

SECTION '2' – Applications meriting special consideration

Application No : 11/01948/VAR

Ward:
Cray Valley East

Address : Crouch Farm Crockenhill Road Swanley
BR8 8EP

OS Grid Ref: E: 549392 N: 167211

Applicant : Mr H Batchelor

Objections : YES

Description of Development:

Variation of condition 10 of application ref: 10/00211 allowed at appeal to enable B8 use in Building C to operate at extended hours of 07:00 - 18:00 Mon - Fri, 09:00 - 16:00 on Saturday and 10:00 - 12:00 on Sundays and Bank holidays

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Local Distributor Roads

Proposal

The proposed variation of condition relates to Condition 10 of application ref. 10/00211 allowed at appeal. The applicant seeks to vary the condition to allow the B8 (storage) use element to take place in Building C (the overall building comprising workshop, communal toilets/washroom and vehicle bays involving light industrial repairs and covered storage) for extended hours.

At present the permitted hours of operation are: 07:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays, and not at all on Sundays or Bank Holidays. It is sought to extend operational hours to 09:00 - 16:00 on Saturdays and 10:00 - 12:00 on Sundays and Bank holidays

Location

The application site is located within the Metropolitan Green Belt and adjoins the B258 Crockenhill Road connecting St Mary Cray and Crockenhill Village. The site is located approximately half way between these two areas. The site comprises 200 acres of land used for arable farming, and the main buildings associated with the farm form a cluster located within a 20 metre proximity north of Crockenhill Road.

Agricultural activity has historically existed at the application site known as Crouch Farm. The application site adjoins Crouch Farm House, a Grade II listed farmhouse of early traditional framed construction which is considered to date back in parts to the Fourteenth Century and which has a shared history with the farmyard, although it is now under separate ownership.

Comments from Local Residents

Representations have been which are summarised below:

- noise, disturbance and pollution from storage units, associated parking and vehicles will cause an unacceptable degree of impact on the adjoining residential property at Crouch Farm House and could set a precedent for working hours at other units on the site
- Paragraph 22 of the Appeal Decision Letter specifically sought to tighten the proposed condition on working hours to safeguard residential amenity and applied to both B1 and B8 units as these are itemised in separate conditions
- Sunday and Bank Holiday operations had never been requested in any previous application on the site
- no control over B8 uses to take place in the building

Objections have also been raised by a local Ward Member.

Comments from Consultees

No technical Environmental Health objections raised.

Planning Considerations

Relevant policies in the Unitary Development Plan are G1 (Green Belts) and BE1 (Design of New Development). Policy BE1 (v) states that development should respect the amenity of occupiers of neighbouring buildings and those of future occupiers and ensure their environments are not harmed by noise and disturbance.

Planning History

Several planning applications have been submitted in relation to this site. Under application ref. 05/01095 planning permission was granted for the creation of new farm access further to the west, together with an associated driveway and replacement field entrance. Under ref. 07/01466 planning permission was granted for a replacement agricultural building approximately 40 metres to the west of Building C.

More recently, under ref. 10/00211 an application concerning the change of use of agricultural buildings to Class B1/B8 commercial use at Buildings A, B and C was refused by the Council on the basis that the proposed use would be unrelated to agriculture would conflict with Green Belt policy; and that the proposal would have a detrimental impact on the setting of Crouch Farm and the amenities of its occupiers by reason of disturbance and visual impact. That application was subsequently allowed at appeal.

Conclusions

It is considered that the key issue in this case relates to the impact of the extended operating hours on residential amenity, particularly in relation to those of Crouch Farm House.

In considering the impact of the 2010 application (ref. 10/00211) for the change of use of agricultural buildings to Class B1/B8 commercial use including elevational alterations and ancillary car and van parking spaces, the Planning Inspector judged, in Paragraph 8, that “given the separating distance between Building A/B and the nearest residential dwelling, the greater separating distance of Building C, and the fact that there are substantial buildings in between, [it was not considered] the proposed change of use of the buildings would cause significant harm in terms of noise or general disturbance... [Furthermore it was not considered] the vehicle parking spaces proposed in Scheme A – 4 for vans, and 9 for vans – would cause any significant disturbance. Any visual intrusion – which in any case would be minor – could be remedied by a suitable screen of planting.”

Despite his support for the change of use, the Inspector attached a number of conditions to control the use, including a time restriction on both the permitted B1 and B8 uses (Conditions Nos. 9 and 10). In justifying these conditions, the Inspector stated, in Paragraph 22 that:

“... I also consider it would be necessary to impose a condition relating to hours of operation of the proposed units. Although the Council [in its appeal submissions] suggest that working might continue on Saturday afternoons, it appears to me that these are times when residential occupants might reasonably expect peace and quiet. I have therefore amended the working times so that they may not continue after 13:00 on Saturdays.”

The above paragraph forms an important consideration in assessing this application. Furthermore, given its rural Green Belt location and the layout and nature of surrounding development surrounding residents could reasonably expect the noise levels during Saturday afternoons, Sundays and Bank Holidays to be substantially lower. It is considered that the extended B8 operating hours at Building C will have the potential to significantly increase noise levels to the detriment of the amenity of surrounding residents, more so given the unrestricted nature of the storage permitted for that building.

Background papers referred to during production of this report comprise all correspondence on files refs. 05/01095, 07/01466, 10/00211, 10/01989 and 11/01948, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed increase in hours of operation would be detrimental to the amenities that surrounding residents might reasonably expect to be able to continue to enjoy by reason of noise and general disturbance associated with the use of the buildings, thereby contrary to Policy BE1 of the Unitary Development Plan.

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