

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: Thursday 30 August 2012

Decision Type: Non-Urgent Non-Executive Non-Key

Title: 97 EMPRESS DRIVE CHISLEHURST BR7 5BG

Contact Officer: Tim Horsman, Deputy Development Control Manager (East)
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Chief Officer: Director of Renewal & Recreation

Ward: Chislehurst;

1. Reason for report

Planning permission was granted on 20th July 2012 under application reference 12/01589 for a single storey front and side extension and the addition of a first floor to form a two storey dwelling. A number of pre-commencement conditions were attached, none of which have been complied with by the applicant and the dwelling has now been substantially demolished. As a result of this demolition the extant permission can no longer be implemented and no permission is in place for the rebuilding of the dwelling.

2. **RECOMMENDATION(S)**

Officers have requested a planning application for a replacement dwelling within 21 days of 14th August 2012. Members are asked to authorise enforcement action in respect of the unauthorised development taking place should no application be received by 4th September 2012 .

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres Not Applicable: Further Details
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Recurring Cost Non-Recurring Cost Not Applicable: Further Details
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
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Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The site is located to the eastern edge of Empress Drive to the south-east of the entrance to the Chislehurst Recreation ground. To the south Empress Drive runs to Willow Grove, while to the northern boundary of the site the highways turns east, creating a northern and southern section of Empress Drive. The site formerly featured a single storey detached dwelling.
- 3.2 Following reports from residents at the start of the week commencing 6th August 2012 that works had begun on site consisting of the removal of trees and shrubs that the Council sought to retain under Condition 3 of the permission, the demolition of the existing conservatory, and the removal of roof tiles, an officer investigated and confirmed that such activities were underway. It was considered that such activities constituted the commencement of development and the implementation of the permission granted.
- 3.3 The applicant was informed on site and his agent advised by phone, that all works should cease immediately and the details of the pre-commencement conditions (namely conditions 2 (landscaping), 5 (external materials) and 7 (a survey of the road condition)) should be submitted as a matter of urgency. Despite a brief period of cessation on 8th August, works continued as witnessed by the Council's enforcement officer.
- 3.4 As a result of the ongoing works and the non-submission of details to discharge the relevant conditions, a Breach of Condition Notice was authorised on 9th August and issued on 10th August. A letter dated 9th August was also hand delivered to the applicant on site on 10th August and a copy sent to his agent that day; this letter requesting the required details and what actions were required. It was considered that the planting to be retained under condition 3 could be dealt with under the details submitted under condition 2.
- 3.5 Details of conditions 2 and 5 were submitted by letter and marked as received 13th August. As no fee was enclosed this did not constitute a valid submission and as such these conditions cannot be dealt with. No details of condition 7 have been submitted, although the Council's enforcement officer has made a photo record of the condition of the highway which is on file.
- 3.6 The substantial demolition of the property was recorded by way of a site visit on 14th August, with the ground floor southern flank wall all that is remaining. Photos are on file. A letter was sent to the applicant and his agent the same day stating that the rebuilding taking place required the submission of a new application.
- 3.7 As a result of the almost complete demolition of the existing dwelling, it is considered that the planning permission for extensions to the now demolished dwelling previously granted can no longer be implemented. The rebuilding of the dwelling constitutes development for which the applicant does not have the benefit of planning permission. An application is required in order that the Council can assess and consult upon the development of a new building at this site, and consider the imposition of conditions on any permission granted.

Non-Applicable Sections:	Policy, Financial, Legal and Personal implications
Background Documents: (Access via Contact Officer)	Enforcement files containing exempt information as defined by the Freedom of Information Act are not available for public inspection