give it an urban rather than rural appearance.

The density of the development will be 29 units per hectare (124.24 habitable rooms per hectare): this is below the Council's normal density requirements as set out in the UDP. This is due to the need to retain the TPO woodland area in the south-east corner and the provision of several green open spaces, including an equipped children's play area, on the site.

With regard to the impact on the local transport network the Council's Highway Engineer has assessed the submitted Transport Assessment and taken into consideration the concerns raised by local residents regarding congestion and pedestrian safety. With regard to public safety it is considered that there is unlikely to be a significant impact from the proposed development as the entrance to the new development will be approx 100m away from the entrance to the school and an automated crossing has been recently installed immediately outside the school to assist children and parents crossing Blackbrook Lane.

With regard to traffic congestion it is accepted that additional car movements will be generated as a result of the new development. However it is not considered that this will be significant in the context of the general level of traffic using Blackbrook Lane at present during peak hours and, therefore, would not cause traffic flow and highway safety problems.

The number of parking spaces shown equates to an average of 1.5 spaces per unit. Whilst this would be above the UDP standard (119 spaces required), this reflects the current car ownership of 1.37 spaces per unit, in the area, and the low PTAL rate (PTAL 1) of the site. Separate visitor parking is shown across the site and it is considered that the overall parking provision proposed is acceptable. In addition each property will be provided with cycle parking and a Travel Plan for the site has been submitted to encourage the use of public transport.

With regard to the design of the buildings on the site there will be a mixture of house types and 3 blocks of flats. The immediately surrounding area is characterised by houses and bungalows but the wider area comprises a mixture of flats and houses. In view of this members may consider that the layout, scale and design of development shown on the submitted plans is acceptable.

Finally pre application negotiations included discussions regarding the Heads of Terms for a S106 legal agreement. These included education contributions amounting to £1,289,492.93. In addition Transport for London has requested contributions for bus stop improvements amounting to £20,000. The applicants have been informed of the contributions required but have reserved their position in this respect. In the absence of agreement to the payment of these contributions it is recommended that the application be refused for the reasons set out below.

In summary, the application site makes an important contribution to the designated Metropolitan Green Belt in both visual terms and in the provision of an important separation between Bickley and Petts Wood. The applicant has not demonstrated that there are 'very special circumstances' sufficient to outweigh the harm that the development will do to the Green Belt and as such the application is unacceptable and recommended for refusal for the reasons set out below.

Background papers referred to during the production of this report comprise all correspondence on file ref. 10/00230, excluding exempt information.

as amended by documents received on 09.03.2010 10.03.2010 23.03.2010
26.03.2010

RECOMMENDATION: PERMISSION BE REFUSED

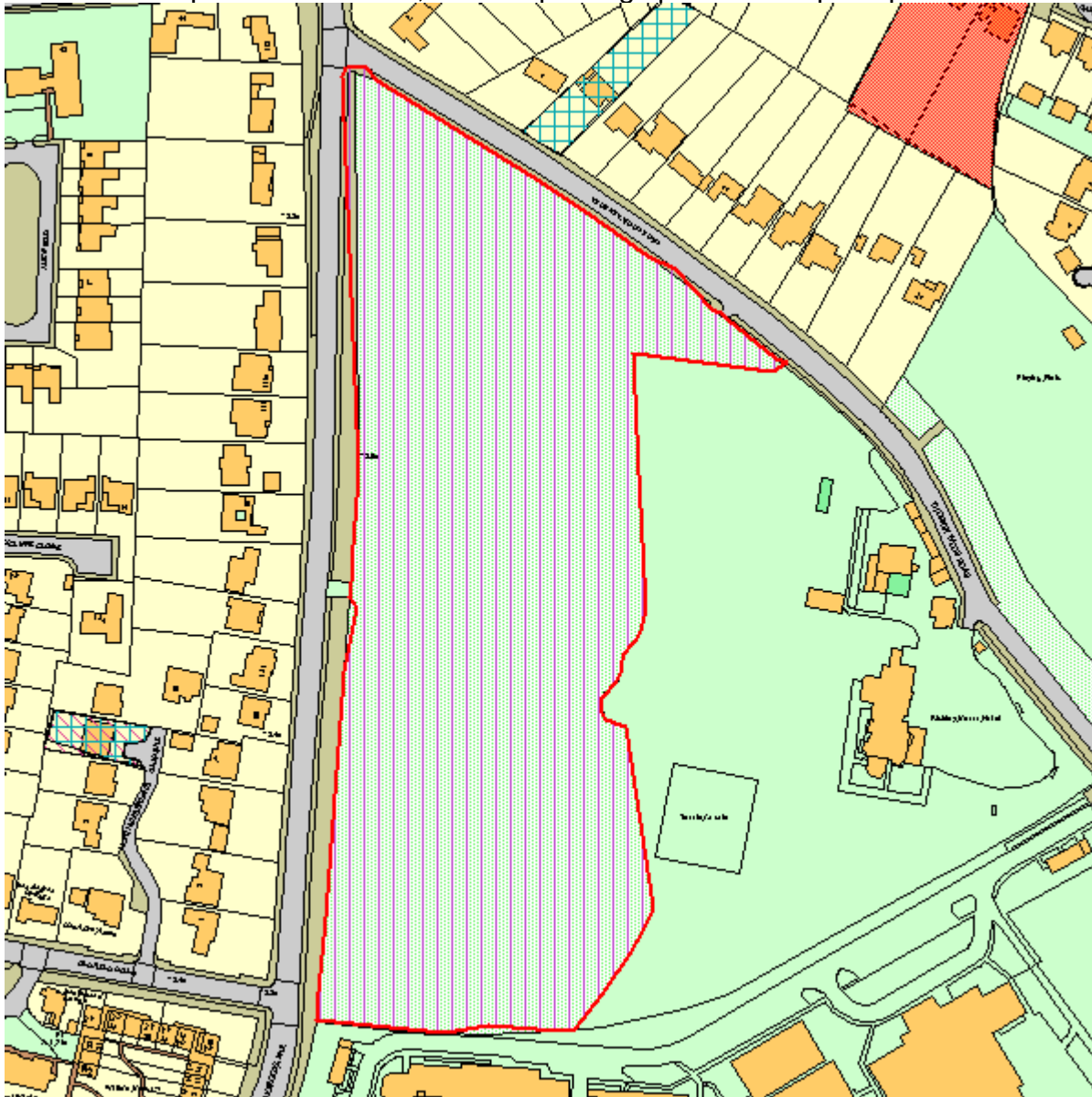
The reasons for refusal are:

- 1 The site is designated Green Belt and the Council sees no very special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan, Policy 3D.9 of the London Plan and Central Government advice in PPG2 'Green Belts'.
- 2 The introduction of built development on this site will be injurious to the openness and visual amenity of the Green Belt Land contrary to Policy G1 of the Unitary Development Plan, Policy 3D.9 of the London Plan and Central Government advice in PPG2 'Green Belts'.
- 3 In the absence of a commitment to pay the appropriate contribution towards necessary and relevant physical and social infrastructure relating to education and bus stop improvements the application is contrary to Policy IMP1 of the Council's Unitary Development Plan.

Reference: 10/00230/FULL1

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