

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on 8 September 2011

### **Present:**

Councillor Peter Dean (Chairman)  
Councillor Charles Joel (Vice-Chairman)  
Councillors Douglas Auld, Jane Beckley, Eric Bosshard,  
Katy Boughy, John Canvin, Simon Fawthrop, Peter Fookes,  
John Ince, Russell Jackson, Kate Lymer, Mrs Anne Manning,  
Russell Mellor, Alexa Michael, Richard Scoates and  
Pauline Tunncliffe

### **14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

An apology for absence was received from Councillor Lydia Buttinger; Councillor Jane Beckley attended as Councillor Buttinger's alternate.

### **15 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **16 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 18 MAY AND 30 JUNE 2011**

**RESOLVED** that the Minutes of the meetings held on 18 May and 30 June 2011 be confirmed and signed as a true record.

### **17 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

#### **Development of Biggin Hill Airport**

The following question was asked by Ms Andrea Britz, resident of Chislehurst:

*“Would you consider that the current level of development at Biggin Hill is in sympathy with the surrounding area?”*

In response the Chairman stated that the current development of Biggin Hill had either been the result of planning permission granted by the Council or permitted by the General Permitted Development Order. Any further development which needed permission would be the subject of a planning application. The impact of development would be considered at that time on its merits.

Ms Britz then asked the following supplementary question:-

*"I noted that you voted in favour of allowing Biggin Hill Airport to vary the terms and conditions of its lease to run more flights before, during and after the Olympic Games in 2012 when the vote was taken at Full Council earlier in the year. How do you suppose that the infrastructure would cope to allow this increase in the number of flights, either on a temporary or a permanent basis?"*

The Chairman informed Ms Britz that the lease was owned by Bromley Council and the resulting impact of any proposal to vary the lease would have been considered by the Council at the time of the application.

## 18 PLANNING REPORTS

The Committee considered the Chief Planner's report on the following planning application:

1. CRAY VALLEY EAST	(09/03618/FULL1) Composting facility buildings for reception of food and green waste, anaerobic digestion process, digestate maturation process and conversion of methane gas to electricity together with liquid feed tanks, bays/structures to store finished products, biofilter beds, car parking, improvements to existing secondary vehicular access and upgrading of existing hard surfaces (to replace existing open windrow composting facility) at <b>Compost site on land off Cookham Road, Swanley.</b>
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Oral representations in support of the application were made at the meeting by Mr Nigel Cronin, Technical Director of SLR Consulting, an environmental consulting business.

SLR Consulting had provided technical support for the application specifically on air quality, dispersal modelling, noise and alternative site assessments together with advice on highways and landscape.

Since 2001, the site at Cookham Road had provided waste management services to the Borough via a simple small scale composting operation. Since that time, the site had continued to develop as a key asset within Bromley, assisting in the diversion of garden waste from landfill. The current application sought to bring the operation to the forefront of waste technology to enable the treatment of a wider range of organic materials including food waste generated by householders and commercial businesses within the Borough. The proposed technology of Anaerobic Digestion (AD), was the Government's and the UK Environment Agency's preferred solution for treating organic waste and would enable a move away from open windrow composting.

AD technology was entirely self-contained, encompassing tried and tested processing equipment which produced a high quality natural compost product as well as a nutrient rich liquid fertiliser. As part of the proposal, much of what is produced would be utilised by directly adjacent agricultural users. The

process also captured significant volumes of renewable energy in the form of gas which would be converted on site into electricity. This would enable the site to operate self-sufficiently in terms of energy and any surplus energy would be exported to the National Grid.

During the application process, SLR Consulting had engaged with Council Planning Officers, Environmental Health Officers within Bromley, Bexley and Sevenoaks, the Highways Authority and the GLA on a variety of matters including government policy and environmental impacts, in particular, air quality concerns. All parties were fully satisfied by the inclusion of mitigation measures where required in order that all reasonable design and operating measures were incorporated within the application.

There were no objections from any statutory consultee on the proposal and Bromley's Waste Management officers were keen to see such a facility developed within the Borough rather than have to rely on the current 'out of Borough' solution that impacted on travel times, carbon efficiency and costs.

SLR Consultancy were happy to be given the opportunity, via the proposed planning conditions, to enhance the scheme further by discussing landscaping and colour finishes on the main process buildings as suggested within the report's recommendation. This would run in tandem with the required Environmental Permit Application which would add further controls on operational standards (including a detailed Odour and Dust Management Plan), before any operations could commence.

Councillor Michael asked Mr Cronin how far the nearest residential property was situated from the site and also asked him to explain how the development would control air quality and contain odour emissions.

Mr Cronin was unsure of the exact distance of the nearest residential property but estimated that it was at least 200 metres away from the facility so there was unlikely to any detrimental impact on the property. With regard to air quality and odour emissions, Mr Cronin said the design of the buildings included negative air pressure control which was a normal operative procedure. No odour would escape as there would be a suction of air within the building which would then be filtered.

Councillor Ince asked if the surrounding road infrastructure was sufficient enough to cope with an increase in vehicular traffic. Mr Cronin replied that the Highways Agency was satisfied that the small increase in traffic (two vehicles per hour) would have no significant impact on the surrounding roads.

The Chief Planner circulated a layout plan of the development together with elevational drawings. He confirmed that the nearest residential property was located 250 metres from the nearest point of the boundary of the application site.

The following amendment to the Chief Planner's report was noted:-

Under the heading 'Planning History' on page 28, the date stated in the first bulleted paragraph as 'December 2010' should read 'December 2001'.

The Chairman thanked Members for attending visit to the application site which had taken place on 3 September 2011.

Councillor Fawthrop declared this to be a good application and in broad principle believed that the very special circumstances required to develop on Green Belt land had been met. The site was also adequately hidden from view and sheltered. Councillor Fawthrop asked if a condition could be imposed to return the development back to Green Belt land if, in the future, activity were to cease or if new technology became available during the anticipated 25 year life of the development as it currently stood. Councillor Fawthrop moved approval of the development.

In response to Councillor Fawthrop's question, the Chief Planner stated that it was not usual practice to impose such a condition for that length of time however, should the application be approved, officers would be engaged with the site on a regular basis and any such issues would be dealt with as they arise.

Councillor Michael commented that although she was not keen on industrial development on Green Belt land, the site was already being used for waste recycling and was therefore lost as Green Belt land. Councillor Michael stated that the application, together with the conditions attached, was acceptable and seconded the motion for approval.

Councillor Mrs Manning thought the site visit was very useful and reported that the emanating odour was not overwhelmingly strong. With proper controls in place, the recycling of waste was to everyone's advantage. The surrounding residents would also gain by the process being contained inside. Councillor Mrs Manning would like to see the top of the buildings painted with colours that blend in with the surroundings and commented on the need for good landscaping.

Although the application provided sufficient landscaping around the perimeter of the site, Councillor Joel would like to see a little more in the vicinity of the golf course. Councillor Joel requested that a condition be added to ensure that no telecommunication equipment be erected on the site. Councillor Fawthrop agreed with this suggestion.

Councillor Mellor attended the site visit and was impressed with the compactness of the site. Councillor Mellor stated that he was opposed to industrial use of Green Belt land but in this particular instance as the project was initiated by farmers and the site's largest clients would be farmers, he supported the application.

Councillor Bosshard supported the application, stating that although the application was for industrial development, operations would be self-contained. He also commented on the need for adequate landscaping.

**RESOLVED** that **PERMISSION BE GRANTED** subject to the direction of the Mayor of London in accordance with powers under the Town and Country Planning (Mayor of London) Order 2008 and subject to the prior completion of a Section 106 agreement relating to source of waste material as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with the addition of a further condition to read:-

**'41. No telecommunications equipment shall be installed or placed on the roof of the buildings hereby permitted or the chimneys/flues without the prior approval in writing of the local planning authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the appearance of the building and the visual amenities of the area.'**

**19 POSSIBLE ARTICLE FOUR DIRECTION AT THE CHENIES,  
PETTS WOOD**

Members considered whether an Article 4 Direction should be issued to withdraw permitted development rights for the insertion of roof lights in properties situated within The Chenies conservation area. The recent development of one property had given rise to concerns that an increase in similar proposals could result in potential harm to the conservation area.

The Chairman gave an overview of the options available to Members with regard to the issuing of Article 4 Directions.

Councillor Fawthrop thanked the Chairman and the Chief Planner for bringing this report for Member consideration. Councillor Fawthrop reported that the key issue was that the Chenies was one of the most picturesque roads within a conservation area and should be protected to ensure that it remains so. He therefore moved that a non-immediate Article 4 Direction be sought.

Councillor Auld seconded the motion, commenting that the issue under consideration referred to the Chenies in its entirety, not as individual houses. As the Direction would relate solely to the installation of rooflights, Councillor Auld could see no great difficulty with issuing a non-immediate Article 4 Direction.

Councillors Boughey, Jackson and Michael supported the motion reiterating the need to retain the character of the area.

Councillor Fookes suggested that residents of the Chenies should be consulted. The Chief Planner informed Members that if the recommendation to seek an Article 4 Direction was approved, then residents would be advised and kept informed of proceedings.

**RESOLVED** that the **Executive be requested to consider the issue of a non-immediate Article 4 Direction withdrawing permitted development rights for roof lights in The Chenies, Petts Wood, Conservation Area.**

**20 BROMLEY TOWN CENTRE CONSERVATION AREA  
STATEMENT**

To complement the implementation of the Bromley Town Centre AAP, a Conservation Area Statement had been prepared which would replace the existing Supplementary Planning Guidance for Bromley Town Centre.

Members were requested to adopt the Conservation Area Statement which had been finalised on completion of a public consultation exercise. A review of the Local List had been carried out and changes were made to the document as set out in Appendix 1 of the report.

Councillor Mrs Manning had taken a keen interest in this project since its implementation but was disappointed to note that the report currently before Members did not contain a copy of the document referred to. Upon obtaining a copy, Councillor Mrs Manning observed that not all of the amendments previously suggested by Members had been incorporated and those that had been incorporated were not highlighted. However, Councillor Mrs Manning was delighted to note the addition of 29 new buildings to the Local List and moved that Members agree with the recommendation in the report.

Councillor Dean seconded the motion.

The Chief Planner noted Councillor Mrs Manning's observations relating to the amended document. He reported that no comments had been received from The Civic Society.

In response to a question from Councillor Fawthrop, the Chief Planner reported that the 29 buildings set out in Appendix 1 of the report were all new entries on the Local List and that no comments had been received from the owners of any of the buildings.

**RESOLVED that the representations, subsequent amendments and additions to the Local List be noted and that the Conservation Area Statement be adopted.**

**21 CONSULTATION DRAFT NATIONAL PLANNING POLICY  
FRAMEWORK**

In July 2011, the Department for Communities and Local Government issued the draft National Planning Policy Framework (NPPF) for consultation. The NPPF would replace up to 1000 pages of existing planning policy.

Members were asked to agree that paragraphs 3.5, 3.6 and Appendix 1 of the report, form the basis of the Council's response which should be agreed by the Chief Planner in consultation with the Chairman of Development Control Committee and submitted by the 17 October deadline.

Councillor Scoates commented that he was frustrated by and disappointed with the NPPF and considered that the proposals would be disastrous for the Green Belt.

Whilst Councillor Scoates was in favour of reducing planning policies to make them clearer for people to understand, a reasonable balance had to be sought between over-regulating every likely possibility and under-regulating with the combination of an appeals service where there was so much ambiguity that neither the applicant, objecting local residents, planning officers or Members would know which way the policies were directing them. Instead of making planning policies localised and assessing the applications in terms of what was best for local communities, it was likely that Members would approve inappropriate applications to avoid paying costs awarded by the Planning Inspectorate.

Councillor Scoates believed that planning would only appear to be localised through the Local Development Framework but would, in fact, be under greater control by the Planning Inspectorate, as highlighted in paragraph 7.3 on page 80 of the report. If Members wished to have 60 pages of ambiguity and true localism, then the Planning Inspectorate should be replaced with a separate appeals committee within the Council.

Councillor Scoates commented that he understood the Government's aims for a presumption in favour of development in inner-City London even though Government should never be permitted to use the planning system as a tool to instigate an economic recovery. Many residents in rural and Green Belt communities were likely to feel deeply betrayed unless adequate Green Belt protection was ensured by applying a clearer variance between the countryside and urban areas.

Councillor Scoates proposed that the Chairman write a letter on behalf of the Committee (to be submitted in conjunction with the consultation document), to remind the government of the vital points he had raised and should seek assurances as to how the Green Belt could be protected in the strictest way possible thereby allowing many of those elected in the Council and Parliament to abide by their political mandates.

Councillor Michael stated that she was happy when the Government amended PPS3 and talk of localism was welcomed however, the NPPF appeared to be saying something entirely different. Councillor Michael agreed with Councillor Scoates on the need to ensure there was good balance between over-regulating and under-regulating and shared his concern regarding presumption in favour of sustainable development (para 2.3) which did not appear to be localism and undermined planning authorities.

Councillor Michael would like to see the response at paragraph 2.4 strengthened in relation to power being taken away from the local authority.

Councillor Michael commented that the responses relating to the Green Belt should be strengthened to emphasise how the Green Belt would become weakened and compromised.

Councillor Mellor was disturbed by the NPPF and believed it to be a contradictory and obscure document. He suggested that Bob Neil MP should be contacted to clarify exactly where Bromley stood as a borough. Members agreed and suggested that all three local MPs should be approached.

Councillor Mrs Manning thought the questions were restrictive and stated that the Authority should go further than merely responding to the questions; she agreed with Councillor Scoates that a letter should be sent from the Chairman or maybe even the Leader of the Council.

Councillor Mrs Manning also stated that everything in the planning system should be kept under review and that she found the current guidance of 1000 pages to be extremely useful. With regard to sustainable development, Councillor Mrs Manning emphasised that it was the current financial situation which was dictating how many houses were being built, not a lack of planning action.

Councillor Jackson supported Members' views with regard to presumption in favour of sustainable development and stated that the South East was densely populated and there was significant immigration into London and this was something the Government needed to tackle.

On a more positive note, Councillor Fawthrop was pleased to note paragraph 5.14 which stated that local car ownership should be taken into account when setting standards for residential and non-residential development and he asked that this be endorsed.

Councillor Joel stated that an application should not be turned down simply on the basis of design however, care should be taken when considering developments within conservation areas.

Councillor Boughey thought the figure quoted for housing provision was misleading and believed that permitted applications should be taken into account instead of planning units which had been completed and built.

With regard to sustainable development, Councillor Ince believed that some planning authorities were likely to ask what it was and how it was defined.

Referring to paragraph 4.3 on page 73, Councillor Fookes wished to know how Community Right to Build Orders would work and who would be liable for the costs of a referendum.

The Chief Planner confirmed that the cost of referendums would be met by the Local Authority.

The Chief Planner commented that the consultation document required one-word 'boxed' answers which the authority would not comply with. Instead, the



comments raised by Members would be incorporated into the draft response document which would be then be submitted, together with the suggested letter from the Chairman.

With regard to page 76 of the report, section 6.1 - the provision of housing, the Chief Planner would seek clarification as to how the quote 20% had been realised as there appeared to be no reasonable justification for such a quote.

It was suggested that a copy of the Chairman's letter be sent to the three local MPs.

**RESOLVED that:-**

**1 Members' endorsed Appendix 1 which, together with paragraphs 3.5 and 3.6 of the report should form the basis of the Council's response to the draft National Planning Policy Framework;**

**2 the formal response be agreed by the Chief Planner in consultation with the Committee Chairman for submission by 17 October 2011;**

**3 in addition to the response document, a letter be sent from the Chairman to the Department of Communities and Local Government and copied to the three local MPs, drawing particular attention to the comments raised by Members of DCC at the meeting which covered issues wider than the consultation document itself.**

**22 REPORTS TO NOTE**

The following reports were submitted for information purposes only.

**22.1 UPDATE ON PUBLICATION OF LONDON PLAN**

Further to the Draft Replacement London Plan EIP Panel Report Summary submitted to the Development Control Committee meeting held on 30 June 2011 (Minute 6, page 6), Members considered an update highlighting the publication of the London Plan on 22 July 2011 and its status as the spatial development strategy for London.

The report also contained the Mayor's response to the EIP Panel's comments with regard to specific policy points raised by Bromley and reported at the Committee meeting in June 2011.

**RESOLVED that the publication of the London Plan on 22 July 2011 and the Mayor's response to the EIP Panel's comments with regard to the specific policy points made by Bromley and reported to the Committee in June 2011 be noted.**

## **22.2 LOCAL PLANNING REGULATIONS**

Members' attention was drawn to the publication of a consultation document in July 2011, issued by the Department for Communities and Local Government relating to Local Planning Regulations. The document proposed revisions to regulations governing the process by which local councils prepare development plans in response to anticipated reforms of the Localism Bill.

Bromley would not respond individually to the consultation but would, where appropriate, contribute to the London Councils' response which would need to be submitted by 7 October 2011. It was anticipated that the Government would respond to the consultation by 1 November 2011.

**RESOLVED that the publication of the suggested changes to the Local Planning Regulations by the Government be noted.**

The meeting ended at 8.45 pm

Chairman