



# REGULATORY SERVICES COMMITTEE

25 June 2015

# REPORT

**Subject Heading:**

P0592.15 Sullens Farm, Sunnings Lane,  
Upminster

Conversion of existing brick barns to  
create 3 no. new apartments, demolition  
of modern barns, to allow construction of  
5 no. new houses, removal of external  
caravan storage use and hard surfaced  
yard and replacement with landscaping.  
(Received 29-04-2015)

**Ward:**

Upminster

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800

**Policy context:**

Local Development Framework  
Development Control Policies  
Development Plan Document

National Planning Policy Framework  
National Planning Practice Guidance

London Plan

**Financial summary:**

Not applicable

## **The subject matter of this report deals with the following Council Objectives**

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

### **SUMMARY**

This application was deferred at the 18<sup>th</sup> June 2015 meeting of the committee.

This application together with the associated application for listed building consent has been called-in by Councillor Ron Ower on the grounds of the planning history of the site and Green Belt issues.

The application site lies in the Green Belt and includes a Grade II listed building and associated outbuildings. This application follows the refusal of similar proposals on the grounds of the adverse impacts on the Green Belt, on the amenities of adjoining residential occupiers and on the setting of the listed building. The application concerns the conversion of listed outbuildings to provide three apartments; the demolition of other more recent outbuildings and the erection of a new terrace of three dwellings and two detached dwellings. The proposals have been further reduced in scale by removing one and increasing the buffer with adjoining properties. This reduces the scale of the development and its associated impacts.

As a result of these changes Staff consider that, on balance the development would be acceptable and subject to the prior completion of a S106 planning obligation to secure an education contribution, the grant of planning permission is recommended. However, should members judge that the changes do not overcome the adverse impacts of the development identified in the reasons for refusal of the earlier applications, then these could remain as material objections to the development. The works to convert the listed outbuildings are subject to a separate application for listed building consent.

### **RECOMMENDATIONS**

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £15,150 subject to indexation. This is based on the creation of a net increase of 1,016.5 square metres of new internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- No new dwelling shall be occupied prior to the removal of all caravans from the site and the landscaping of the land in accordance with details to be approved;
  - No new dwelling shall be occupied prior to the removal of all hardcore from the remaining part of the area covered by lawful development certificate E0018.12 that lies outside of the application site and the landscaping of that land in accordance with details to be approved.
  - A financial contribution of £48,000 to be paid prior to the commencement of the development, to be to be used for educational purposes.
  - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
  - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
  - The Developer/Owner to pay the appropriate planning obligations monitoring fee prior to the completion of the agreement.
  - That the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.
1. *Time limit* - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 2865 SK01 has been be completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

5. *Landscaping* - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. *Refuse and recycling* - Prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. *Cycle storage* - Prior to first occupation of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. *Secured by Design* - The development hereby permitted shall not be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

10. *External lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter.

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. *Vehicle Cleansing* – No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and likelihood of contaminants, their type and extent incorporating a site conceptual model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning



(General Permitted development) (Amendment)(no. 2)(England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

16. *No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

17. *New footway* – None of the dwellings hereby permitted shall be occupied until the new footway proposed along the Sunnings Lane frontage of the site has been constructed in accordance with details previously submitted to an agreed in writing by the local planning authority. The footway shall be permanently retained thereafter.

Reason: In the interests of pedestrian and highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

18. *Pedestrian visibility splays* – Pedestrian visibility splays shall be provided on either side of the access points onto the public highway of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splay shall be permanently retained and kept free from obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

19. *Vehicle access* – All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway as part of the required by the development shall be entered and completed into prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

20. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement for the six properties comprising the new build development has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: Insufficient information has been supplied with the application to demonstrate how lifetime homes standards would be achieved. The submission of details prior to commencement of buildings works will ensure that the amenities of future residents and visitors are protected and that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

21. *Archaeology* - a) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority.

b) If heritage assets of archaeological interest are identified by the evaluation under part a), then before development commences the applicant shall secure the implementation of a programme archaeological investigation in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part b).

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under Part b) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

## Informatives

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
3. *Changes to the public highway* - The Highway Authority require the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If a new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the relevant approval process. Unauthorised work on the highway is an offence.
4. *Highway legislation* - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
5. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
6. *New footway* - The provision of the footway will involve the relocation of a telegraph pole and lighting column and approval of the Highway Authority will be required for these works. In addition there is a drainage ditch between Sunnings Lane and building C-Q which is likely to be affected by the footway works. Additional drainage works are likely to be required by the Highway Authority.

7. *Planning Obligations* - The planning obligations required have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
8. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £15,150 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site lies within the Green Belt to the south of Corbets Tey. The area around the site is generally open and mainly in agricultural use. To the northwest is the Corbets Tey Conservation Area which in the vicinity of the site comprises mainly open land. The application site comprises a number of former agricultural buildings now in commercial use, a listed grade II farmhouse and an area used for the storage/parking of commercial vehicles. The application site area amounts to 0.57 hectares. Access to the site is from Sunnings Lane.
- 1.2 The wider area around the buildings also includes an area used for caravan storage. The buildings became redundant when the agricultural activities ceased on adjoining land. To the north of the site is a terrace of five dwellings that face onto Sunnings Lane, the nearest of which adjoins the application site boundary. There is an area of grass between the outbuildings and the nearest dwelling. To the north east on the opposite side of Sunnings Lane is a terrace of three cottages.
- 1.3 The buildings that are subject to this application comprise:
- Building A which is a large ex-WW2 hanger/Nissen building which is constructed partly of block and corrugated steel sheeting over a metal frame. The building has a semi-cylindrical shape. Roller shutter doors have been fitted to the front of the building which has been divided internally into 12 separate commercial units. These uses are unauthorised and an application for a lawful development certificate has been refused. To the rear is an office building. The building was originally acquired for agricultural use.

- Building B is constructed partly of block and partly steel framed. The external cladding is part corrugated sheeting and part timber boarding. The roof is of corrugated steel, pitched with gable ends. There are three lawful commercial uses (B1 and B8) within the building.
- Building S comprises a detached brick/block single storey building white rendered and with corrugated metal roof. The building is in use as an office. A LDC has been issued for B1 use.
- Building C-Q is of brick construction with part timber cladding under a corrugated metal roof. It is subdivided into a number of smaller units. The building is in a number of sections forming an open courtyard. The building is in unauthorised commercial use and an application for a lawful development certificate has recently been refused. The building is considered to be listed as being within the curtilage of the listed building and associated with it.

## 2. Description of Proposal

- 2.1 This is a full application for a total of eight new dwellings following the demolition of buildings A, B and S and the conversion of buildings C-Q. The proposed development would comprise:
- A terrace of three new 3-bed two-storey dwellings in an 'L-shaped' configuration on the site of the existing Nissen building (building A);
  - Two detached new 3-bed two storey dwellings in an 'L-shaped' configuration on the site of buildings B and S, and,
  - The conversion of the range C-Q to form one 3-bed ground floor apartment; one 2-bed duplex apartment and one 5-bed duplex apartment.
- 2.2 All of the dwellings would have rear amenity areas and private car parking which would be provided in three separate areas. There would be 6 spaces to the front of the converted outbuildings; 6 spaces in front of the terrace and 7 spaces to the south of the detached dwellings. The yard and lorry parking area would be cleared and landscaped. The area used for caravan storage would be cleared and returned to open land; however, this is outside of the application site.
- 2.3 Parts of building C-Q would be demolished and the remainder converted into three apartments; one single storey and the other two with rooms within the roof space. The metal roof would be replaced with slates and conservation roof lights. The new buildings would use materials to match those of the existing brick barn (C-Q). The replacement for building B would be located close to the retained building to create two open courtyards. These dwellings would have rear gardens to the north of the units. There would be a landscaped buffer strip and acoustic fence between the rear boundary and the nearest properties in Sunning's Lane. The buffer strip would increase in depth to a maximum depth of about 14 metres to the rear of the nearest property.

2.4 The new buildings would be two-storey constructed in brick, timber and render under hipped tiled roofs. The area to the west of Building B where there is lawful use for vehicle parking would be cleared and landscaped. The access roads would be improved and open areas landscaped. The remaining part of the lawful commercial vehicle parking area and the area currently used for caravan storage, both of which are outside of the application area would also be cleared and landscaped.

### 3. Relevant History

3.1 P1655.14 - Conversion of existing brick barns to create three new apartments, demolition of modern barns to allow construction of six new houses, removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking - refused.

3.2 P0881.14 - Conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses, Removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking - refused.

3.3 L0009.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – pending;

3.4 L0016.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – refused;

3.5 L0003.15 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – Pending;

3.6 E0015.12 - Certificate of Lawfulness for the existing use of Building A as a car maintenance workshop with associated office and storage units – refused;

3.7 E0016.12 - Certificate of Lawfulness for the existing use of Buildings B and S for B1 & B8 use – approved;

3.8 E0017.12 - Certificate of Lawfulness for the existing use of Blocks C and Q for B1 & B8 use – refused;

3.9 E0018.12 - Certificate of Lawfulness for the existing use of parking and overnight storage of commercial vehicles – approved.

### 4. Consultations and Representations

Representations

4.1 The application has been advertised on site and in the local press as not in accordance with the development plan and as affecting the setting of a listed building. In addition neighbour notification letters sent to 45 local addresses. Seven representations have been received raising the following issues:

- Green Belt development;
- Run-down buildings part of the site's character and should be retained;
- Increase in traffic;
- Inadequate services;
- Set a precedent for further Green Belt development;
- Loss of commercial premises;
- Affect rural character of the area;
- Noise and other environmental impacts;
- Impact on Corbets Tey Conservation Area;
- Loss of privacy;
- Impact from construction.

The immediate neighbours at 118 Sunnings Lane whose rear garden runs along the northern boundary of the site have particular concerns about loss of privacy due to overlooking from first floor roof lights, light spillage from rear windows, increased noise and disturbance from future occupiers and loss of light due to the proposed 2.1 metre high fence and proposed landscaping.

Consultations:

- 4.2 Thames Water - no objections with regards to sewerage infrastructure. The developer is responsible to make proper provision for surface water drainage.
- 4.3 Environment Agency - no response.
- 4.4 Public Protection - contaminated land and gas protection conditions requested as land is potentially contaminated and landfill sites nearby; construction hours condition; no burning on site during site clearance and construction and demolition statements.
- 4.5 London Fire and Emergency Planning Authority - access is required to comply with relevant part of the Building Regulations.
- 4.6 Essex and Suffolk Water - no objections. New dwellings would require metered water connection.
- 4.7 Streetcare (Highways) – has no objections and is happy to adopt proposed footway which would involve relocation of telegraph pole and lighting column. Drainage work would also be required. Conditions requested to cover pedestrian visibility splays; highway agreements and vehicle cleansing.
- 4.8 Metropolitan Police Designing Out Crime Officer - raises concerns relating to layout issues, including the location of the car parking area which should be relocated to provide natural surveillance. Secured by Design condition recommended.

- 4.9 London Fire Brigade Water Team - no additional fire hydrants required.
- 4.10 Historic England (Archaeology) - no comments received.
- 4.11 Historic England (historic buildings) - application should be determined on the basis of the Council's own specialist conservation advice.

## 5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC45 (Appropriate development in the Green Belt); DC49 (Sustainable design and construction); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).
- 5.2 In addition, the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Heritage Supplementary Planning Document, Planning Obligations SPD (Technical Report 1 – Assessment of Infrastructure Costs) and Sustainable Design and Construction SPD are also relevant.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 5.3 (sustainable design and construction), 5.21 (contaminated land), 6.13 (Parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.3 (community infrastructure levy) of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Practice Guidance.

## 6. Staff comments

### Call-in

- 6.1 This application and the associated listed building application have been called-in for determination by Councillor Ron Ower on the grounds of on the grounds of the planning history of the site and Green Belt issues.

### Background

- 6.2 The outbuildings within the curtilage of Sullens Farm were originally used for agricultural purposes in association with the agricultural use of the adjoining



land. Following the cessation of farming the buildings have been put to use for commercial purposes. An area to the west of the Nissen building has been used for the storage of caravans for many years. The applicant has sought to establish that the uses of the buildings have become lawful through their use in excess of 10 years. Evidence has been submitted in support of applications for lawful development certificates that seek to demonstrate the use over this period. For buildings B and S certificates have been issued, however, for buildings A and C-Q they have been refused. In addition a certificate has been issued for the parking and overnight storage of commercial vehicles on land to the west of building B. No application has been submitted in respect of the caravan storage; however, aerial photographic evidence shows this to have existed for well in excess of 10 years. The use is, therefore, likely to be lawful.

- 6.3 Two previous applications for similar development have been refused on the grounds of impact on the openness of the Green Belt, impact on the setting of the listed building and the impact on neighbouring residents. This application seeks to reduce these impacts to an acceptable level.

#### Principle of the development

- 6.4 The main considerations in this case are the principle of the development in the Green Belt and on the setting of the listed building. In addition there is the potential for an adverse impact on adjoining residential occupiers. This issue was of particular concern to members when the most recent application was considered. The planning history is also relevant in terms of the lawful use of the outbuildings and open areas of the site.
- 6.5 The site lies within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings, including dwellings is normally inappropriate in the Green Belt. However, paragraphs 89 and 90 of the NPPF set out circumstances where new buildings or the re-use of existing buildings would not be inappropriate development. Of particular relevance to this case are: i) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; ii) 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, and iii) the re-use of existing buildings provided they are of permanent and substantial construction.
- 6.6 LDF Policy DC45 is based on the earlier advice in PPG2 (Green Belts), but is broadly consistent with the updated guidance in the NPPF. DC45 seeks to restrict inappropriate development in line with national guidance. The redevelopment of authorised commercial/industrial sites would be acceptable under the policy where there is a substantial reduction in the amount of building on site and there are improvements to the local Green Belt environment. However, only parts of the site are in lawful commercial use.

- 6.7 Paragraph 55 of the NPPF also refers to new dwellings in the countryside generally. Isolated new dwellings should be avoided unless there are special circumstances. The paragraph provides examples of such special circumstances. This includes where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. This is general guidance which does not relate specifically to Green Belt sites.
- 6.8 The proposed development would lie within the curtilage of a Grade II listed building. Given the proximity of the listed building there is the potential for any new built development to have an adverse impact on its setting. The guidance in the NPPF at paragraph 132 is that great weight should be given to the significance of a designated heritage asset. Any harm needs to be clearly justified. In determining applications it is desirable that new development in proximity of a listed building makes a positive contribution to local character and distinctiveness. LDF Policy DC67 and London Plan Policy 7.8 also seek to protect the setting of listed buildings. In this case the demolition of two existing buildings and the construction of new buildings could have the potential to adversely affect the setting of Sullens Farm, even though they would have a reduced volume. Harm to the significance of the asset could amount to a material objection to the application.
- 6.9 Some of the former agricultural buildings within the curtilage of the listed farmhouse are considered to be covered by the listing as they were erected prior to the relevant date (01-07-1948). The range C-Q is considered to be covered by the listing as it relates to the farmhouse and was erected prior to 1948. The Nissen style building is also within the curtilage and was erected post WWII for agricultural use but the date of erection is unclear. However, the aerial photographic evidence is that it was probably erected before 1948 and should be regarded as curtilage listed. The List Entry Details do not include reference to any groupings of buildings within the curtilage; however, it was not the practice to refer to curtilage buildings when Sullens Farm was listed in 1979.

#### Green Belt issues

- 6.10 In terms of Green Belt policy the conversion of the range of buildings C-Q is considered acceptable as it involves the re-use of existing buildings mainly within the existing footprint. There would also be no alterations to the height of the buildings. The conversion is considered to be appropriate development in accordance with the Green Belt policy of the NPPF and LDF Policy DC45.
- 6.11 In terms of the demolition of building B this would improve the openness of the Green Belt. The building was originally part of the farm, but is now lawfully used for commercial purposes. The definition of previously developed land excludes land occupied by agricultural buildings, however, as the building has a new lawful use this is no longer considered to apply. Therefore, the land occupied by the building can be considered a previously developed site where some infilling could be acceptable in accordance with the NPPF. Since the first application (P0881.14) the scale and number of new dwellings proposed on this

part of the site has been reduced. Only two dwellings are now proposed and whilst detached would have a smaller footprint and a lower eaves height. Two detached dwellings are proposed which are located further from the rear garden of no. 118 Sunnings Lane than the previous proposal. The rear gardens have also been relocated so that they are further away from no. 118. On this basis Staff consider that the proposed buildings would not have a greater impact on openness than the existing ones and accord with the relevant Green Belt policies.

- 6.12 The demolition of building A (Nissen building) would also improve openness. However, in this case an application for a lawful development certificate for commercial uses has been refused. The evidence submitted does indicate that the building has probably not been used for agriculture for at least 15 years and the last lawful use of the building may well have been for agriculture. Whilst the lawful use may be unclear the building is substantial in volume and its demolition would materially improve the openness of the site. The proposal to replace building A with three new dwellings of significantly less volume and footprint needs to be considered in this context. The single 'L-shaped' terrace now proposed has been reduced in size from the original application. As a result of the reduced bulk and footprint the proposed replacement is judged to have less impact on openness. The style of the buildings would be similar to the other replacement dwellings. On this basis Staff remain of the view that the replacement would be acceptable in Green Belt terms.
- 6.13 The conversion and new build to the north of the site would also result in some encroachment into an additional part of the Green Belt which is currently open and unused. The formation of garden areas and the introduction of domestic paraphernalia could have an adverse impact on the character and appearance of this part of the Green Belt and on the countryside generally due to its urbanising effect. The proposed garden areas to the south would have less impact as they would be in the place of the large Nissen building.
- 6.14 In assessing the impact of the development in terms of impact on openness it is necessary to apply judgement in relation to the development as a whole. Account also needs to be taken to the other improvements that would arise through the removal of the caravan storage and the area of commercial vehicle storage/parking with the associated hardsurfacing. These would help to improve the overall openness of the site and reduce the overall developed area. There would also be material visual improvements through the removal of the commercial buildings. These are material considerations. Whilst it has not been formally determined that the open storage of caravans is lawful the aerial photographic evidence is that the land has been used for this purpose since at least 1994.
- 6.15 Taking all these matters into account staff consider that the overall development proposed would not have a greater impact on the openness of the Green Belt or on the purpose of including land within it than the existing development. Therefore, the proposed development can be considered appropriate in the Green Belt.

## Heritage Issues

- 6.16 Sullens Farmhouse is Grade II listed and the buildings subject to the application fall within its curtilage. Of the buildings the range C-Q and building A are considered to be covered by the listing as curtilage buildings. A separate listed building consent application has been made for works to C-Q and the demolition of buildings A and B. The new development has the potential to adversely impact on the setting of the listed building. These buildings are now proposed to be more modest in scale such that they would not compete with the listed farmhouse. Staff consider, therefore, that the proposed development would not lead to substantial harm to or loss of the significance of the listed building or to its setting.
- 6.17 The Nissen building (Building A) appears as one of the group of former agricultural buildings around the main farmhouse and does have some value within the overall setting of the listed building. As a result there would be some limited harm to the setting through the demolition of the building. In accordance with the NPPF this harm should be weighed against the public benefits of the proposal. Staff consider that, on balance, the overall benefits through the reduction in scale of the later buildings within the curtilage, including the greater separation between the farmhouse and buildings to the south, the removal of open commercial uses and improved landscaping, and improvements in Green Belt terms, that the proposals would accord with the guidance in the NPPF and the NPPG, LDF Policy DC67 and London Plan Policy 7.8. However, should on the other hand members consider that the harm to the heritage assets is not outweighed by the benefits identified in this report then this could amount to a material objection to the proposals.
- 6.18 The Corbets Tey Conservation Area lies to the north west of the site and the nearest parts are open land associated with High House Farm. The conservation area abuts the edge of the wider Sullens Farm site; however, Staff consider that the proposals would not affect its character or appearance.

## Design/Impact on the streetscene

- 6.19 The existing arrangement of buildings does not have any particularly adverse impact on the wider streetscene. Although no longer in agricultural use, the buildings appear as part of a farm complex and do not detract from the wider rural scene. However, the commercial use of the site does have some negative visual impact. The proposed new dwellings would change the character of the area as the buildings would no longer appear as part of a group of agricultural buildings. However, given the overall reduction in the scale of built development Staff consider that they would not be harmful to the character and appearance of this Green Belt locality. There are a number of isolated dwellings in the locality and the design of the new buildings is judged to be in character with local architecture and materials. In these circumstances the proposals are considered to be in accordance with LDF Policy DC61 and the guidance in the NPPF.

## Impact on residential amenity

- 6.20 The proposed conversion of the building range C-Q and the erection of new dwellings on the site of building B could have a materially adverse impact on existing residential occupiers, in particular no. 118 Sunnings Lane adjoining to the north. Since the most recent refusal the layout of the proposed garden areas has been changed and the number of new dwellings reduced to lessen any impact. The potential impact on the nearest neighbour was of particular concern to members in refusing the previous application. To address this the area proposed for new gardens to the north of the site has been reduced and the landscaped buffer increased. The buffer would range from 6.5 metres to 14 metres compared with the previous five metres. A 2.1 metre acoustic fence would also be erected on the south side of the buffer. There would now be only three gardens in the currently unused grassed area to the north of buildings C-Q. The replacement buildings for Building B would be further from the northern boundary allowing the reconfiguration of the garden areas to provide an acceptable level of amenity space for the new dwellings. Staff consider that this provides an acceptable balance and would adequately protect the amenities of the nearest occupiers. In addition conditions are proposed that would restrict any future development in the rear gardens. All the first floor accommodation would be within the roof space and this would be lit through rooflights so there would be no direct overlooking of rear garden areas.
- 6.21 There are currently commercial activities at the site which are lawful, including the use of Building B and the parking area to the west which have the potential to adversely affect the amenities of the occupiers of the nearest residential properties. The proposed new residential uses would have much less impact and Staff judge that the proposals would have an overall positive impact on residential amenity.

#### Parking and highways Issues

- 6.22 The development would utilise an existing access and the change to a residential use is unlikely to significantly increase the amount of traffic using Sunnings Lane. The nature of the traffic would be predominantly cars which would replace the existing and past commercial traffic. Adequate parking is proposed in accordance with adopted standards.

#### Archaeology

- 6.23 The site lies within an Archaeological Priority Zone. Under LDF Policy DC50 the archaeological significance of a site needs to be taken into account when making decisions and permission should only be granted where satisfactory provision is made for recording and preserving archaeological remains. APZs are wider areas than Archaeological Priority Areas where the archaeological landscape would have the potential to yield specific areas of interest. There is the potential that the site could contain some archaeological interest. Historic England has not commented on the current application but previously the former English Heritage has advised that further studies should be undertaken to help inform the planning decision. However, the proposed development relates mainly to either the conversion of existing buildings or new buildings on

the footprint of buildings to be demolished. The works to the former barns (buildings C-Q) and the demolition of building A are also covered by a Listed Building Consent application that would address recording during conversion. In these circumstances it is considered that an appropriately worded condition would provide protection for any archaeological assets in the areas affected by the development.

#### Secured by design

- 6.24 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The Borough Designing Out Crime Officer has raised issues relating to the visibility of proposed car parking areas in terms of surveillance from the new dwellings. Since the previous refusal the parking areas have been revised and there is better surveillance. The number of spaces has been reduced and whilst closer to the farmhouse are considered to strike the right balance between visibility and impact on the setting of the listed building. In these circumstances this matter would not amount to a material objection.

#### Other issues

- 6.25 The application details include proposals in relation to land outside of the application site, but with the area enclosed by the blue line. These relate to the removal of the caravan storage and the remainder of the commercial vehicle storage/parking area. These areas would be landscaped. These improvements to the Green Belt are a material consideration. In the event that planning permission is granted Staff consider that these should be addressed through a legal agreement, rather than a negatively worded condition, that prevents occupancy of the new dwellings until the land has been cleared and landscaped.

#### Infrastructure Impact of Development

- 6.26 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 6.27 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.28 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development

that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 6.29 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.30 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure – at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.31 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.32 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 6.33 The proposed new dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72. There would be a net addition of eight units and a charge of £48,000 is considered necessary to make the development acceptable in accordance with the policy and which would need to be secured through a S106 Planning Obligation.

## 7. Mayor's Community Infrastructure Levy

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is charged at £20 per square metre based upon the net increase in internal floor area; however, in assessing the liability account can only be taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The relevant existing floorspace amounts to 1,340sqm, however, only buildings B and S are being lawfully used, which have a combined floor area of 259sqm. The proposed new floorspace is 1,016.5 square metres. This gives a net increase of 757.5 square metres for CIL purposes. At £20 per square metre the CIL liability would be £15,150.

## 8 Conclusions

8.1 This application seeks to address the reasons for refusal of two previous applications. Staff consider, as a matter of judgement that as a result of the reduction in the scale of the replacement buildings, the reconfiguration of garden areas and the removal of other open uses of the site that overall the development would bring about significant improvement to the appearance and openness of the Green Belt. The replacement of existing buildings with new development would reduce the overall impact on openness. The re-use of the former barns would not be inappropriate development as the buildings are of permanent and substantial construction. Therefore the development is considered acceptable in Green Belt terms and would accord with the guidance in paragraphs 89 and 90 of the NPPF and development plan policies.

8.2 The scale of the proposed new build development means that it would not have a material adverse impact on the setting of the listed farmhouse by reason of its scale, design and location. The demolition of buildings within its curtilage would lead to less than substantial harm to the significance of the listed building. Staff consider that, on balance, the overall benefits through the reduction in scale of the later buildings within the curtilage, including the greater separation between the farmhouse and buildings to the south, the removal of open commercial uses and improved landscaping, and improvements in Green Belt terms, that the proposals would accord with the guidance in paragraph 134 of the NPPF and the NPPPG, LDF Policy DC67 and London Plan Policy 7.8

8.3 Given the close proximity of proposed garden areas to existing residential properties there is the potential of an adverse impact on the amenities of existing occupiers due to the combined impact of their use by future residents. Staff consider that the reconfiguration of the garden areas and the reduction in the scale of new development in proximity to no. 118 Sunnings Lane would mean that the impacts would be acceptable and adequately address the previous reason for refusal. In this regard weight also needs to be given to the reduction in impact from the removal of commercial uses from the site.

8.4 There would also be a contribution to meet the education costs associated with the development in accordance LDF Policy DC72. There would also be a need to secure the proposed restoration of land outside of the application site, but within the same ownership. Both these matters would be secured through a S106 legal agreement. The proposal is therefore judged to be acceptable,



subject to the obligation and conditions, and it is recommended that planning permission is granted accordingly.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None

**Legal implications and risks:** Legal resources will be required to prepare and complete the Section 106 legal agreement.

The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

### **Human Resources implications and risks:**

None

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity.

## **BACKGROUND PAPERS**

1. Planning application form and plans received 29-04-2015