

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 13/02053/FULL1

Ward:
Bickley

Address : Land East Side Blackbrook Lane
Bickley Bromley

OS Grid Ref: E: 543189 N: 168460

Applicant : Blackbrook Lane Plot Owners

Objections : YES

Description of Development:

Erection of 34 4/5 bedroom detached dwellings together with 102 car parking spaces associated highway works, entrance gates, refuse and recycling facilities and landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
Green Belt
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads

Proposal

Permission is sought for the erection of 34 four and five bedroom, 2 storey houses in a linear form extending north to south across this 3.3ha site, with one of the houses on a small spur of land to the east of the main site fronting Thornet Wood Road.

The main vehicular access for the site will utilise the existing vehicular access on Blackbrook Lane (with the exception of the Thornet Wood Road house) which sits midway along the site boundary. A straight spine road provides access to the houses each of which front this road. Turning heads are provided at the northern and southern ends of the estate road. Revised plans have been submitted showing a new vehicular access to Thornet Wood Road for use by refuse vehicles only.

There are 3 houses types proposed each with an integral or detached garage plus space for at least 1 additional car. All the gardens have private amenity space. The houses on the western site of the site will back on to Blackbrook Lane.

Twelve units, comprising 6 x 5 bedroom houses and 6 x 4 bedroom houses, have been identified for the provision of affordable housing on the southern side of the site. This equates to 12 units/104 habitable rooms.

The overall density of development is 10.3 units/76 habitable rooms per hectare.

The site lies within designated Green Belt and the trees around the boundary of the site and a small woodland area in the south east corner are protected by a Tree Preservation Order.

The applicant has submitted numerous documents to support the application, namely a Planning Statement incorporating Design and Access Statement, a Transport Statement, an Arboricultural Implications and Enhancement Report, an Ecological Assessment, Phase 1 Environmental Assessment

Location

The site is located on the eastern side of Blackbrook Lane with residential properties and Thornet Wood Road to the north and Bromley High School to the south. To the east is Bickley Manor Hotel and to the west are residential properties that front on to Blackbrook Lane.

The site is vacant and is rough grassland and surrounded by mature trees on all sides with a small woodland in the south east corner of the site. The applicant advises that the site accommodated buildings until 1975.

Comments from Local Residents

Nearby properties were notified and a considerable number of representations have been received from residents and Petts Wood and District Residents Association which are summarised below.

- Increased cars will make Blackbrook Lane and surrounding roads even busier, leading to further gridlock, reduced highway safety, increased pollution. This adds to the traffic created by new homes at Aquila and Trinity Village, Crown Lane and other development sites locally
- Too many car parking spaces proposed
- Vehicular access should be to Thornet Wood Road
- Loss of green space - the site provides a green lung, makes an important contribution to maintaining the openness of the area adverse
- Housing is not an appropriate use for this Green Belt land and will lead to loss of openness and result in urban sprawl
- Empty properties elsewhere should be used rather than adding new housing in the Green Belt
- Site is not previously developed land as claimed by the applicant
- use land to expand Jubilee Park, children's play spaces or flood relief area
- additional pressure on already stretched local services, such as doctors, schools
- Blackbrook Lane floods regularly and increased risk of flooding from extra housing
- site supports wildlife which should be protected and will have an adverse impact on wildlife in Jubilee Park. Ecology report submitted is not correct in saying there is no evidence of reptiles and amphibians

- development of this site will set precedent for other sites such a Bickley Manor Hotel
- planning history of refused applications
- overdevelopment - the site can only support 10-15 homes
- layout of the development is out of character with the area
- design of the scheme is poor quality and doesn't engage sustainability
- poor quality application lacking substance, quality and presentation - lack of affordable housing statement, landscape/townscape impact assessment, no draft S106, incomplete Design and Access Statement, lack of very special circumstances to justify development in Green Belt, lack of detail for sustainable construction, 5 year housing supply has been well researched and is not justification for releasing Green Belt for development
- large homes for affordable housing are not appropriate
- large homes for affordable housing don't help young/poorer people
- application should be refused on the same grounds as the previous application

The London Green Belt Council raise objections. They advise that the Inspector for the examination of the current Unitary Development Plan may have considered the site less important in Green Belt terms but it was not released from the Green Belt. The local plan process is the correct place to consider the site not through a planning application. The shortfall of housing is not sufficient justification to develop Green belt for housing.

Revised plans were received on March 19th 2014. Residents have been reconsulted and replies have been received reiterating previous objections and raising concerns about additional parking in Thornet Wood Road generated by the new vehicular access.

Comments from Consultees

The Council's Highways Officer raises objections to the original and revised scheme and recommends that the application is refused on the lack of up to date information regarding the impact on the highway network, together with inadequate turning area for refuse vehicles at the southern end of the site and lack of sufficient parking space in front of some garages.

The Council's Housing Officer advises that the site is a suitable location for the provision of affordable housing. The scheme does provide 35% affordable housing by habitable rooms. It provides 12 larger units for affordable housing but does not propose a balance of units to reflect housing needs, particularly 2 bed units which are in need in the borough and there are no wheelchair standard units indicated.

The Council's Waste Advisor raises no objections.

The Council's Drainage Officer advises that the Flood Risk Assessment is acceptable and raises no objection subject to conditions

The Environment Agency raise no objection subject to conditions

Thames Water raise no objections

The Metropolitan Police Designing Out Crime Officer raises no objection subject to conditions.

The application was referred to the Greater London Authority and a Stage 1 report has been received which can be summarised as follows:

The proposal represents inappropriate development on Green Belt for which very special circumstances have not been demonstrated to outweigh the resultant harm, contrary to the requirements of the NPPF and London Plan Policy 7.16. Bromley Council will need to address housing supply and affordable housing matters in the emerging draft Local Plan policies.

Planning Considerations

The application falls to be determined in accordance with the development plan which comprises the Unitary Development Plan and the London Plan.

Relevant UDP policies are:

- H1 Housing supply
- H2 Affordable housing
- H7 Housing design and density
- G1 Green Belt
- T1 Transport demand
- T2 Assessment of transport effects
- T3 Parking
- T5 Access for people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T18 Road safety
- BE1 Design of new development
- NE4 Additional nature Conservation Sites
- NE7 Development and Trees
- IMP1 Planning Obligations
- Affordable Housing SPD (March 2008)
- Planning Obligations SPD (Dec 2010)
- Supplementary Planning Guidance (Design)

In regional terms the most relevant London Plan policies are:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balance Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets

3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
5.7 Renewable Energy
5.12 Flood Risk Management
5.13 Sustainable Drainage
6.13 Parking
7.2 An Inclusive Environment
7.4 Local Character
7.16 Green Belt
7.19 Biodiversity and Access to Nature
7.21 Trees and Woodlands
8.2 Planning Obligations

In national terms the National Planning Policy Framework provides strategic advice and guidance. The most relevant paragraphs include

14 Presumption in favour of sustainable development
17 Core planning principles
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 9 Protecting Green Belt
39 - Parking
96 and 97 - Climate change and renewable energy
100 - Flood risk
203-206 Planning obligations

From an arboricultural point of view objections are raised. Concerns are raised that the information submitted is out of date and does not conform with up to date standards for tree surveys. The survey does not relate specifically to the scheme submitted with this application. On this basis it is likely that there will be an adverse impact on the trees during the enabling works and at construction and post development stages..

From an ecology point of view objections are raised as the information is considered to be out of date and the report is not based on up to date guidance. On this basis the development could have an adverse impact and result in a net loss of biodiversity during enabling works and at construction and post development stages.

Planning History

The site has been the subject of the following previous relevant applications

Erection of 31 dwellings and garages Scheme 1. Refused June 1980 (19/80/3457) and upheld at appeal.

Erection of 31 dwellings and garages Scheme 2. Refused June 1980 (19/80/3456) and upheld at appeal.

Erection of 9 bungalows. Refused August 1983 (83/01060/OUT).

Siting of kennels and Cattery. Refused December 1983 (83/02503).

Two detached bungalows. Refused April 1987 (87/00621/OUT).

Detached house and garage. Refused April 1988 (88/00684/OUT) and upheld at appeal.

Use of land as garden nursery and erection of landscape accommodation with new access and 10 car parking spaces. Refused December 1988 (88/04131) and upheld at appeal.

96 dwellings (72 houses and 24 flats) with estate road and pedestrian route. 144 car parking spaces and open space. Refused April 2010 (10/00230/FULL). This application was refused for the following reasons:

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'. This part of the Green Belt makes an important contribution to maintaining the openness of the area between Bickley and Petts Wood, thereby preventing in part coalescence of urban areas.
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.
4. The proposal, by reason of the type and number of residential units, would be out of character with the surrounding area, contrary to Policies H7 and BE1 of the Unitary Development Plan and Policies 3A.3 and 4B.1 of the London Plan.

No appeal against this decision was lodged.

Conclusions

The main issues to be considered are

- The acceptability of the development of land in the Green Belt for residential use
- The acceptability of the proposed affordable housing provision
- The acceptability of the layout and design of proposed scheme
- The impact on protected trees
- The impact on neighbouring residential properties
- The impact on the local highway network

Green Belt

The site lies within designated Green Belt. Policy G1 of the UDP clearly states that

'Within Green Belt...permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.'

Residential development is not considered to be an appropriate use within the Green Belt as defined in Policy G1.

In addition 'change of use of land, engineering and other operations within the Green Belt will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land within the Green Belt.'

The National Planning Policy Framework, paragraph 89 states that the exceptions for the construction of new buildings apply where 'limited infilling or partial or complete redevelopment of previously developed site (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which will not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'

In this case the applicant advises that the land was occupied by buildings until 1975. Since that time the site has been vacant. It is considered that the site makes an important visual and functional contribution to the Green Belt which extends to the south of this site, fronting Blackbrook Lane. The site serves as a wedge of open land that links with Jubilee Park to the rear and beyond Bromley High School and retention of this site in the Green Belt helps prevent urban sprawl in this part of the borough.

The applicant considers that the site is 'previously developed land in view of the existence of foundations and drainage from the previous Defence buildings that occupied the site until 1975.

It is considered that the site is not previously developed land in that it has been vacant for nearly 40 years with no buildings on the site. In relation to paragraph 89 in the NPPF the reuse of previously developed land (and it is not accepted that this is the case with this site) is qualified by reference to the impact of future development on openness and the purpose of including land in the Green Belt within it 'than the existing building'.

In this case it is considered that the introduction of new, not replacement, buildings does not comply with the policy and will cause significant harm to the open nature of the site and will undermine the purpose of the Green belt to prevent urban sprawl. This view was endorsed by the Planning Inspectors report at the time of consideration of the current UDP. In Appendix D, paragraph 8.22.1 of the report, the Inspector concludes that the site could not be treated as previously developed land in view of removal of the buildings many years prior.

In addition the applicant draws attention to paragraph 8.22.12 of this report where the Inspector recommends that a sequential test is carried out to determine if the Blackbrook Lane site should be considered as a 'reserve' housing site. The Council undertook this work and in the Bromley Housing Supply Strategy 2005, the assessment concluded that the site is not appropriate for housing due to the harm that it could cause the Green Belt in terms of its contribution to preserving the openness between groups of buildings.

In order to overcome the potential harm to the Green Belt it is necessary to demonstrate that there are 'very special circumstance' which outweigh the designation of the site. The applicant has submitted detailed submissions on the five year housing supply for Bromley and states that the Council has identified 2,700 'deliverable' units to meet the 5 year supply target of 2,594 homes. He goes on to state that 'However there is no clear guarantee that windfall sites will still come forward and such a reliance, due to their smaller size, is unlikely to help with satisfying the demand for larger affordable units'

In response the Council agreed the Five Year Supply of Housing in a paper at Development Control Committee in June 2013. The paper concludes that the Council is able to meet its five year supply target of 2594 units (including the 5% buffer) given that there are over 2700 deliverable units in the pipeline. This includes 300 windfall sites over the five years and the Council has, historically, exceeded this figure.

In addition the robustness of the five year supply has recently been tested at appeal (12/01812: Jason, Yester Road, Chislehurst) where the Planning Inspector supported the Council's evidence in this respect.

Work is progressing to update the Strategic Housing Market Assessment as part of the Local Plan process (Policy H1 of the Draft Policies and Designations Document February 2014)

In respect of the impact on the Green Belt, it is considered that the introduction of the residential development is inappropriate development and will have an adverse impact on the openness of the Green Belt and the purpose of including this site in the Green Belt. . The applicant has not provided sufficient 'very special circumstances' to demonstrate that the harm to the Green belt is outweighed by other considerations.

Notwithstanding the objection to the principle of development of this Green Belt site it is necessary to consider the acceptability of the development in all other respects.

Affordable Housing Provision

The submitted plans and Planning Statement show that a provision of 12 affordable units will be provided on site. Contrary to the application form 6 x 5 bedroom and 6 x 4 bedroom affordable housing units are proposed in the southern part of the site.

The scheme meets the overall provision of affordable housing of 35% in habitable rooms required by UDP Policy H2. In addition the tenure mix of units at 60% affordable rent and 40% shared ownership conforms with the London Plan requirements.

The applicant has submitted detailed information in the Planning Statement to try and demonstrate that there is an insufficient number of units being provided in the borough overall, with a preponderance of 1 and 2 bedroom units and a lack of family sized dwellings.

In response the Council's Housing Officer advises that the scheme does not comprise a balanced mix of units to reflect housing needs e.g. including 1 and 2 bedroom properties suitable for intermediate housing such as shared ownership for households looking to take the first step onto the housing ladder. There is also a shortage of 2 bedroom properties for affordable rent that is not addressed by this scheme. This is supported by a report to the Care Services Policy and Development and Scrutiny Committee in January 2014 which shows that there is a demand for affordable units of all sizes with the highest demand for 1 and 2 bed units.

Layout and Design

The scheme primarily provides a linear development along a central spine estate road with houses on either side of the road. The houses are uniformly large detached houses.

Policy BE 1 of the UDP and Policy 3.5 of the London Plan encourage the provision of high quality housing development that complements the scale, form, layout and materials of adjacent buildings and areas.

The proposed linear layout will result in an unimaginative and featureless scheme which results in 2 straight rows of houses, with rear elevations of one row facing Blackbrook Lane. The provision of large detached houses only does not reflect the character and appearance of the surrounding area which is varied in scale, design and layout. Three house types are proposed and this does not provide variety and richness in terms of appearance and use of materials.

Notwithstanding the fundamental objections raised to the principle of development the design of the scheme is considered to be a lost opportunity to achieve a high quality of design and make a positive contribution to the character and appearance of the area.

Impact on protected trees and ecology

The applicant has submitted an Arboricultural Implications and Enhancement Report and an Ecological Assessment. Both reports are out of date and reflect the condition of the site at the time of the previous application in 2010. In addition the assessments do not conform to the most recent British Standards and other relevant advice. Therefore it is not possible to make an accurate assessment of the impact of the development on trees or biodiversity and, therefore, it is

recommended that permission be refused on the grounds of insufficient, up to date submissions.

It should be noted that there are new vehicular access points shown to Thornet Wood Road and protected trees will need to be removed to provide the access and the necessary sightlines. The impact of this has not been provided within the submitted report.

The impact on neighbouring residential properties

The nearest residential properties are to the west of Blackbrook Lane and the north of Thornet Wood Road. It is considered that there is a considerable distance between the existing and proposed houses and that there would be no adverse impact on existing residents in terms of daylight, sunlight, loss of prospect and overlooking.

The impact on the local highway network

The Council's Highways Officer requested further details from the applicant on several aspects of the development including insufficient turning provision at north and south end of site for refuse vehicles, incomplete information relating to parking spaces and lack of sightlines for the house with access from Thornet Wood Road.

In addition the data submitted in the Transport Assessment does not fully assess the impact of the Aquila development on the highway network.

Revised plans have been received which introduce a new vehicular access to Thornet Wood Road which will be key controlled and provide exit only for the refuse vehicles. Visibility splays have been shown for the vehicular access for the house leading off Thornet Wood Road.

The Highways Officer continues to raise objections in terms of the lack of up to date information regarding the impact on the highway network, the turning area for refuse vehicles at the southern end of the site and lack of sufficient parking space in front of some garages.

On this basis the Highways Officer recommends that the application is refused on the lack of up to date information to assess the proposal.

Summary

Having regard to the above it is considered that the proposed development is unacceptable for the following reasons

- it does not comply with Green Belt policy in principle or in the terms of the impact on openness,
- the applicant has not submitted sufficient evidence of 'very special circumstances' to overcome the objection to the scheme on Green Belt grounds,
- the design and layout of the scheme is unimaginative and out of character with the area,
- the affordable housing mix is contrary to UDP policy requirements,

- the information submitted in terms of the impact on ecology and trees is significantly out of date,
- there is insufficient information to fully consider the impact of the development on the highway network and technical concerns regarding the internal access road and parking arrangements.

On this basis it is recommended that the application is refused for the reasons set out below.

Background papers referred to during the production of this report comprise all correspondence on file ref: 13/02053, excluding exempt information.
As amended by documents received on 19.03.2014

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 for the inappropriate erection of 34 houses with 102 car parking space, associated highway works, entrance gates, refuse and recycling facilities and landscaping as an exception to Policy G1 of the Unitary Development Plan, Policy 7.6 of the London Plan 2011.
2. The introduction of built development on this site will be injurious to the openness and visual amenity of the Green Belt, contrary to Policy G1 of the Unitary Development Plan and Policy 7.6 of the London Plan 2011 and the National Planning Policy Framework. This part of the Green Belt makes an important contribution to maintaining the openness of the area between Bickley and Petts Wood, thereby preventing coalescence of urban areas.
3. The proposal, by reason of the unimaginative design and layout of the scheme, will not reflect the character and appearance of the surrounding area, contrary to Policy BE1 of the Unitary Development Plan.
4. The proposal, by reason of the mix of the units, does not meet the requirements for affordable housing set out in Policy H2 of the Unitary Development Plan and the Affordable Housing SPD.
5. The proposal is not acceptable in terms of the impact on the local highway network and internal layout by reason of the insufficient and out of date information that has been submitted, contrary to UDP policies T2, T3 and T12.
6. The proposal is not acceptable in terms of the impact on the protected trees by reason of the insufficient and out of date information that has been submitted, contrary to UDP policy NE7 and BE1.
7. The proposal is not acceptable in terms of the impact on the biodiversity of the site by reason of the insufficient and out of date information that has been submitted, contrary to UDP policies BE1.and NE4.