

SECTION '2' – Applications meriting special consideration

Application No : 16/01961/OUT

Ward:
Darwin

Address : Warren Farm Berrys Green Road Berrys
Green Westerham TN16 3AJ

OS Grid Ref: E: 543769 N: 158902

Applicant : Mr Russell Clarke

Objections : YES

Description of Development:

Demolition of all existing buildings and erection of six detached dwellings, with reconfigured access road and dedicated parking spaces
OUTLINE APPLICATION REGARDING ACCESS AND LAYOUT

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

This outline application (concerning access and layout) is for the erection of six detached houses within what is a redundant egg producing battery farm. Seven barns of varied size will be demolished, together with an existing two storey house which was associated with the farm. The site will be comprehensively redeveloped with the existing access relocated and to a more central position in relation to the frontage. The proposed houses will be spread fairly evenly across the site. In all, the proposed houses will incorporate a total footprint of 853sq m and a floor area of 1490sq m (accounting for the ground and first floor accommodation). Although landscaping will be a reserved matter, the outline plans indicate that the north-eastern corner of the site - between the proposed access road and to the south of the boundary with 'Treetops' - will be landscaped and subject to potential tree planting.

The planning application is accompanied by a marketing and financial viability report and a Design and Access Statement.

Location

The application site comprises of a redundant egg producing battery farm which falls within the Green Belt. It is situated approximately mid-way along Berrys Green Road along its eastern side, approximately 700m to the north of its junctions with Buckhurst Road and New Barn Lane and 700m to the south of its junction with Berrys Hill. The site measures 0.74ha in area and measures up to approximately 210m in length. Its width varies from approximately 40 metres along its frontage to

between 25m - 30m along its rear section. Presently, the site is occupied by five substantial barns, two smaller barns and a detached two storey house. The access is located around the north-eastern tip of the site.

Berrys Green Road is characterised by residential ribbon development which is mainly concentrated along the northern half of the road which, for the most part, is made up of detached houses occupying substantial plots and which maintain a generous degree of separation to one another. These characteristics contribute to the open rural character of the area. The area surrounding the application site is particularly verdant in character, with the adjoining highway being narrow and tree-lined, while the site immediately to the south is subject to a blanket Tree Preservation Order (No 568). The northern boundary adjoins the site at 'Treetops' which is occupied by a detached bungalow. The western site boundary adjoins a footpath and Cherry Lodge Golf Club beyond that.

Consultations

Comments from Local Residents

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

- excessive level of development is inappropriate and detrimental to the Green Belt
- size of development would create an increase in traffic which is unacceptable and dangerous on a single track land with blind bends
- road safety and access would be compromised
- increased noise and disturbance from six houses, whereas there is currently only one house
- harm to rural character and visual amenities of the area
- contrary to planning policy
- could be catalyst for further large-scale development in the Green Belt
- potential harm to protected species
- significant increase in bulk and scale of proposed dwellings over the original
- disproportionate increase in amount of development
- more intensive use of the site would be detrimental to the rural character

The Orpington Field Club has objected on the basis of creeping urbanisation and loss of Green Belt land and the loss of an important species rich hedgerow along Berrys Green Road. If permission is granted, the existing buildings should be surveyed for bats prior to work commencing. New planting should incorporate native species and bat bricks should be incorporated into the new development.

Comments from Consultees

The 'Designing Out Crime Officer' has recommended 'Secured by Design' measures to mitigate the risk of crime.

The Council's Drainage consultant has raised no objection, subject to a surface water drainage scheme condition.

From an Environmental Health perspective, a contamination assessment should be undertaken.

No objection has been raised by Thames Water.

From a technical Highways perspective, it is considered that all trips to and from the site will be made by vehicles, however it is not considered that the likely trip generation from the proposed development will cause issues in the road. The site did obviously generate some trips when it was operating as a farm. Subject to conditions, the proposal is considered acceptable.

Planning Considerations

Planning Considerations

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- T11 New accesses
- T18 Road Safety
- EMP5 Development outside business areas
- BE1 Design
- BE3 Buildings in rural areas
- NE5 Protected Species
- NE7 Development and trees
- G1 The Green Belt

Paragraph 80, 89 and 90 of the NPPF are relevant to this application and relate to the Green Belt. In addition, the new national technical housing standards are of relevance.

Policy 7.16 of the London Plan 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.

Planning History

There is a lengthy planning history relating to the application site. The planning history since 1995 is set out in the table below.

95/02603	Replacement single storey agricultural building	Permitted 1996
01/01134	Change of use from chicken farm to Light Industrial/Commercial (Class B1) and storage (Class B8)	Refused 2001
01/03966	Change of use from chicken farm to light industrial/commercial (Class B1) and storage	Refused & dismissed at appeal

	(Class B8)	2002
01/03967	Demolition of agricultural buildings and erection of 4 dwellings and garages (Outline)	Refused & dismissed at appeal 2002
03/00438	External "Norfolk incinerator"	Permitted 2003
03/00439	Change of use from chicken farm to light industrial/commercial (Class B1) and storage (Class B8)	Refused 2003
03/00443	Demolition of agricultural buildings and erection of 2 dwellings (Outline)	Refused & dismissed at appeal in 2003
05/01002	Change of use of poultry farm buildings to mixed use comprising Class B1, B2 and B8	Refused 2005 & dismissed at appeal 2006
14/04310	Change of use of Agricultural Building to Class C3 dwellinghouses to form 3 dwellinghouses (56 day application for prior approval under Class MB of Part 3 of schedule 2 of the GPDO 1995 as amended).	Refused 2014
15/00472	Change of use of Agricultural Building to Class C3 dwellinghouses to form 3 dwellinghouses (56 day application for prior approval under Class MB of Part 3 of schedule 2 of the GPDO 1995 as amended).	Prior approval granted 2015
15/01340	Single storey rear extension, extending beyond the rear of the original house by 8m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)	Refused 2015
15/02449	Single storey rear extension, extending beyond the rear of the original house by 8m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)	Refused 2015
15/05159	Demolition of all existing buildings and erection of seven detached dwellings, together with access road and parking facilities (Outline)	Withdrawn

In essence, planning application references 01/01134, 01/03966, 03/00439, 05/01002 were refused on the basis that these would result in intensification in the use of an access with inadequate sightlines, and would result in an unacceptable increase in vehicle parking and associated thereby constituting inappropriate development in the Green Belt.

In respect of the residential schemes, refs 01/03967 and 03/00443, it was also considered that these would result in intensification in the use of an access with inadequate sightlines, and this would constitute inappropriate development in the Green Belt within which there was a presumption against residential development.

More recently, Prior Approval was granted under ref. 15/00472 for the conversion of three of the existing barns to dwellings: this following an earlier unsuccessful application for a similar scheme (ref. 14/04310). Subsequent to that, Prior Approval was refused for applications to extend the existing dwelling on the site.

Conclusions

The main issues for consideration are: the appropriateness of this development in the Green Belt, including its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances. Other matters for consideration relate to the loss of an existing business site, the effect on road safety conditions, and the impact on neighbouring amenity.

As outlined above, the application site forms a redundant egg producing battery farm. The site is dominated by various barns which straddle the length of the site, including four substantial chicken sheds within the south-east corner of the site and another within the western end of the site. In addition, the site includes a two storey detached house which occupies a central position of the site and two other barns to its north and west. These structures are accessed by a driveway comprising of hardstanding which extends from the site entrance. The site contains a high proportion of built forms and is highly developed. Despite that, in policy terms the existing agricultural-related development is considered to constitute appropriate development in the Green Belt.

The National Planning Policy Framework allows some *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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.”* In terms of the question of whether the site represents previously developed land, it is noted that the site is predominantly occupied by agricultural buildings and therefore it does not fall entirely within the NPPF definition of previously developed land. Accordingly, such a housing proposal represents inappropriate development in the Green Belt for which very special circumstances are required to be demonstrated in order to justify the scheme. Paragraph 87 of the NPPF states that *“as with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.”*

In this case following amendments to the General Permitted Development Order the site benefits from Prior Approval relating to the conversion of three of the existing sheds to residential use, which could incorporate a cumulative floor area of 450sq m (as granted under application ref. 15/00472). In effect, this would enable three additional houses to be constructed on site, whilst the remaining agricultural structures could remain in situ. In comparison to the prevailing planning policies at the time of the 2001 and 2003 planning applications, for which residential development was previously sought, current planning policies allow for a greater flexibility in terms of the re-use of buildings which have legitimately been used for

agricultural trades or businesses. On this basis, it is considered a more intensive residential use of the site can be justified in principle.

In respect of the commercial viability of the site, the viability report prepared in support of the application indicates that the egg producing battery farm ceased operating in 2010, whilst shortcomings are cited in respect of size and configuration of the buildings and local highway conditions in terms of its ability to support alternative business uses. As the planning history itself demonstrates, the Council has consistently refused planning applications involving the change of use of the existing buildings to accommodate Class B1, B2 and B8, in part because this would have resulted in an intensification of an access with inadequate sightlines, thereby undermining highway safety conditions. Accordingly, it is accepted that Policy EMP5 of the UDP is satisfied and the redevelopment of this site to a non-business use is acceptable.

Whilst local objections have been received on the basis this scheme will amount of a more intensive form of development and lead to increased noise and disturbance, in view of the 'enclosed' nature of the development, the degree of separation of the proposed houses from neighbouring properties, and the proposed landscaped area adjacent to the boundary with 'Treetops', it is not considered that the living conditions of surrounding residents will be appreciably undermined.

In terms of highway issues, this scheme includes the re-siting of the vehicular access to a more central position in relation to the frontage. Whilst the Council has previously expressed concerns in relation to the intensification in the use of the existing access, such a comprehensive redevelopment as is now proposed will enable the vehicular access and entrance road to be designed in a manner which will achieve adequate sightlines; furthermore, the likely trip generation for six houses is considered to be acceptable in light of the current lawful use of the site. In the course of this application, the highway layout has been further modified to satisfy the Highways engineers and achieve satisfactory sightlines (by way of amended plans received 7.7.16).

Taking account of the above, it seems clear that the site in its existing form and use is no longer financially viable in view of its significant constraints. Whilst not constituting previously developed land, the site is nonetheless highly developed with little sense of openness maintained. In view of the passage of time and their lack of use, the buildings appear unsightly and fail to contribute positively to local character. It is also established that the site can accommodate a more intensive residential form of development, albeit by way of the conversion of existing buildings on the site.

In terms of its key merits, the proposal will result in a significant reduction in the level of built form within the site, with the current buildings footprint reduced from 2840sq m to 853sq m (with the overall floor area falling from 2919sq m to 1490sq m). (The 'Prior Approval' layout could, by contrast, retain an overall buildings footprint on 2256sq m within the site). Such a reduction as is now proposed will significantly enhance the openness of the site, with overall buildings coverage reduced from approximately 38% to 11%, this involving much of the site being re-

contoured and landscaped. The proposed houses will be generously apportioned within the site which will bear some reflection of local character.

Notwithstanding the above, housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of small scale infill development in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

In conclusion, it is considered that the above factors amount to very special circumstances to justify such development in the Green Belt. This proposal is considered to represent a sustainable form of development, making effective use of this redundant agricultural unit, whilst enhancing local character and openness.

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

as amended by documents received on 08.07.2016
RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 (i) Details relating to the

(a) appearance; (b) landscaping; (c) scale

shall be submitted to and approved by the Local Planning Authority before any development is commenced.

(ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

(iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: No such details have been submitted and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before

the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

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

- 4 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

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

- 5 The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.**

Reason: To reduce the impact of flooding both to and from the proposed development and third and to accord with Policy 5.13 of the London Plan.

- 6 Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such**

provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 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.

- 7** Parking bays shall measure 2.4m x 5m and there shall be a clear space of 6m in front of each space (or 7.5m if garages are provided) to allow for manoeuvring and these spaces shall be permanently retained as such thereafter.

Reason:In order to comply with Appendix II of the Unitary Development Plan and to the interest of pedestrian and vehicular safety.

- 8** Before commencement of the development hereby permitted details of (a) turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

Reason:In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

- 9** Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the access junction with Berrys Green and with the exception of trees selected by or on behalf of the Local Planning Authority no obstruction to visibility shall exceed 1.0m in height in advance of this sight line, which shall be permanently retained as such.

Reason:In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

- 10** 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.

- 11 Details of the finished surfaces of the access road, garage drives and parking areas, which shall include coloured materials and block paving, and of the street lighting installations, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the access road, drives, parking areas and street lighting shall be completed in accordance with the approved details before any of the dwellings hereby permitted are first occupied.**

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

- 12 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.

- 13 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.

- 14 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 reduce the impact of flooding both to and from the proposed development and third and to accord with Policy 5.13 of the London Plan.

15 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.

Reason: In the interest of the visual amenity and openness of the Green Belt and to accord with Policies G1 and BE1 of the Unitary Development Plan and Section 9 of the National Planning Policy Framework.

16 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

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.

17 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.

18 No demolition of buildings shall take place until a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. If any bats are discovered, details shall be submitted to and approved in writing by 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).

19 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 appearance of the building and the visual amenities of the area.