

SECTION '2' – Applications meriting special consideration

Application No : 15/01516/FULL1

Ward:
**Chelsfield And Pratts
Bottom**

Address : Fairtrough Farm Fairtrough Road
Orpington BR6 7NY

OS Grid Ref: E: 546924 N: 161369

Applicant : Mr & Mrs Morrice

Objections : YES

Description of Development:

Conversion of existing barn and adjoining building to create 3 three bedroom dwellings including front and rear dormer extensions, elevational alterations and associated landscaping/car parking

Key designations:

Areas of Archeological Significance
Special Advertisement Control Area
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

This application was reported to Members at Plans-Sub Committee No. 3 on 13th August 2015. Members of the Committee resolved to defer the application in order for the following information to be provided:

- Bat survey
- Structural building survey

A Bat Survey was submitted on the 15th October 2015 which did find recent bat droppings, indicative of small numbers of brown long-eared bats within both buildings. It is stated that externally, potential was also noted for crevice dwelling bats. The Council instructed an ecology expert to review the survey and recommended that a bat mitigation scheme is submitted.

A structural report was submitted on 9th November which summarised that from visual inspection there "...is no reason why the existing structure cannot be retained and converted as indicated".

The statements in full are available on the planning file.

The previous report is repeated below:

Planning permission is sought for the conversion of an existing barn and adjoining building to create 3 three bedroom dwellings including the following:

- front and rear dormer extensions
- elevational alteration
- associated landscaping/car parking

Revised drawings received 8th June 2015 increased visibility splays and parking layout for 10 cars (2 for each of the 3 residential units, 2 visitor parking spaces and 2 for the office use).

The application is accompanied by a Design and Access Statement, Planning Statement and a structural overview of the barn building.

Location

The application site is to north of Fairtrough Road, facing onto Port Hill. The site comprises a range of farm buildings including Kent Barn and the granary. There are also modern barns in agricultural use at the site. The buildings that form part of this application are Kent Barn and adjoining buildings that are arranged around it. The site is located within the Green Belt as defined by the Unitary Development Plan and is an Area of Archaeological Significance.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

Comments from Pratt's Bottom Residents Association:

- have been concerned about the future of the site
- note policy on reuse of existing buildings in the Green Belt and would ask Council to carefully consider if complies with Para 88 of NPPF.
- if granted, informative should be added advising that decision should not be seen as a precedent for further residential development

Comments from Consultees

Highways- No objections in principle subject to suggested conditions

Drainage/Thames Water- No objections in principle subject to suggested conditions

Environmental Health (Pollution)- no objections subject to condition due to risk of chemical residues in the soil as a result of past land use.

Planning Considerations

In considering the application, the main policies are considered as follows:

- Policy BE1 - Design of New Development
- Policy G1- The Green Belt
- Policy H1- Housing Supply
- Policy H7- Housing Density and Design
- Policy H9- Side Space
- Policy H12- Conversion of non-residential buildings to residential use
- Policy T3- Parking
- Policy T18- Road Safety
- *Policy NE3- Nature Conservation and Development*
- *Policy NE5- Protected Species*

Supplementary Planning Guidance 1 and 2

London Plan Policy 3.4 Optimising Housing Potential
London Plan Policy 3.5 Quality and Design of Housing Developments
Mayor of London's Housing Supplementary Planning Guidance

National Planning Policy Framework-Chapter 9 (in particular para.89 and 90).

Policy G1 of the UDP states that states the re-use of buildings within the Green Belt will be inappropriate unless it meets all of the following criteria:

- (v) it will not have a materially greater impact than the present use on the open character of the land;
- (vi) use of the land surrounding the building and boundary treatments will not harm the openness of the land or conflict with the purposes of including land in the Green Belt;
- (vii) the building is of permanent construction and capable of conversion or re-use without extensive or complete reconstruction;
- (viii) the form, bulk and design of the building are in keeping with its surroundings;
- (ix) the proposed use does not entail external storage of materials, plant or machinery; and
- (x) the proposed use has no adverse effect on the recreational enjoyment or appearance of the countryside.

Policy G1 also states that the openness and visual amenity of the Green Belt should not be injured by any proposal which might be visually detrimental by reasons of scale, siting, materials or design.

Para 90 of the NPPF also states that certain other forms of development (in addition to those outlined in Para 89) are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Of particular relevance in this case is point 4:

- the re-use of buildings provided that the buildings are of permanent and substantial construction; and

Planning History

There is a long and complex planning history at the site. From looking at the Council's records the most relevant to this pre-application are summarised as follows:

- 02/01184- A Certificate of Lawfulness was refused and dismissed on appeal of the Reinstatement of fire damaged house
- 00/01161- Planning permission refused and dismissed on appeal for the demolition of existing dwelling and erection of a detached five bedroom house and detached double garage
- 98/00292- Change of use and conversion of old barn and stable to provide six craft/studio units with parking and service area
- 91/01399- Outline planning permission refused for a replacement dwelling
- 90/01947- Outline planning permission refused for a detached replacement dwelling

Members will also note that there is a long and complex enforcement and appeal history at the site, in particular with regard to the fire damaged farmhouse (not included in this current application).

Conclusions

The primary considerations in this case are the impact of the proposal on the Green Belt, including whether or not the development is appropriate and if it is not, whether there are any very special circumstances to justify the development which mean that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as set out in the NPPF and Policy G1 of the UDP. The impact of the proposal on the openness of the Green Belt and on the visual amenities of the locality are important associated considerations.

The National Planning Policy Framework (NPPF) sets out that the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The Applicant has submitted structural information which concludes that the building is suitable for the proposed conversion into residential accommodation and in this case the limited alterations and formations of the buildings preserve openness to an acceptable degree, therefore Members may agree that the re-use of this building would be compliant with Paragraph 90 of the NPPF.

The most recent planning permission for Kent Barn was given under ref. 98/00292 for the change of use and conversion to provide six craft/studio units with parking and service area. Whilst it is evident that some internal alteration work had been commenced, it is evident that the permitted use was not implemented. It is likely that the last known use of the buildings was for agricultural purposes. Members may be satisfied that the change of use would preserve the openness of the Green

Belt and does not conflict with the purposes of including land within it, as required by para.90.

In terms of the external alterations, the application includes the addition of front and rear dormer extensions, rooflights and elevational alteration. The dormers are small scale with pitched roofs and are set well within the roofslope. Members may consider that the external alterations are well designed, in-keeping with the host building and would not detract from the visual amenities of the Green Belt being proportionate additions to the original building.

With regards to access and parking, the Council's Highways engineer does not object on the basis of the revised plan received 8th June 2015 showing improved visibility splays. The amount of proposed parking is also considered to be acceptable in this location.

The London Plan paragraph 3.5, details outlined in Table 3.3 and the Mayor's Housing SPG outline the minimum requirements for new dwellings. The Mayor's housing SPG requires a minimum internal area for a 3 bedroom 6 person (house) of 95sqm, with the proposed dwellings measuring approximately 207sqm, 124sqm and 114sqm. The proposed bedrooms also meet the minimum requirement of 8sqm for single bedrooms and 12sqm for double bedrooms. On the basis of the drawings submitted, it is considered that the proposed dwelling would provide a satisfactory living environment for future occupiers.

On the basis of the above, Members may agree that Kent Barn may in principle be capable of being converted into residential accommodation. Careful consideration will need to be given to the resulting quality of the residential units proposed and the visual impact of the proposal upon the openness of the Green Belt. Members may consider that the proposed external changes to the existing building are relatively minimal. The existing unique formation of the buildings around a central courtyard restricts the sprawling of development further into the Green Belt. However, there are private amenity spaces proposed for each property and the removal of permitted development rights by way of condition is suggested to protect the interests of the visual amenities of the Green Belt.

Background papers referred to during production of this report comprise all correspondence on the file ref.15/01516 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

3 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

4 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

6 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

7 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

8 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 9** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

- 10** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

In the interests of the visual amenities of the Green Belt and in order to comply with Policy G1 of the Unitary Development Plan.

- 11** Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 12** Prior to any works commencing on the site, a further 3 dusk emergence surveys in accordance with BCT Guideline (Hundt 2012) in order to confirm the species and number of bats using the building to roost and the status population (to be carried out between May and September, with at least 2 of the 3 surveys carried out from May to August with a 2 week gap between each survey) will be submitted to the Local Planning Authority. Following the submission of the additional surveys, details shall be submitted to the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.

Reason: In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

You are further informed that :

- 1** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

- 2** With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge from the site prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777
(Reason) To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3** You should seek the advice of the Building Control Section at the Civic Centre regarding the need for Building Regulations approval for the works on 020 8313 4313, or e-mail: buildingcontrol@bromley.gov.uk