

Committee Date	31.03.2022		
Address	Land Opposite Econ House Old Maidstone Road Sidcup Bromley		
Application Number	21/02546/FULL1	Officer - David Bord	
Ward	Cray Valley East		
Proposal	Relocation of general waste materials store to Land Opposite Econ House (from Land at The Chalk Pit, Old Maidstone Road), together with retention of existing buildings and activities on Land Opposite Econ House		
Applicant	Agent		
Mr David Cheriton	Mr Jeff Haskins		
C/O Agent	Civic Centre St Mary's Road Swanley, Kent BR8 7BU		
Reason for referral to committee		Councillor call in	

RECOMMENDATION	Application Refused
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control SCA20</p>
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Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
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Standard car spaces	2	2	0
Light good vehicles / Public carrier vehicles	3	3	0

Representation summary	<ul style="list-style-type: none"> • Neighbour notification letters were sent on the 15th October 2021.
Total number of responses	3
Number in support	0
Number of objections	3

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would result in a harmful impact to the openness and visual amenity of the Green Belt.
- In the absence of a noise assessment to demonstrate otherwise, the development would adversely affect the living conditions of neighbouring residents by reason of noise and disturbance.

2. LOCATION

- 2.1 The application site comprises of two separate areas of land fronting Old Maidstone Road which are in the same ownership. These comprise of the following: (1) Land Opposite Econ House (to the west) to where it is intended to relocate a general waste materials store and existing waste management activities; and (2) Land at "The Chalk Pit" in relation to which it is intended to vacate the existing waste materials store and associated activities. Both these sites fall within the Green Belt.
- 2.2 The land opposite Econ House is located immediately opposite the main office of the applicant, Econ Group Ltd. It currently accommodates various containers, lorry trailers and storage building plus general parking facilities, although the use of the site for these purposes is unauthorised. The site is partially screened by trees along its western, northern and southern boundaries. There is an established vehicular and pedestrian access onto Old Maidstone Road.
- 2.3 The "Chalk Pit" land is located to the rear of the Chalk Pit Caravan site and in close proximity to two residential properties along the NW boundary. There is an established access route onto Old London Road to the north. The site currently accommodates containers and ancillary offices and facilities, together with general parking for lorries. The site benefits from a Certificate of Lawfulness for an Existing Use in respect of storage and sorting of scrap metal

and demolition waste and siting of two portable buildings for ancillary offices and two caravans for ancillary storage in connection with demolition contractors business and parking of 6 lorries.

- 2.4 The facing side of the road to both of the sites the subject of this application is made up predominately of detached bungalows.



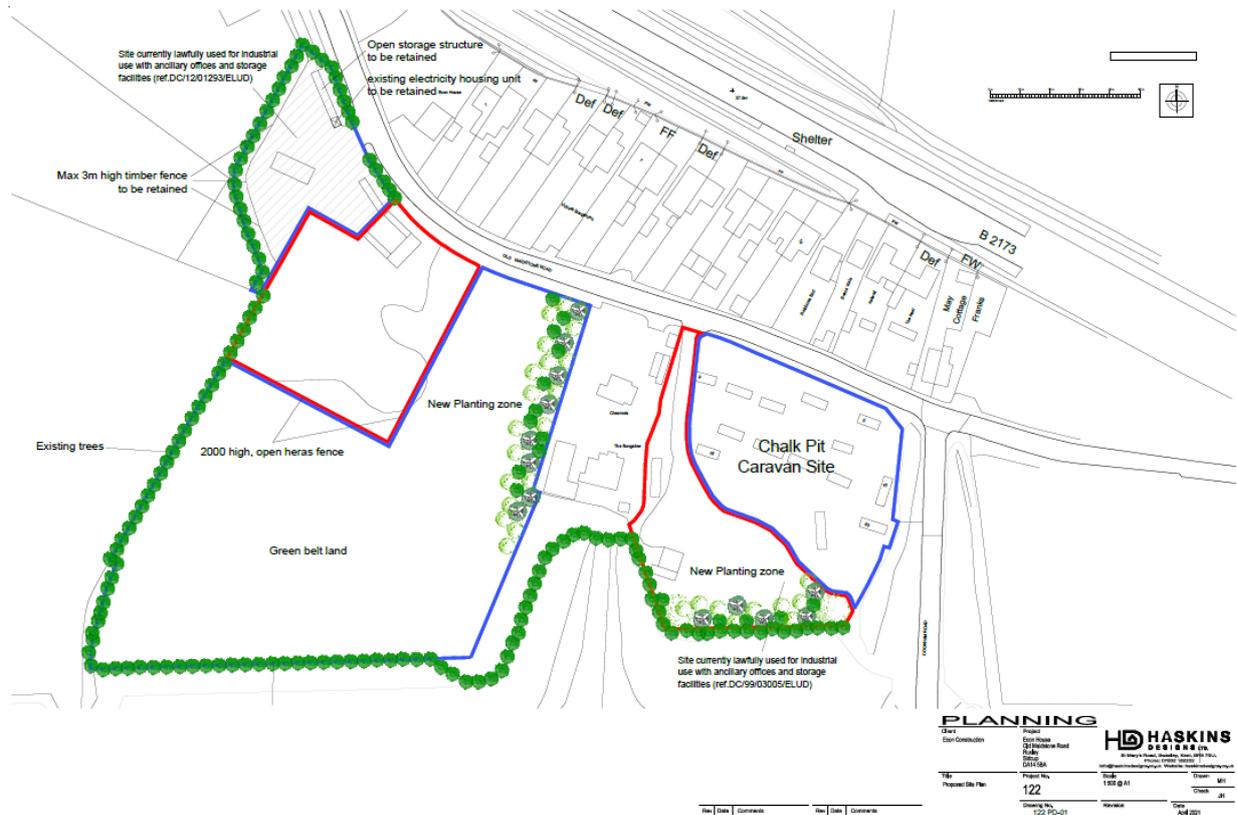
Figure 1: Site location plan

3. PROPOSAL

The proposal seeks planning permission for the following:

- Relocation of general waste materials store to Land Opposite Econ House (from Land at The Chalk Pit, Old Maidstone Road), together with retention of existing buildings and activities on Land Opposite Econ House.
- The lawful use of the land at The Chalk Pit site would be extinguished and this would then revert to 'open space'. The proposals include the planting of new trees and landscape features to provide an enhanced natural ecology for the land.
- The commercial activity would then be transferred across to the site that is located immediately opposite the main office of the applicant Econ House. Part of this site has an established commercial use (details of which are included within the Planning History section below) and the proposals are to relocate the commercial activity from the Chalk Pit and to extend the current site opposite Econ House. All of the operations would be consolidated within one site.

- The extent of the commercial activity would be contained within the red line area as shown on the submitted drawing 122-PD-01. The area to the east and south of the application site would remain as open land as part of the Green Belt definition and some additional planting would form part of this scheme.



4. RELEVANT PLANNING HISTORY

The following planning history is considered to be of relevance:

- 85/01130/FUL – Planning permission granted for the field between Old Maidstone Road and the New By-Pass Disposal of Sub-Soil in connection with the construction of the A20 trunk road and restoration of the land for agricultural purpose (Section 32 Application).
- 99/03005/ELUD – Certificate of Lawfulness for an Existing Use granted for the Chalk Pit site in respect of the following: “Use for storage and sorting of scrap metal and demolition waste and siting of two portable buildings for ancillary offices and two caravans for ancillary storage in connection with demolition contractors business and parking of 6 lorries.”
- 12/01293/ELUD – Certificate of Lawfulness for an Existing Use granted for Land Opposite Econ House in respect of its use for the storage of furniture, bricks, window frames, container lorry trailers and portable building.
- 14/04870/FULL1 – Planning permission refused for Land Opposite Econ House the use of land as a waste transfer station and recycling facility involving minor change of land levels, the erection of a facilitative building, associated plant, site office, and provision of car parking and associated landscaping. The Chalk Pit site

would be given over to open amenity space. Planning permission was refused on the following grounds:

- “1. The proposal constitutes inappropriate use in the Green Belt, and in the absence of very special circumstances is contrary to Policy G1 of the Unitary Development Plan, Section 9 of the National Planning Policy Framework - 'Protecting Green Belt Land', and the National Planning Policy for Waste 2014.
2. By reason of the close proximity to neighbouring residential development, the development would adversely affect the living conditions by reason of noise and disturbance associated with the proposed use, thereby contrary to Policies BE1 and ER2 of the Unitary Development Plan.”

- 16/03973/ELUD – Certificate of Lawfulness for an Existing Use granted for Land Opposite Econ House in respect of its use for crushing and screening brick, concrete, hard core, wood, metal and other inert demolition waste for refuse and recycling.
- 17/02506/DEMCON – Prior Notification in respect of Land Opposite Econ House was granted for demolition of an existing single storey storage building (Consultation under Class B of the Schedule 2, Part 11 of the Town and Country General Permitted Development Order 2015).
- 17/04741/FULL1 – Planning application in respect of Land Opposite Econ House concerning erection of a sleeper wall and metal post security fence withdrawn.
- 17/04948/PLUD – Certificate of Lawfulness for an Existing Use granted for Land Opposite Econ House in respect of re-surfacing of yard area with concrete.
- 19/01328/PLUD – Certificate of Lawfulness for a Proposed Development for Land Opposite Econ House in respect of replacement of an existing industrial building (B8 USE) with a purpose-built building (B8 USE). A Certificate was denied on the basis that the proposal did not constitute permitted development.
- The Land Opposite Econ House is the subject of an Enforcement Notice dated 7 June 2021 requiring the removal of a sleeper wall and 3.8m high boundary enclosure which also form a storage unit.

5. CONSULTATION SUMMARY

A) Statutory

- The Council's Drainage Engineer did not comment on the application.
- The London Borough of Bexley commented as follows:

“Having assessed the application documents and given its location, which is roughly 100m away from the borough's boundary and behind a number of houses and Maidstone Road, it is considered that the proposed works would not harm the character of the area in respect of the London Borough of Bexley, nor would it be detrimental to the amenities of neighbouring Bexley residents, or have a harmful impact upon traffic, parking or highways safety within the borough. In terms of contamination and environmental health issues, any problems which are likely to be considered unacceptable would likely be picked up by Bromley Council.”

- The Council's Highways Engineer commented as follows:

“The proposal will increase the overall size of the waste material site by 0.1 hectares which is unlikely to significantly increase the operation of the site in terms of vehicular movements. I assume, if permitted, the lawful use will transfer from one site to the other. The Land opposite Econ House has an existing access. The Land at the Chalk Pit also has a large access. The application indicates this land is going to be retained as open space green belt with the lawful use extinguished. Is the existing access going to be retained as it is as I presume it is no longer needed?”

- The Council's Environmental Health Officer commented that the contaminated land report submitted reports in 2013 and 2014 and based on the findings it seems that there is a low risk of the site representing a significant risk to human health. In addition, the site does have potential to negatively impact the surrounding residents due to noise, especially due to proximity. A noise assessment was recommended. It was unclear not all the noise will be due to plant noise, so it is questioned whether there a way the condition can cover noise generating activities.

B) Local Groups

None

C) Adjoining Occupiers

- Site not authorised for the use.
- Numerous infringements stand to me addressed.
- Structures have been put up with electric cables and lighting on poles which shine into neighbouring window at night.
- The processing of any waste will adversely affect the health of the neighbouring residents.
- The noise levels on that land at present are high and adversely affect the neighbour's health.
- Processing general waste will most certainly increase the noise levels. This will impact on quality of life.
- There will no doubt be an increase in the number of vehicles on this small road which is already busy.
- This will increase pollution levels and thereby impact the health of all neighbours.
- Moving from a well known and established SUTABLE site that has housed a business for many years to a new invasive area makes little sense beside convenience for the applicant.
- It would seem more appropriate to relocate the smaller storage facility opposite Econ House to the Chalk Pit site. This would then allow the green belt field to be restored from the abuse it has received from this company.
- Over the last couple of years we have many complaints have been submitted about the illegal activity by Econ at the land opposite Econ House. They have consistently

abused the land and flagrantly ignored Bromley Councils planning procedures and policies.

- Residents we have sat alongside the Chalk Pit site since it was established many years ago and never complained, however this site as suggested in the name "PIT" is set well below ground level where the dust, noise and machinery are kept to a limited interference.
- The land opposite Econ House is at ground level, The dust, noise and general disruption created since the unlawful use of this land recently has been unbearable for residents and demonstrates its complete unsuitability for the use submitted.
- This new site at ground level is situated next to the road and also close to several residents not just two on the Chalk Pit site.
- Relocation for convenience of Econ is not a reason for " special circumstances sufficient to allow consent"

The full text on comments received are on file.

6. POLICIES AND GUIDANCE

National Policy Framework 2021

The London Plan

- D1 London's form and characteristics
- D4 Delivering Good Design
- G2 London's Green Belt
- S17 Reducing Waste and Supporting the Circular Economy

Bromley Local Plan 2019

- 37 General Design of Development
- 49 The Green Belt
- 114 New Waste Management Facilities and Extensions and Alterations to Existing Sites
- 119 Noise Pollution

7. ASSESSMENT

7.1 Green Belt Openness and Visual Amenity – Unacceptable

7.1.1 Paragraphs 137 - 151 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.1.2 Paragraph 138 sets out the five purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas.
- b) to prevent neighbouring towns merging into one another,
- c) to assist in safeguarding the countryside from encroachment,

- d) to preserve the setting and special character of historic towns, and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.1.3 Paragraphs 147-151 deal specifically with development proposals in the Green Belt. Inappropriate development in the Green Belt is by definition harmful (i.e. in principle) and should not be approved except in very special circumstances. When considering any planning application local planning authorities should give substantial weight to any harm to the Green Belt.

7.1.4 Paragraph 149 of the NPPF states:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) 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;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

7.1.5 Paragraph 150 of the NPPF states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

- 7.1.6 As outlined above, the proposal involves the relocation of general waste materials store to Land Opposite Econ House from Land at The Chalk Pit, Old Maidstone Road, both areas of which are in the applicant's ownership. Whilst the proposal involves relocation of the existing waste facility, it nonetheless amounts to inappropriate development in the Green Belt, since it does not fall within one of the categories of “not inappropriate” development in the Green Belt. Moreover, the proposal would conflict with one of the overriding objectives of Green Belt policy which is to assist in safeguarding the countryside from encroachment.
- 7.1.7 The applicant appears to acknowledge that the proposal amounts to inappropriate development in the Green Belt, as a consequence advancing arguments of “very special circumstances” (VSC) so as to justify the proposal. These arguments are largely contained within a supporting letter dated 18 November 2021, the contents of which are considered in further detail below.
- 7.1.8 Turning to the effect of the proposal on the visual amenity and openness of the Green Belt, although it is acknowledged that there would be a reduction in the number of sites from two to one which are utilised in connection with the applicant's business along Old Maidstone Road, it has to be borne that much of the existing activity opposite the applicant's Econ House office is presently unauthorised and is liable to enforcement action. As regards the level of built development, the applicant's supporting documents indicate that there would be an overall increase of 14% in terms of buildings' footprint and an 8% increase in their volume; as regard hardstanding, there would be a negligible reduction of 1% and no permission appears to have been granted historically for hard surfacing at the site. It is also noted that the applicant's figures for the existing built development at the Chalk Pit site appear to exceed that which has the benefit of the lawful development certificate granted under ref. 99/03005/ELUD which refers only to the siting of two portable buildings for ancillary offices and two caravans for ancillary storage.
- 7.1.9 It is considered that the development would result in an overall detraction in terms of the level of openness of the Green Belt. Perhaps more significantly, the applicant's business shift to a more exposed and conspicuous location along Old Maidstone Road where it would appear much more prominent along the streetscene, especially from views from the east. In contrast, the current operations along the Old Chalk Pit site are far more concealed and located to the side and rear of an existing cluster of built development which includes a mobile homes site and two bungalows. Accordingly, there would be an adverse effect on Green Belt openness, and this harm should be afforded significant weight.
- 7.1.10 Paragraph 148 of the NPPF advises that LPAs should give substantial weight to any harm to the Green Belt. It adds that “very special circumstances” (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other

considerations. As regards VSC, the following have been advanced by the applicant in support of the proposal:

- The change of use of 2820.5m² of land (The Chalk Pit site) from a lawful commercial use to a landscaped area for the following (as confirmed under reference DC/99/03005/ELUD).
- Removal of all hardstanding from site adjacent to the Chalk Pit site.
- Removal of all existing buildings with floor area of 112.2m² from the Chalk Pit site.
- An improvement to the residential amenities of neighbours in the Chalk Pit mobile home site and the two neighbouring detached dwellings.
- New extensive landscaping for both sites and the entire boundary to the landholding.
- Potential for ecological enhancement – net gain for biodiversity.
- The potential for conditions to be imposed to control the operation of the site.
- The creation of a more efficient local business to benefit the local economy.

7.1.11 For the reasons already outlined in regard to the openness and visual amenity of the Green Belt it is not considered that the relocation of the applicant's business operations and associated removal of structures and hardstanding would amount to VSC. It is considered that potential landscaping and ecological enhancements would be an expectation, rather than a justification, for a development of this nature. The proposed landscaping scheme may be expected in most similar sorts of larger-scale developments, regardless of whether or not they fall within the Green Belt. This is not considered to represent very special circumstances. Improvements to the residential amenities of neighbours in the Chalk Pit mobile home site and the two neighbouring detached dwellings may be regarded as a benefit of the proposal, although for reasons outlined below, there are concerns that this proposal in its totality could result in additional harm in terms of noise and disturbance.

7.2 Highways – Acceptable

7.2.1 The proposal would increase the overall size of the waste material site by 0.1 hectares which is unlikely to significantly increase the operation of the site in terms of vehicular movements. The Land opposite Econ House has an existing access. The Land at the Chalk Pit also has a large access. Overall, it is not considered that the proposal would adversely affect highway conditions.

7.3 Neighbourhood Amenity / Noise – Unacceptable

7.3.1 In relation to neighbouring amenity, Policy 37(e) is relevant in terms of requiring that all development proposals respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing. Policy 119 of the Local Plan states that in order to minimise adverse impacts on noise sensitive receptors, proposed developments likely to generate noise

and or vibration will require a full noise/ vibration assessment to identify issues and appropriate mitigation measures. The policy adds that new noise sensitive development should be located away from existing noise emitting uses unless it can be demonstrated that satisfactory living and working standards can be achieved and that there will be no adverse impacts on the continued operation of the existing use.

- 7.3.2 As already noted, the Environmental Health Officer has commented that the site does have potential to negatively impact the surrounding residents due to noise, especially due to proximity. A noise assessment has been recommended. It is unclear not all the noise will be due to plant noise, so it is questioned whether there a way the condition can cover noise generating activities. However, in the absence of evidence to demonstrate otherwise, the proposal would adversely affect the living conditions of nearby residents by reason of noise and disturbance.

8. CONCLUSION

- 8.1 Having regard to the above, the development in the manner proposed is considered unacceptable as it would: (1) constitute inappropriate use in the Green Belt which, in the absence of very special circumstances, is contrary to adopted Green Belt policy; and (2) in the absence of evidence to demonstrate otherwise, the proposal would adversely affect the living conditions of nearby residents by reason of noise and disturbance.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: Application Refused

Reasons for refusal:

- 1. The proposal constitutes inappropriate use in the Green Belt and, in the absence of very special circumstances, is contrary to Policy 49 of the Local Plan and Policy G2 of the London Plan.**
- 2. In the absence of evidence to demonstrate otherwise, the proposal would adversely affect the living conditions of nearby residents by reason of noise and disturbance, thereby contrary to Policies 37 and 119 of the Local Plan.**