

SECTION '2' – Applications meriting special consideration

Application No : 15/00802/FULL1

Ward:
Bromley Common And
Keston

Address : Potters Farm Turpington Lane Bromley
BR2 8JN

OS Grid Ref: E: 542123 N: 166847

Applicant : Langford Walker Ltd & Bromley West **Objections :** YES
Kent Sea Cadets

Description of Development:

Demolition of existing buildings at Potters Farm and Sea Cadets Magpie Hall Lane and erection of two part two/three storey blocks comprising a total of 39 flats (25x1 bed and 14x2 bed), reprovision of Sea Cadets facility with residential parking for 34 cars, cycle storage and landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 19
Stat Routes

Proposal

Full planning permission is sought for the demolition of the existing buildings located at Potters Farm Turpington Lane and Sea Cadets Magpie Hall Lane and the erection of two part two, part three storey. The development includes:

- 39 flats consisting of 25x1 bed and 14x2 bed units
- 34 residential car parking spaces including 5 blue badge spaces
- 7 parking spaces for sea cadet use
- Blocking up of access to Magpie Hall Lane
- Two symmetrical L-shaped blocks (A and B) with a depth of 34m and a width to Bromley Common of some 29m
- Both blocks are three storeys in height with two storey elements and feature hipped roofs with gable-end features
- Block A contains 22 flats
- Block B contains 17 flats and a ground floor Sea Cadets facility
- Two refuse and cycle store buildings

Location

The application site is located to the eastern edge of Bromley Common and is bound to the north by Turpington Lane and to the south by Magpie Hall Lane, to the east of the site is the access road associated with the flats to that boundary. The entirety of the site is within the Green Belt.

To the south of the site is the open expanse of Green Belt land used variously as playing fields of Bishop Justus School and Princes Plain primary school, and open land that forms the opposite junction. Bromley Golf Course is set further to the east of these sites. To the west is open Green Belt land to the opposite edge of Bromley Common.

To the east of the site are a series of residential flatted blocks fronting and accessed from Turpington Lane and Magpie Hall Lane which commences the residential character of these roads that lay further east. To the north is the developed Green Belt land of Brosse Way which features a predominately flatted form of development some three to five storeys high, whilst the flatted developments and terraced dwellings of Turpington Lane continue to the north-east.

The application site comprises both Potters Farm adjoining Turpington Lane and the Sea Cadets site adjoining Magpie Hall Lane with both accessed separately from their respective northern and southern boundaries. The level of development is low, with single storey buildings to the Sea Cadet site and an area of hardstanding serving as a parade ground and car park and a single storey barn type storage building located to Potters Farm.

The site is therefore developed, but to a far lesser degree than the residential land to the east and north and forms a continuation of the Green Belt from the land to the southern edge of Magpie Hall Lane, representing a recognisable boundary to the relatively dense flatted development to the east and north.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and 6 representations were received, of which all were in objection. These can be summarised as follows:

- The retention of hedgerows is welcome and protection is required
- More than enough dwellings have been built on the Green Belt
- Traffic is a nightmare and there is nowhere to park
- A structure of this size will have a profound negative impact on the views and sunlight received
- Negative impact on re-sale value
- Oppose any work that is above the existing height
- Not convinced that a further increase in homes is locally sustainable
- The farm and sea cadet buildings are part of our history and shouldn't be knocked down
- Huge additional pressure on schools and doctors

- They should blend in with the surrounding buildings, similar to those across in Brosse Way, not painted in such a way as to draw the eyes' attention to them
- Lack of a street view from the east of the site
- Impact upon light received by flatted block to east of the site
- Loss of outlook from residents of flatted block to east of site
- The parking provision is unlikely to be enough contributing to the existing problem caused by the development at Brosse Way
- Noise from building work will be harmful to the shift workers who live in the shared ownership and key worker units at Brosse Way
- The land would be better used as a park

Comments from Consultees

Mayor of London

The application was referable to the Mayor of London under category 3D of the schedule to the Town and Country Planning (Mayor of London) Order 2008, as the development comprises the more than 1,000sq.m of floorspace and is within the Green Belt. The Greater London Authority provided its Stage 1 response on 20th May. In summary the following comments were received:

The application does not comply with the London Plan policy on Green Belt. The proposal represents inappropriate development on Green Belt land for which very special circumstances have not been demonstrated to outweigh the resultant harm contrary to the NPPF and London plan Policy 7.16. Bromley Council should address housing supply and affordable housing by way of the emerging draft Local Plan.

Transport for London

The development proposes 34 allocated residential parking spaces, which equates to 0.9 spaces per unit, with an additional 7 spaces for the Sea Cadets facilities. Although in line with the London Plan TfL request the applicant investigates the possibility of reducing this provision, specifically those proposed for the leisure use, to demonstrate compliance of the proposal with London Plan objectives to reduce congestion and traffic levels and to avoid undermining walking, cycling or public transport.

The applicant provides 20% active and a further 20% passive Electric Vehicle Charging Points (EVCP). These should be secured by condition.

The applicant should provide a minimum of 4 Blue Badge parking spaces for the residential use and one further space for the Sea Cadets. A Car Parking Management Plan (CPMP) should be submitted and secured by legal agreement.

The proposed level of cycle parking for the Sea Cadets facility is welcome. For the residential units the applicant should provide a minimum of 53 spaces.

The vacant site would not be expected to generate any vehicle trips. Furthermore TfL notes that examples selected for the proposed trip generation are not fully representative of the application site. However considering the scale and nature of the proposal TfL is satisfied that the expected impact can be accommodated by the local transport network.

A Delivery and Servicing Plan (DSP) should be submitted and secured by condition providing clarification of arrangements for all uses. The DSP should also reflect the need for robust safety standards from freight operators.

Further Responses

Highways: no objection raised subject to information relating to the movement of refuse vehicles within the site.

Drainage: no objection subject to condition.

Thames Water: no objections raised

Crime: no objection subject to condition.

Landscaping: no comments have been received at the time of writing.

Environmental Health (Pollution): no objection subject to a condition concerning a scheme for protecting the dwelling from traffic noise.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE4 The Public Realm
- C1 Community Facilities
- ER7 Contaminated Land
- G1 The Green Belt
- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

IMP1 Planning Obligations

In addition to:

Affordable Housing Supplementary Planning Document (SPD)
Planning Obligations Supplementary Planning Document (SPD)

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

The application falls to be determined in accordance with the following policies of the London Plan 2015:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.16 Green Belt
- 8.2 Planning Obligations

8.3 Community Infrastructure Levy

In addition to:

Supplementary Planning Guidance: Housing
Providing for Children and Young People's Play and Informal Recreation
Supplementary Planning Guidance
The Mayor's Economic Development Strategy
The Mayor's Housing Strategy
Accessible London: achieving an inclusive environment
The Mayor's Transport Strategy
Mayor's Climate Change Mitigation and Energy Strategy
Sustainable Design and Construction Supplementary Planning Guidance

The National Planning Policy Framework is also a material consideration, with which the above policies are considered to be in accordance. Sections 4 'Promoting sustainable transport'; 6 'Delivering a wide choice of high quality homes'; 7 'Requiring good design'; 9 'Protecting Green Belt land'; and 10 'Meeting the challenge of climate change, flooding and coastal change' are of particular relevance

The National Planning Policy Guidance (NPPG)

Financial Contributions

In accordance with the adopted Planning Obligations SPD, the Council would be seeking the following contributions based upon the mix proposed in the application:

Health: £33,996

Education: £67,675.38

Planning History

Potters Farm:

85/00814 Planning permission refused on 1st July 1985 for the erection of a fence and storage barn on the grounds that:

“The proposed barn, by means of its size and siting in a prominent location within the Metropolitan Green Belt, would be detrimental to the visual amenities of the surrounding area”.

85/02494 Planning permission granted on 21st November 1985 for a replacement boundary fence.

86/01152 Planning permission granted on 21st July 1986 for a single storey storage building.

86/02349 Landscaping details pursuant to the permission granted under ref. 86/01152 approved.

88/01279 Planning permission refused on 25th July 1988 for the removal of conditions 97 (No storage of agricultural produce or pallets or machinery shall take place outside of the walls of the building hereby permitted) and 98 (The existing buildings on the site shown to be demolished on drawing no. MP/3C/34/A shall be demolished and the site cleared of their materials and other building materials to the satisfaction of the Director of Technical Services within one month of the first use of the building hereby permitted) of permission ref. 86/01152 and 86/02349 on the grounds that:

“Open storage on the site would be detrimental to the visual amenities of the Green Belt and adjoining residential properties”.

88/03991 Certificate of lawfulness for an existing use refused on 19th June 1990 for a retail farm shop for the sale of agricultural/horticultural farm produce, potatoes, turf, top soil, fertilisers, hay and straw. A subsequent appeal was withdrawn. The ground of refusal was:

“Insufficient evidence has been submitted to prove to the Council’s satisfaction that retail use of the farm shop was not ancillary to the agricultural use of nearby land before the end of 1963”.

92/00345 Planning permission refused on 24th August 1992 for use of land at Potters Farm for the purpose of handling and distribution of potatoes and turf and the parking of 6 heavy goods vehicles and 2 trailers and the use of the buildings for storage on the grounds that:

1. “The use proposed is an inappropriate use within the Green Belt wherein there is a presumption against development not associated with the essential needs of agriculture, horticulture, forestry or predominately open air recreation and there are no very special circumstances which might justify the grant of planning permission as an exception to Policy R.2 of the Bromley Borough Plan or Policy G.2 of the Draft Unitary Development Plan”

2. “The parking of heavy goods vehicles and trailers and the open storage of top soil, turf, and pallets on this site is visually intrusive and detrimental to the open undeveloped character of the Green Belt in this location”

3. “The use is detrimental to the residential amenities of adjoining properties in Turpington Lane by reason of noise, dust and general disturbance caused by the movement of lorries and vehicles associated with the operation of the activity and the deposit of large quantities of materials in the open on this site”

Dismissed at appeal.

92/00346 Certificate of lawfulness for an existing use refused on 24th August 1992 for the use of land at Potters Farm for the purpose of handling and distribution of potatoes and turf and the parking of 6 heavy goods vehicles and 2 trailers and the use of the buildings for storage on the grounds that:

“Insufficient evidence has been submitted to prove to the Council’s satisfaction that the uses described were operating from the land in 1968 and have continued without interruption since that time.”

Dismissed at appeal.

95/01496 Planning permission (retrospective) refused on 21st August 1995 for the retention of the existing hard surface on the grounds that:

“The retention of the hardstanding would be inappropriate within the Green Belt, would be detrimental to the visual amenities of the area and would be contrary to Policies G.2 and EMP9 of the Unitary Development Plan.”

Allowed on appeal.

07/00607 Planning permission refused for the installation of a 20 metre replica telegraph pole with shrouded antennas and 4 equipment cabinets on the grounds that:

1. “The proposed phone mast and equipment cabinet would be obtrusive and highly prominent features in the street scene and would by virtue of its size and location within the Green Belt have a detrimental impact on the visual amenity of the area contrary to Policies G1, BE1 and BE22 of the Unitary Development Plan.”

2. “The proposal by virtue of its siting and appearance would contribute to an undue proliferation of street furniture in the area and would have a deleterious impact on the visual appearance and residential amenities of the locality thereby contrary to Policies BE1 and BE22 of the Unitary Development Plan.”

3. “The proposal would be harmful to the amenities of the area in general and constitutes inappropriate development in the Green Belt contrary to Policies G1 and BE22 of the Unitary Development Plan.”

Appeal ref. APP/G5180/C/92/623815 was dismissed with regard to enforcement action taken in 1991 against the change of use of land from agricultural use with ancillary farm shop to use for the following purposes:- (1) disturbance centre for turf, topsoil, fertilizer, hay & straw & potatoes, (2) use of buildings for storage of turf, topsoil, potatoes.

Sea Cadets:

84/02128 Planning permission refused on 13th February 1984 for a detached single storey portable building on the grounds that:

“The proposal would result in a proliferation of structures on this site which is included in the Metropolitan Green Belt and would be detrimental to the visual amenities of the area.”

94/02107 Planning permission (retrospective) refused on 21st November 1994 for use of the hall for public auctions one week day evening each week on the grounds that:

“The use of these premises for commercial purposes unrelated to the established use would be contrary to Policy G.2 of the Unitary Development Plan. Being an inappropriate activity within the Green Belt and no very special circumstances are seen to justify an exception being made to such policy.”

97/00611 Planning permission granted on 7th May 1995 for two portable buildings for classrooms for a temporary period ending 30th April 2000 with the land to be reinstated to its former condition on or before this date.

00/00905 Planning permission granted on 11th July 2000 for the renewal of permission ref. 97/00611 for a further temporary period ending 30th April 2005 with the land reinstated to its former condition on or before this date.

00/02971 No objection raised, 3rd January 2001, subject to conditions in response to a Crown Development Consultation for the extension of hall, erection of 2.4m high palisade boundary fencing, improved landscaping, raised earth bund over 2 underground firing practice tunnels and joint use of site by Sea Cadet Corps and Army Reserve Forces and Cadets Association

02/01650 No objection raised, 1st August 2002, subject to conditions in response to a Crown Development Consultation for the extension of hall, erection of 2.4m high palisade boundary fencing, improved landscaping, raised earth bund over 2 underground firing practice tunnels and joint use of site by Sea Cadet Corps and Army Reserve Forces and Cadets Association (revision of permission ref. 00/02971)

08/01992 Advertisement consent refused on 11th August 2008 for a double sided free standing externally illuminated flagpole sign on the grounds that:

1. “The display of externally illuminated advertising material, including signage not related to this site, would be detrimental to the visual amenity of the area which is within the Green Belt, contrary to Policy BE21 of the Unitary Development Plan.”

2. “The proposal would constitute a potential traffic hazard by distracting drivers on the busy A21, contrary to Policies BE21 and T18 of the Unitary Development Plan.”

Conclusions

The relevant planning considerations, assessed against the development plan are considered to be:

- Land Use
- The Green Belt
- Design
- Amenities of nearby properties
- Highways impact
- Sustainability

Analysis

Land Use

The existing use of the site is split between the storage use at Potters Farm consisting of a single detached single storey building and the Sea Cadets facility at the adjoining site to the south. The application site therefore consists of a mixed Class B8 storage and a sui generis community use.

Policy EMP5 of the UDP outlines the Council’s position in relation to proposals to redevelop business sites or premises outside of Designated Business Areas, where such proposals will be permitted where it can be demonstrated that the size, configuration, access arrangements or other characteristics make it unsuitable for use Class B1, B2 or B8 uses and that full and proper marketing for the site confirms the unsuitability and financial non-viability of the site or premises for those uses.

Policy C1 of the UDP states that planning permission will not normally be granted where a proposal would lead to the loss of community facilities unless it can be demonstrated that there is no longer a need for them or the alternative provision is to be made in an equally accessible location.

The NPPF at paragraph 22 seeks to prevent the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Such an approach is considered to be consistent with that of Policy EMP5.

The proposal would represent the replacement of the Sea Cadet site and associated parade ground with dedicated car parking for the facility. Subject to appropriate levels of acoustic screening and hours of operation it is considered that the provision of this community facility complies with Policy C1.

However, no information has been provided in any form in relation to the existing storage use at Potters Farm. Although it is stated that the site has been recently

vacated, no evidence of this has been submitted with the application and no details of any active marketing have been put forward to substantiate that the unsuitability and non-viability of the site for Class B1, B2 or B8 uses. Furthermore, no case or evidence has been made to demonstrate that the site is unsuitable for such use classes for the reasons listed within Policy EMP5. The storage use does not constitute an unplanned, undesirable historical use, but rather a development that was granted planning permission in 1986 and was subject to further consideration at subsequent appeals both dismissed and allowed. As such the principle of the acceptability of this use of the site and its impacts has been established.

As such the proposal is contrary to Policy EMP5 and would lead to the loss of a small business site that, in the absence of any evidence to demonstrate otherwise, contributes to the local economy.

Green Belt

Policy G1 of the UDP states that the construction of new buildings within the Green Belt will be inappropriate unless it is for the purposes of agriculture and forestry; essential facilities for outdoor sport and recreation which preserve the openness of the green belt; limited extension or replacement of existing buildings; and redevelopment in accordance within major designated sites (which this site does not comprise). The openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials, or design. However, due weight must be attached to paragraphs 89 and 90 of the NPPF with regard to inappropriate development.

Policies G4 and G5 of the UDP set out that a proportionate addition over the original building is held to amount to an increase in floor area of no more than 10%, above which would represent a materially larger development.

London Plan Policy 7.16 gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

The NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At paragraph 80 it is established that the Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF at paragraph 89 lists the exceptions for the construction of new buildings not constituting inappropriate development within the Green Belt. Paragraph 89 lists, amongst others, that a replacement building that is in the same use and not materially larger than the one it replaces would constitute an exception to inappropriate development. Furthermore, the limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The NPPF defines previously developed land as follows:

- Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, substantial weight must be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF at paragraph 90 lists other forms of development – other than the construction of new buildings – that are also not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. None of the five forms of development listed are applicable to the proposal.

At paragraph 83 the NPPF is clear that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

Amount of development and openness

Green Belt policy seeks to safeguard against inappropriate development, unless very special circumstances can be demonstrated. Green Belt policy also seeks to protect openness within the Green Belt and this can be taken to mean the absence

of development. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage; that is to say its physical effect on the application site and its surroundings.

The proposal seeks to substantially develop the site far beyond the footprint and verticality of the existing level of development. Whilst areas are covered by hardstanding, the principle form of existing development is the limited number of single storey buildings set well within the existing boundaries with the retention of not insignificant areas of soft landscaping. The site falls within the definition of previously developed land, however the NPPF is clear that that it should not be assumed that the whole of the curtilage should be developed.

The replacement of single storey buildings within a predominately open setting with two to three storey buildings of some 12m in height, together with an increase in both the footprint and floorspace of development, would be a significant increase in the development present to the site and would result in a substantial loss of openness harmful to the Green Belt and the purposes of including land within it. As such the proposal comprises inappropriate development within the Green Belt.

Very Special Circumstances

The development is considered to amount to inappropriate development within the Green Belt as set out above and as such very special circumstances are required that demonstrate that harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant, within the submitted Planning, Design and Access Statement has set out what they consider to amount to such very special circumstances: contribution to housing supply; improvements to the condition of the site; re-provision of the Sea Cadet facility; the present negative amenity impacts.

It is not considered that any of the above represents very special circumstances as they could be replicated throughout the Green Belt and as such do not outweigh the resultant harm to the Green Belt. It is also noted that improvements to the landscaping and appearance of the site would be an expectation, rather than a justification, of any development in any location and that the re-provision of the Sea Cadet facility would be a policy requirement that would need to be satisfied in any event.

A report discussing the five year housing supply was considered by Members at the DC Committee on 09 June 2015, the report set out detail in relation to the policy and evidence background to housing supply for the borough and the types of sites that will contribute Bromley housing supply over the next five years suggesting that Bromley had an adequate housing supply. The conclusions will be set out in the minutes of the DC Meeting when published.

However, it should be noted that even though the Council is satisfied that the annual housing target can be met through a five year supply, on the subject of delivering housing, the NPPG at paragraph 34 states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the

“very special circumstances” justifying inappropriate development on a site within the Green Belt. This guidance, at paragraph 44, reiterates that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan as set out in the NPPF.

As a fall-back position the applicant notes that the Potters Farm element of the application site has planning permission to be used for storage, distribution and parking of heavy goods vehicles and that such a use has the potential to cause a significant visual impact and adverse impacts in terms of residential amenity, noise and disturbance and traffic issues and that no conditions are in place regulating the time periods which this use could take place.

Conditions 97 and 99 for 86/01152 (permission for a detached single storey storage building) prevent, firstly, the storage of agricultural produce, or pallets, or machinery outside of the walls of the building and that, secondly, no parking of goods vehicles shall take place outside of the parking area on the approved drawing. Under the allowed appeal against the refusal of planning permission under ref. 95/01496, the Inspector imposed Condition 3 which restricts the use of the additional hardstanding to loading, unloading and manoeuvring. The storage and the amount of parking to allow 6 heavy goods vehicles and 2 trailers on the site (ref. 92/00345) and that it was refused and dismissed on appeal.

The size of the site and the size of the parking area approved in 1986 are of a finite area that can only accommodate a certain number of vehicles which is supported by the later desire to increase the parking provision to 6 lorries; additionally no storage can take place outside of the building. As such the applicant's interpretation of a fall-back position consisting of an uncontrolled and potentially harmful storage use on part of the site is not supported. Although the hours of operation are indeed not under planning control this is similar to many developments and the operation of the use at unreasonable hours would be under the control of relevant environmental health legislation.

It is therefore considered that the proposal constitutes inappropriate development within the Green Belt for which no very special circumstances are considered to exist to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, contrary to Policy G1 of the UDP, Policy 7.16 of the London Plan and the NPPF.

Design

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

Policies 3.5 and 3.8 of the London Plan require that all new housing should be built to Lifetime Homes standards and that 10% of new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The Mayor's Housing SPG expands upon the design standards and requirements within Policy 3.5 and sets out the required accommodation sizes and guidance on matters such as aspect, daylight and amenity space.

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's access to social and community infrastructure, local shops, employment and training opportunities, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

London Plan Policy 7.2 requires that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. London Plan Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

London Plan Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context. New buildings should reference the scale, mass and detail of the built form around them without necessarily replicating it, making a positive contribution to the landscape and relate well to the form, proportion, scale and character of streets and existing open space and other townscape and topographical features. Development should not have a negative impact upon neighbouring sensitive land uses. Buildings should contribute to creating streets and places that are human in scale so that their proportion and composition enhances, activates and encloses the public realm. The massing, scale and layout of new building should help to make public spaces coherent and complement the existing streetscape while framing the public realm at a human scale and provide a mix of land uses that activate the edges and enhance permeability of the area.

Scale, massing and height

The dimensions of the two blocks are broadly similar to that of the development at Brosse Way to the north although the three storey elevation to Bromley Common is some 5m wider and would be set some 2m further forward of the building line to the north by reflecting the existing western extent of the boundary. However, the

roof treatment would be more sympathetic and have a much reduced level of bulk at this level resulting in a lower height overall at ridge level.

The flatted development to the east is similarly three storeys in height although to a much reduced scale and mass with a shallower pitched roof. As such the proposal would broadly reflect the height and scale of the surrounding residential development to the north and east of the site with a similar treatment with regard to roof design and, in respect of Brosse Way, footprint. Therefore, the proposal seeks to replicate the surrounding pattern of development in scale, mass and height rather than seek a more sensitive level of development for the location and the sensitive adjoining land uses, namely open Green Belt.

As a result the development would relate to the existing development to the north and to a degree to the east, but would have no relationship with the remaining surrounding area and streetscape, filling the predominantly open site with a built form that comprises a large degree of bulk and mass which would be presented onto Bromley Common and the streetscene to the north and south. It is not considered that such an approach complements the existing streetscape or has due regard to the neighbouring sensitive land uses.

Appearance

It is stated that the intention is to replicate the appearance of the development to the north to form an effective continuation of that development in terms of external materials. To this end the development would appear in external treatments, fenestration and articulation to be in character with the Brosse Way development, although largely at odds with the properties to the east. The appearance would therefore form a commonality with the vernacular established by the comprehensive development to the north and whilst the buildings are not considered to result in any particularly positive impact upon the street scene, the impact would be largely neutral given the existence of such similar development. It is regrettable, however, that opportunities for a more positive approach have not been taken.

Density

The application site has an area of 0.53ha and the development would realise a density of 73 dwellings per hectare, or 247 habitable rooms per hectare. The site is situated along a main arterial route and the surrounding residential development is typified by buildings of two to four storeys; solely for the purposes of interpreting Table 3.2 of the London Plan the site is therefore considered to occupy an urban setting with a PTAL rating of 2 (low).

This density would be at the lower end of that expected by the London Plan for this location which has a guide of 70-170 dwellings and 200-450 habitable rooms per hectare, however such figures act as guidelines and are to be taken into account with other considerations and do not in themselves correlate to an acceptable form of development.

Unit size mix

The size mix of units equates to 64.1% one beds and 35.8% 2 beds. The provision of 1 bed units is considered to be high and it is noted that there is a lack of family sized units proposed.

According to data held by the Council's Housing Department, the breakdown for the current high priority bands on the housing register is as follows:

- Studio/1 beds need 27%: (this includes those waiting for general needs and sheltered accommodation)
- 2 Bed need: 56%
- 3+ bed need: 17%

In terms of supply last year the breakdown was:

- 44% studio and 1 bed
- 35% 2 bed
- 20% 3+ bed

This shows that the need for 2 bed accommodation is the highest level of need at over 60% of the placements. Because of the limited supply and high level of need, the waiting time for rehousing for 2 bed households is longer and increasing more rapidly than for any other household size. Currently this frequently exceeds 4 years.

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. However, policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes. Each application should be assessed on its merits in this respect. If this application were to be considered acceptable in all other respects the proposed unit size mix would be discussed with the applicant with a view to reducing the number of 1 bed units and increasing provision for 2/3 beds in order to meet current demand/need. However, given that development plan policies do not specify a detailed breakdown of unit sizes on balance it is not considered that an objection on the grounds of unit size mix could be sustained in this instance and therefore the application is not recommended for refusal on this ground.

Quality of residential accommodation

The accompanying Planning Statement confirms that 10% of the rooms will be wheelchair accessible as required by London Plan Policy 4.5 and that the building is designed to meet the needs of people with restricted mobility in accordance with Policy T5 of the UDP. All of the wheelchair units are stated as being carried out according to South-East London Housing Partnership standards and the whole development accords with Lifetime Home standards.

The proposed floorspace by unit is considered to be as follows:

Unit	A	B	C	D	E	F	G	H	J	K	L
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Type	WC								WC	WC	
No. Units	3	6	2	2	4	8	8	2	2	1	1
Occu.	1b2p	1b2p	2b3p	2b3p	2b3p	1b2p	1b2p	2b3p	2b3p	2b3p	2b3p
Prop. Sq.M	63.79	50.55	71.4	68.53	72.68	48.1	51.6	69.58	68.53	71.4	68.53
Req. Sq.M	50	50	61	61	61	50	50	61	61	61	61

WC = Wheelchair adaptable unit.

As can be seen, the majority of units exceed the minimum stipulated floor space required by the London Plan and the accommodation within these accords with the guidelines within the Mayor's Housing SPG. However, unit type F, which forms four flats in each block, has been listed by the applicant as a 1 bedroom studio flat. It is clear from the submitted drawings that these flats afford a double bedroom, bathroom, open plan living area and kitchen and a linen cupboard all accessed from a main hallway. It is not considered that this unit type can be correctly allocated as a studio flat and has all of the characteristics and layout of a 1 bedroom, 2 person flat. As such the floorspace for these units fails to satisfy the minimum area required by 2sq.m and the single bedroom also falls below the minimum 12sq.m by being 11sq.m together with the living areas being short of the good practice 23sq.m.

Under the Mayor's Housing SPG it is a requirement that each residential unit is afforded private amenity space of a minimum 5sq.m for 1-2 bedroom units and an additional 1sq.m for each additional occupant, ground floor flats should preferably have private gardens. The development proposed is notable by the near total absence of balconies for the vast proportion of the units and the four units (units 7B, 12A, 14B, 19A) that do have the benefit of such amenity space fall short of the minimum 5sq.m size.

At ground floor level, of the eleven units proposed the wheelchair unit 4A has a sub-standard and ill-defined patio area, while wheelchair unit 5A benefits from doors that open onto the communal area with no defined amenity space; in both cases neither access is level with the external ground level and as such could not be used by a wheelchair. Units 1A, 1B and 8A are all wheelchair units with their own front doors, however there is no internal access to an amenity area and the front doors are served by communal paths as opposed to an amenity area.

The quality of the communal amenity area located between the two residential blocks is questionable. The green space between the inner flank elevations is heavily overlooked and bound by footpaths to the north, east and south and the refuse and cycle stores are set to the eastern edge with the car park beyond. The principle purpose of this space is therefore considered to be that of a green separation between the two blocks and whilst such greening is welcome, its usability as an amenity space must be called into question given the nature of the surrounding space leading to a poor level of relationships with the built form. It is not considered that the proportion and composition of the buildings and the resulting spaces between them enhance or activate the public realm and do not

compensate for the near total absence of private amenity spaces, or the quality of those that are present, for the residential units themselves.

A limited number of ground floor units (3 of the 11 proposed) feature their own entrances and it is unfortunate that such a feature is not replicated throughout the ground floors of the proposal. This would create active frontages within the public realm and increase the sense of place and legibility with an improved level of permeability. The development rather creates inactive elevations to the outer boundaries of the site whilst focusing the amenity area upon the inner courtyard elevations where the respective blocks front onto access paths that are likely to define the area as one of a pedestrian route to the adjoining car park and refuse/cycle stores rather than that of a communal amenity area. As such it is considered that the lack of suitable ground floor level entrances and amenity areas results a poor level of activity, permeability and legibility leading to ill-defined public amenity areas.

As such the design of the development is considered to be unsatisfactory and contrary to the requirements of Policies BE1 and H7 of the UDP, Policies 3.5, 7.1, 7.4 and 7.6 of the London Plan, the Mayor's Housing SPG and the NPPF.

Impact on amenities of adjacent properties

The site is separated to the north by Turpington Way and to the east by the access road that forms part of Turpington Way and serves the properties to that boundary; the properties to these boundaries are considered to be those principally affected by the development.

Given the level of separation to Brosse Way to the north it is considered that the development would have little impact with regard to overlooking, or loss of daylight. This also applies to the eastern boundary with those flats not benefitting from external amenity space at ground level in the way of gardens or playspace, and the area consisting mainly of footpaths and car parking provision. The development would also be set a reasonable distance from the eastern boundary with the surface level parking acting as a barrier between the two areas.

The level of parking introduced to the eastern boundary is considered to result in an impact with regards to noise and disturbance, however acoustic fencing can be introduced by condition to this boundary and the level of vehicular movements is unlikely to be significantly different to the situation in the wider highway environment. The use of the proposed parade ground would also likely be similar to that currently located at the site and the hours of operation could be restricted by condition.

The primary impact is therefore considered to be upon visual amenity with the introduction of a large degree of development to a predominantly open site. Although the quality of this space is not of a high standard, it is of a lower level in terms of height and a low intensity in terms of use. Such an impact is considered to be consistent with the harm identified above and contributes to the unacceptability of the development with regard to the character of the area and the contribution that this parcel of land makes.

Transport and Parking

The London Plan requires a maximum of than 1 space per 1-2 bed unit, the proposal allows for 0.9 residential spaces per unit, with the required proportion of disabled spaces. Cycle storage is provided by two stores although the capacity for each would need to be policy compliant by providing for 53 cycles. The site has a PTAL of 2 and it is considered that the development would broadly comply with the requirements of the London Plan and the Mayor's Housing SPG. Details of electronic charging points would need to be secured by condition together with a Construction Management Plan, a Car Park Management Plan and a Delivery and Servicing Plan. This position is supported by the Council's Highway's officer and TfL and the provision proposed is considered to comply with London Plan Policies 6.9 and 6.13 as well as UDP Policies T3 and T7.

Sustainability

The Government, in a Ministerial Statement in March 2015 about changes to housing standards, allowed for a transitional period during which policies may still be applied even if there is a degree of inconsistency. The Mayor's Housing Standards Policy Transition Statement (May 2015) subsequently stated that Policy 5.2 should continue to be applied.

The development seeks to incorporate a number of measures to reduce CO₂ production, however the submitted Energy Statement is on the basis of SAP calculations for a representative sample of the apartments based upon an agreed construction specification and the planning drawings as opposed to working drawings, which have not been produced. Solar photo-voltaic panels are provided to the southern roof slopes with a 19.24% reduction in CO₂ with a further reduction of 11.53% achieved through energy efficiency measures such as insulation. It is stated that this achieves Code for Sustainable Homes Level 4.

The assessment is based on achieving Code for Sustainable Homes Level 4, which equates to a 19% reduction in CO₂, rather than the 35% compared to the 2013 building regulations set out in the London Plan. The recent changes at national policy level have been addressed by the GLA in their Energy Planning Guidance which sets out how proposals should seek to meet this; the policy requirement has not changed with the Mayor having considered the Government's intentions regarding energy performance standards and its support for energy infrastructure and considers that the London Plan energy targets within the energy hierarchy to be in line with this approach. It should be noted that the Government has withdrawn the Code for Sustainable Homes and so the applicant must refer to the London Plan policy requirements in terms of the percentage of carbon reduction.

The energy statement as submitted is based on incorrect policy and as such falls short of the required savings. It is considered that the proposal is therefore not compliant with Policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan

Affordable Housing and Contributions

Policy H2 requires all developments proposing 10 or more units to provide affordable housing at a proportion of 35% of habitable rooms and at tenure split of 70% social-rented and 30% intermediate. The proposal complies with this requirement with 14 of the 39 units within both blocks being affordable, amounting to 35.9% of the proposed units and 35.9% of the proposed habitable rooms. However, to date no details of proposed tenure have been proposed. If this proposal were considered to be acceptable in all other respects clarification on this particular issue would have been sought.

The financial contributions identified to mitigate the impact of the development upon local infrastructure are considered to be acceptable to meet the objectives of Policy IMP1 of the UDP and Policy 8.2 of the London Plan.

Summary

The proposed development is considered to be inappropriate development within the Green Belt for which no very special circumstances exist to outweigh the resultant harm. A substantial loss of openness would result from the development that would be harmful to the Green Belt both at the site and the surrounding context at a scale would be visually imposing and harmful to the character of the area. The energy statement submitted does not apply the correct levels of CO2 reduction and does not comply with the relevant London Plan policies. The design of the development is considered to be poor and is contrary to policy on a number of crucial areas, in particular but not limited to unit sizes and amenity space provision, with the wheelchair units lacking suitable access to outside amenity space and the communal amenity area being of a poor standard. No justification has been provided as to the loss of the existing employment use on the site, contrary to policy.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/00802 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

1. The proposal is considered to constitute inappropriate development which would have a substantially detrimental impact upon the openness of the Green Belt and the purposes of including land within it for which no very special circumstances are considered to exist to outweigh the harm to the Green Belt contrary to Policy G1 of the Unitary Development Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework (2012).
2. The proposal would, by reason of its scale, mass, height, bulk and detailed design, represent an unacceptable level of development which would be detrimental to the open character and setting of the site within the streetscape and its contribution to the openness and character of the Green Belt. Furthermore by virtue of the lack of suitable ground floor level entrances and amenity areas the

proposal results in a poor level of activity, permeability and legibility to the serious detriment of securing high quality design and public realm. Consequently the proposal fails to comply with the aims and objectives of the National Planning Policy Framework (2012) and Policies BE1, G1 and H7 of the Unitary Development Plan, Policies 7.1, 7.4, 7.5, 7.6 and 7.16 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.

3. The proposal, by virtue of the access arrangements, failure of all units to meet London Plan minimum sizes and lack of sufficient private and communal amenity space fails to demonstrate that a high quality living environment with satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the Unitary Development Plan, Policies 3.5, 7.1, 7.2, 7.4 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the National Planning Policy Framework (2012).

4. The energy statement as submitted is based on incorrect policy and as such falls short of the required savings contrary to Policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan

5. The proposal would, in the absence of any evidence to demonstrate the unsuitability and non-viability of the site for Class B1, B2 or B8 uses, lead to the loss of an existing viable small business use contrary to Policy EMP5 of the Unitary Development Plan.