

## **Churchfield Road Appeal**

### **Statement of Common Ground and Uncommon Ground**

**Appeal References:** APP/G5180/C/25/3363900 & APP/G5180/W/25/3365514

**Date of Inquiry:** 19-21, 27-28 August

**Site:** An area of circa 1.2ha shown edged red on the Existing Ground Floor Plan (CD2.06)

**Appeal Site Address:** London Electricity Board Depot, Churchfields Road, Beckenham, BR3 4QZ

**Description of Development:** Full application for the temporary (5 years) change of use from SUI Generis formed of an electricity undertaker's depot to a dual use of Class B8 (to provide a scaffolding equipment storage/distribution yard) and SUI Generis retaining the existing electricity undertaker's depot. Installation of 8 no. single-storey cabins, containers and shelters, 2 no. scaffolding storage bay structures and 7 lighting columns with associated CCTV. Retrospective.

**Appellant:** Churchfield Road BR3 Limited

**Local Planning Authority:** London Borough of Bromley ("the Council") (reference 24/00815/FULL2)

This statement addresses the following areas of common ground and addresses matters which remain in dispute

1. Description of the site and description of the area
2. Planning history of site
3. The Appeal Scheme and Plans
4. Development plan (including relevant policies)
5. List of Conditions and Planning Obligations
6. Matters in agreement
7. Matters in dispute

#### **1. Description of the site and area**

1.1 Churchfield Road is accessed from its northern end via Beckenham Lane A234. It is a long road extending to c. 620m. At the junction with Clement Road, Churchfield Road becomes Beck Lane and extends a further c 400m. The road is predominantly residential comprising a small number of three-story residential buildings to the northern end of Churchfield Road, beyond that the properties further along Churchfield Road and the dense network of streets that lead from it comprise terraces of mainly modestly sized two storey dwellings.

1.2 The Appeal Site lies to the east of Churchfields Road Reuse and Recycling Centre (RRC), to south of the Churchfields Recreation Ground, to the north of the Maberley Road Playing Field (each of which comprise areas of Urban Open Space – as set out in Bromley Local Plan Policy 55).

1.3 To the west of the site is land within the Council's ownership which has been excluded

from the red line site. Further to the West (on the other side of the Chaffinch Brook) are the grounds of Churchfields Primary School. To the east of the application site is the Southeastern railway line to Hayes and London Charing Cross, beyond which lie the rear gardens of dwellings fronting Clock House Road.

- 1.4 The site is accessed via a two-way access road and serves the existing RRC and the Appeal Site. (which involves the operations associated with the electricity depot, meaning LPN and Clancy Group, and also Masons Scaffolding). The access road is gated both at the entrance to Churchfields Road and the Appeal Site.
- 1.5 The site lies within Flood Zone 2 and the north western boundary of it lies adjacent to the Chaffinch Brook.
- 1.6 The Appeal Site is 'Non-designated Employment Land' for industrial and related employment uses as per Policy 83 of the Bromley Local Plan and pursuant to Policy E4 and E7 of the London Plan.

## **2. Planning History**

- 2.1 In 1992 planning permission was granted under reference 92/00337/FUL (CD12.06) for the change of use from electricity undertakers depot to electricity undertakers depot and vehicle service repair and MOT testing station.
- 2.2 The permission was subject to the following 4 conditions requiring:
  1. The servicing, testing, repairing and storing of vehicles on the application site other than those owned by or belonging to London Electricity Plc shall cease on or before 1st May 1994
  2. The servicing, testing, repairing and storing of vehicles on the application site hereby permitted shall be carried out only by London Electricity Plc.
  3. The use hereby permitted shall not operate before 07.30 hours or after 17.30 hours on any day.
  4. The night trunking operation involving the use of 2 x 30 tonnes maximum length drawbar units will no longer collect or deliver to the application site outside of the hours of opening as stipulated by condition 3 above.
- 2.3 The reason for the above conditions were so that the situation could be reconsidered in the light of circumstances at that time and to enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area.
- 2.4 Under reference 13/01555/PLUD a certificate of lawfulness for proposed remediation of contaminated land and removal of waste and contaminated material was granted. The site location plan (Figure 101) submitted with the application was consistent with that submitted with this Appeal Scheme.
- 2.5 The 1992 permission is the extant approval for the site and authorises Sui Generis use as an electricity undertaker's depot. This was the sole use of the site until it was first occupied [June 2024] and fully operated by Mason Scaffolding from [November 2024].

## **3. The Appeal Scheme and Plans**

- 3.1 Both parties agree the following summary of the Appeal Scheme:

3.2 5 March 2024 - The Appeal Scheme was originally submitted on for:

*Full application for the temporary (5 years) change of use from SUI Generis formed of an electricity undertaker's depot to a dual use of Class B8 (to provide a scaffolding equipment storage/distribution yard) and SUI Generis retaining the existing electricity undertaker's depot. Retrospective.*

3.3 The Appeal scheme at this stage was accompanied by B20100 P03 – Existing Ground Floor Plan

3.4 11 April 2024 - following submission an error with regards to the land boundary was identified and a revised drawing B20100 P04 – Existing Ground Floor Plan was issued excluding Council land from the red line site area.

3.5 27 August 2024 -Following the case officers site visit the Council requested that details of the structures on site were included in the submission. A series of amended drawings were issued as well as agreeing a change to the description of development, and these formed the basis of the decision by the Council. The agreed description of development was:

*Full application for the temporary (5 years) change of use from SUI Generis formed of an electricity undertaker's depot to a dual use of Class B8 (to provide a scaffolding equipment storage/distribution yard) and SUI Generis retaining the existing electricity undertaker's depot. Installation of 2 no. single storey cabins and CCTV/lighting. Retrospective. AMENDED DESCRIPTION TO INCLUDE STRUCTURES AND ADDITIONAL INFORMATION RECEIVED 27/08/24*

3.6 The associated drawings at this stage were:

- B20100 P05 – Existing Ground Floor Plan
- Z1-9-20100 P01 – Proposed Ground Floor Plan
- Z1-10-20100 P02 – Proposed elevations Storage bays, cabins and lights

3.7 8 April 2025 - One plan has been updated at Appeal Submission Z1-9-20100 P02 – Proposed Ground Floor Plan to include the single storey cabins. This plan does not include all of the floodlighting or a forklift shelter structure currently on the site. Notwithstanding the above the drawings to date are:

- B20100 P05 – Existing Ground Floor Plan
- Z1-9-20100 P02 – Proposed Ground Floor Plan
- Z1-10-20100 P02 – Proposed elevations Storage bays, cabins and lights

3.8 5 August 2025 - Subsequent to the above the Appellant has provided a revised plan detailing the location of floodlighting and the forklift shelter as well as clarifying the exact extent of land used by the Scaffolding Use and Highlighting the LPA Owned Land. This Plan, reference Z1-9-20100 P03 – Proposed Ground Floor Plan and contained as Appendix 2 to this Statement of Common Ground.

#### **4. Development Plan**

4.1 The statutory Development Plan is formed of the following documents.

- (a) London Plan 2021**
- (b) Bromley Local Plan 2019**

4.2 Detailed below is a list of policies which the Inspector may consider to be relevant to the Appeal Scheme.

NPPF 2024

- Chapter 2 Achieving sustainable development
  - Paragraph 8-12
  - Chapter 4: Decision Making
  - Paragraphs 56-60
- Chapter 6 Building a strong, competitive economy
  - Paragraph 85, 87(b)
- Chapter 9 Promoting Sustainable Transport
  - Paragraph 115
  - Paragraph 116
  - Paragraph 117
- Chapter 11 Making effective use of land
  - Paragraph 124
  - Paragraph 125

London Plan 2021

- Policy D3 Optimising site potential through the design-led approach
- Policy D4 Delivering good design
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy E2 Providing suitable business space
- Policy E4 Land for industry, logistics and services to support London's economic function
- Policy E6 Locally Significant Industrial Sites
- Policy E7 Industrial intensification, co-location and substitution
- Policy G4 Open space
- Policy SI 1 Improving air quality
- Policy SI 3 Energy infrastructure
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T7 Deliveries, servicing and construction

Regional Guidance Relevant publications from the GLA include:

- Mayor of London CIL Charging Schedule (2019)

Bromley Local Plan (2019) (the following list outlines the key policies for the site)

- Policy 32 Road Safety
- Policy 33 Access for All
- Policy 37 Design of New Development
- Policy 80 Strategic Economic Growth
- Policy 83 Non-Designated Employment Land
- Policy 115 Reducing Flood risk
- Policy 118 Contaminated Land
- Policy 119 Noise Pollution
- Policy 120 Air Quality
- Policy 122 Light Pollution
- Policy 123 Sustainable Design and Construction

Local Guidance / Supplementary Planning Documents Relevant local guidance and SPDs for Bromley:

- Urban Design Guide (2023)
- Planning Obligations (2022)

4.3 The following policies were referred to in the decision notice in support of the reasons for refusal:

- Bromley Local Plan Policy 32 Road Safety
- Bromley Local Plan Policy 37 General Design of Development
- Bromley Local Plan Policy 119 Noise Pollution
- London Plan Policy D3 Optimising site capacity through the design-led approach
- London Plan Policy D14 Noise

## **5. List of Conditions and Planning Obligations**

5.1 Without prejudice to the Council's case and in the event that the appeal is allowed the Inspector is requested to consider the Planning Conditions set out at Appendix 1 to this document.

## **6. Matters in Agreement**

6.1 In addition to the above the following matters are in agreement between the parties.

- At determination of the Appeal Scheme the Councils Highway Officer concluded that 'The trip attracting potential of the proposed development is not significant and will therefore not lead to a severe impact on the adjacent transport network. Since the application was submitted the trip generation figure has now changed.
- The Council does not pursue Air Quality as a reason for refusal.
- The internal tracking arrangements for the movements of vehicles are acceptable. All internal arrangements for parking are agreed.
- Taking into account the positioning of the site set back from the public highway, it is not considered that the on-site structures and associated operational development are visually harmful or detrimental to the wider visual amenities of the area;

- The Appellant has provided a photograph showing the scaffolding equipment on the Council's land has been removed

## **7. Matters in Dispute**

7.1 The application was refused on 17th October 2025, with the following reason for refusal:

*Reason 1 – The proposal as set out in the application and currently in operation represents a significantly more intensive use of the site which has a detrimental impact on the general residential amenities of the area, resulting in additional noise and disturbance associated with the comings and goings to and from the site, as well as the activities upon the site itself, and insufficient information has been provided to demonstrate that the impact of the use on the residential amenities of the area and with regards to highways safety could be successfully mitigated and controlled. The proposal is thereby contrary to Policies 32, 37 and 119 of the Bromley Local Plan and Policies D3 and D14 of the London Plan.*

7.2 Following the agreement set out in paragraph [6.1] above, the following matters remain in dispute between the parties:

- For Appeal A, that there is any prejudice arising from the Council's failure to serve the Notice on London Power Networks PLC;
- For Appeal A, that the steps required to comply with the requirements of the Notice are excessive to remedy injury to amenity;
- For Appeal A, that the period of time suggested to remedy the breach is sufficient.
- For Appeal B, that the Appeal Scheme has a detrimental impact on the general residential amenities of the area, with particular regard to noise, disturbance and highway safety;
- For Appeal B, that the Appellant has not demonstrated that the negative impacts of the Appeal Scheme, with particular regard to noise, disturbance, and to highway safety, can be successfully mitigated or controlled;
- For Appeal B, the weight to be given to the of benefits associated with the delivery of the 7 FTE jobs on non-designated employment land and the associated indirect employment.

Tom Lawson of Rolfe Judd Planning Ltd  
On behalf of Churchfield Road BR3 Limited

Date... **05.08.2025**.....

Signed.....*Tom Lawson*.....

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Karen Daye on behalf of  
London Borough of Bromley

Date...**5.8.2025**.....

Signed...*Karen Daye*...

**Appendix 1 - Conditions APP/G5180/W/25/3365514 (LPA Planning Application Ref. 24/00815/FULL2)**



**Conditions APP/G5180/W/25/3365514 (LPA Planning Application Ref. 24/00815/FULL2)**

**London Electricity Board, Churchfields Road, BR3 4QZ**

**WITHOUT PREJUDICE**

<b>1. In accordance with Plans</b>	<p>The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.</p> <p><b>REASON: In the interest of the residential and visual amenities of the area and conditions of highways safety and the free-flow of traffic, to accord with Policies 119, 83, 37 and 32 and of the Bromley Local Plan.</b></p>	<b>AGREED</b>
<b>2. Restriction on Use</b>	<p>The area shown shaded blue on drawing no. 6446 Z1-9-20100 P02 shall be used as a scaffolding storage and distribution yard and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p><b>REASON: To accord with the scope of the application and the submitted details and in order that alternative uses can be considered in the light of potential impacts on residential and general amenity and the highways implications of an alternative use, to accord with Policies 119, 83, 37 and 32 of the Bromley Local Plan.</b></p>	<b>AGREED</b>

<b>3. Temporary Permission</b>	<p>The building(s) / structures hereby permitted shall be removed and the use discontinued and the land reinstated to its former condition on or before the <i>[insert date 5 years from date of appeal decision]</i></p> <p><b>REASON: To accord with the terms of the application for temporary planning permission and in order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the amenities of the area, to accord with Policies 119, 83, 37 and 83 of the Bromley Local Plan.</b></p>	<b>AGREED</b>
<b>4. Operational Management Plan (Council)</b>	<p>Within 1 month of the date of this decision an operational management plan shall be submitted to the Local Planning Authority to set out the hours of access to and egress from the site, details of a complaint-handling policy, and of management of the safe access to the site. The operational management plan shall include details of the times of access to/egress from the site by lorries associated with the operation, and shall set out the process for avoiding conflict with school drop-off and pick-up times during the school week and a process for marshalling vehicles accessing and egressing the application site at the junction with Churchfields Road. Following approval of the submitted plan, the operation/use of the site shall accord with the approved details thereafter unless previously agreed in writing by the Authority.</p> <p><b>REASON: In the interest of conditions of safety, the free-flow of traffic in the adjacent highway and along the access road, and to accord with Policies 119, 83, 37 and 32 of the Bromley Local Plan.</b></p>	<b>COUNCIL SUGGESTION NOT AGREED</b>

<b>5. Hours (Council)</b>	<p>The use shall not operate on any Sunday or Bank Holiday Xmas Day or Good Friday nor before 0700 or after 1600 on any weekday Monday to Friday and on Saturday not before 0900 or after 1600.</p> <p><b>REASON: To accord with the terms of the application, in the interest of the residential amenities of the area and to accord with Policies 119, 83, 37 and 32 of the Bromley Local Plan.</b></p>	<b>COUNCIL SUGGESTION NOT AGREED</b>
<b>6. Vehicle Hours (Council)</b>	<p>There shall be no HGV access to or HGV egress from the site between the hours of 0730 to 0900 and 1430 to 1600 Monday to Friday.</p> <p><b>REASON: To avoid conflict with existing periods of congestion within the adjacent highway associated with the operation of the nearby school, and in the interest of conditions of pedestrian and highways safety and the free flow of traffic, to accord with Policy 32 of the Bromley Local Plan.</b></p>	<b>COUNCIL SUGGESTION NOT AGREED</b>
<b>7. Hours Operation/ Vehicle (Appellant)</b>	<p>The area shown shaded blue on drawing no. Z1-9-20100 P02 use shall not operate (with the exception of non HGV vehicle movements) outside the following times and explicitly excluding any loading and unloading of any vehicle:</p> <ul style="list-style-type: none"> <li>a. Monday – Friday – 0800-1830</li> <li>b. Saturday – 0800-1700 (Loading and unloading only)</li> <li>c. Sunday -0800-1300 (Loading and unloading only)</li> </ul> <p><b>REASON: To accord with the terms of the application, in the interest of the residential amenities of the area and to accord with Policies 119, 83, 37 and 32 of the Bromley Local Plan.</b></p>	<b>APPELLANT SUGGESTION</b> Hours Sunday not agreed

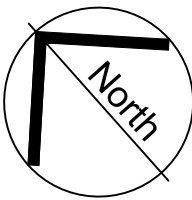
<b>8. Hours Vehicle (Appellant)</b>	<p>No HGVs shall access or egress the area shown shaded blue on drawing no. 6446 Z1-9-20100 P02 between 0830-0900 and 1515-1545 during term-time on days that Churchfields Primary School is open to pupils, nor before 0630 or after 1700 Monday to Friday, before 0700 or after 1600 on Saturdays, or at any time on Sunday and bank holidays (unless operationally necessary).</p> <p><b>REASON: To avoid conflict with existing periods of congestion within the adjacent highway associated with the operation of the nearby school, and in the interest of conditions of pedestrian and highways safety and the free flow of traffic, to accord with Policy 32 of the Bromley Local Plan.</b></p>	<p><b>APPELLANT SUGGESTION NOT AGREED</b></p>
<b>9. Vehicle Management Plan (Appellant)</b>	<p>The development hereby approved shall be operated in compliance with an / the agreed Vehicle Management Plan (Ref: [CD11.07]) unless otherwise agreed in writing with the Local Planning Authority.</p> <p><b>REASON: To avoid conflict with the operation of the nearby school in the interest of conditions of pedestrian to accord with Policy 32 of the Bromley Local Plan.</b></p>	<p><b>AGREED</b></p> <p><b>Any Proposed Mitigation to be discussed at Round Table</b></p>
<b>10. Lighting</b>	<p>Details of the scheme of lighting for the scaffolding yard hereby permitted shall be submitted for approval to the Local Planning Authority within 1 month of the date of this decision.</p> <p>The lighting scheme as shall be implemented in full accordance with details submitted before the development is first occupied and the lighting shall be permanently retained thereafter.</p>	<p><b>AGREED</b></p>

	<p><b>Reason: In order to comply with Policies 122 and 37 of the Bromley Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.</b></p>	
<p><b>11. Refuse Storage Provision</b></p>	<p>(a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted for approval to the Local Planning Authority within 1 month of the date of this decision.</p> <p>(b) The arrangements as approved under part (a) shall be completed within 1 month of approval by the Local Planning Authority and retained thereafter for the lifetime of the consented development .</p> <p><b>Reason: In order to comply with Policies 32 and 37 of the Bromley Local Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.</b></p>	<p><b>AGREED</b></p>
<p><b>12. Cycle Parking</b></p>	<p>(a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to for approval the Local Planning Authority within 1 month of the date of this decision.</p> <p>(b) The arrangements as approved under part (a) shall be completed within 1 month of approval by the Local Planning Authority, and retained thereafter for the lifetime of the consented development.</p> <p><b>Reason: In order to comply with Policy T5 of the London Plan and Policies 31 and 33 of Bromley Local Plan in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport</b></p>	<p><b>AGREED</b></p>

<b>13. Access Pedestrian Safety Measures (Appellant)</b>	<p>Within 1 month of the date of this decision a strategy document shall be submitted to the Local Planning Authority of pedestrian safety measures/barrier to be installed along the pavement at the entrance to the access road.</p> <p><b>REASON:</b> In the interest of pedestrian safety and to avoid conflict between vehicles associated with the use hereby granted temporary planning permission and pedestrians accessing and egressing the site and crossing the access road, to accord with Policies 32 and 34 of the Bromley Local Plan.</p>	<p><b>APPELLANT SUGGESTION</b></p> <p><b>PRINCIPLE AGREED</b></p> <p><b>LPA CONSIDER WOULD NEED PLANNING OBLIGATION TO DELIVER</b></p>
<b>14. Noise (Council)</b>	TBC	<p><b>NOT AGREED – PARTIES TO CONTINUE DISCUSSIONS</b></p>

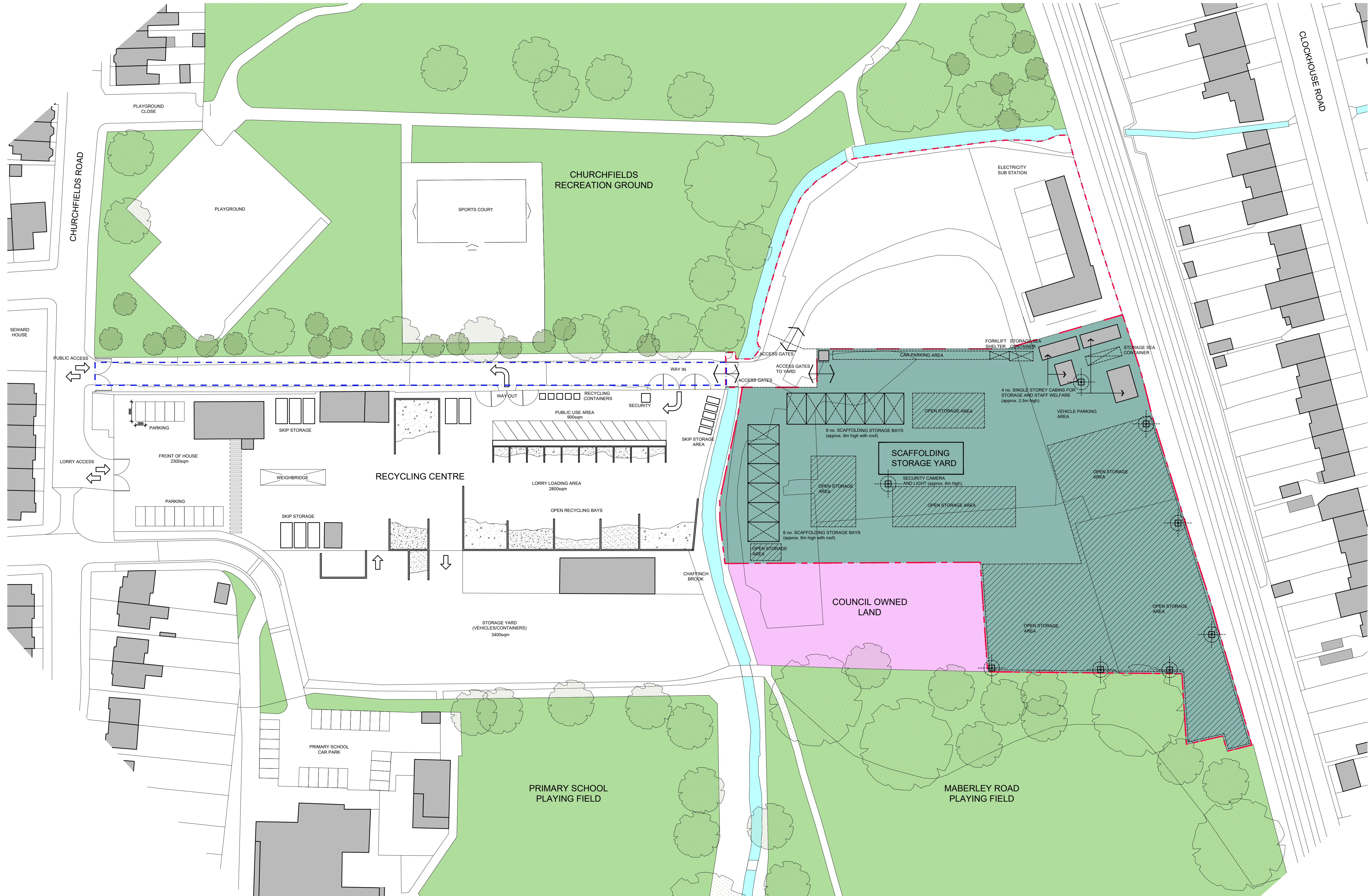
**Appendix 2 – Plan Z1 9 20100-P03-Proposed Ground Floor**





KEY:

--- Easement for vehicle and pedestrian shared access to Churchfields Road



P03 Forklift shelter included, red line and blue hatch adjusted, new locations for security camera / lights and council owned land highlighted	04/08/2025
P02 Further existing layout information added to scaffold yard and access gates revised.	24/03/2025
P01 Dimension added to parking space.	17/10/2024
P00 Information issue	17/06/2024

Rev \_\_\_\_\_ Date \_\_\_\_\_

**ROLFE JUDD**  
/ARCHITECTURE

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Client  
Urban Provincial

Project  
Churchfields Road Site  
Beckenham BR3 4QQ

Drawing  
Proposed  
Ground Floor Plan

Scale 1:500 (A1)	Date Jun 24	Status Information
Job Number 6446	Drawing Number Z1-9-20100	Revision P03

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