



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 30 August 2011

To: Members of the  
**DEVELOPMENT CONTROL COMMITTEE**

Councillor Peter Dean (Chairman)

Councillor Charles Joel (Vice-Chairman)

Councillors Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger, John Canvin, Simon Fawthrop, Peter Fookes, John Ince, Russell Jackson, Kate Lymer, Mrs Anne Manning, Russell Mellor, Alexa Michael, Richard Scoates and Pauline Tunnicliffe

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **THURSDAY 8 SEPTEMBER 2011 AT 7.30 PM**

MARK BOWEN  
Director of Resources

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

## A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 18 MAY AND 30 JUNE 2011 (Pages 3-18)**
- 4 **QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

To hear questions to the Committee received in writing by the Democratic Services Team by 5 pm on Friday 2 September 2011 and to respond.

**5 PLANNING REPORTS (Pages 19-48)**

Ward	Application Number and Address of Development
Cray Valley East	(09/03618/FULL1) - Compost Site On Land Off Cookham Road, Swanley.

**6 POSSIBLE ARTICLE FOUR DIRECTION AT THE CHENIES, PETTS WOOD (Pages 49-58)**

**7 BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT (Pages 59-64)**

**8 CONSULTATION DRAFT NATIONAL PLANNING POLICY FRAMEWORK (Pages 65-82)**

**9 REPORTS TO NOTE**

The following reports are submitted for information purposes only.

**9.1 UPDATE ON PUBLICATION OF LONDON PLAN (Pages 83-90)**

**9.2 LOCAL PLANNING REGULATIONS (Pages 91-94)**

# Agenda Item 3

## DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting held on 18th May 2011

### Present:

Councillor Peter Dean (Chairman)  
Councillors Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger, John Canvin, Simon Fawthrop, Peter Fookes, John Ince, Russell Jackson, Kate Lymer, Mrs Anne Manning, Russell Mellor, Alexa Michael, Richard Scoates and Pauline Tunncliffe

### 1. APOLOGIES FOR ABSENCE

There were apologies for absence from Councillor Charles Joel.

### 2. PROPORTIONALITY

**RESOLVED** that seats on the Sub-Committees of the Development Control Committee be allocated to political groups as follows:

	Size of Sub-Committee	Allocation		
		Conservative	Labour	Lib/Dem
Plans 1	9	7	1	1
Plans 2	9	7	1	1
Plans 3	9	7	1	1
Plans 4	9	7	1	1

### 3. APPOINTMENT OF SUB-COMMITTEES

**RESOLVED** that the following Sub-Committees be appointed for the ensuing Municipal Year, with membership as indicated:-

#### (i) PLANS SUB-COMMITTEE NO. 1

	Councillors
1	Auld
2	Bance
3	Boughey
4	Buttinger
5	Samaris Huntington-Thresher
6	Ince
7	Mrs Manning
8	Papworth
9	Taylor

*DEVELOPMENT CONTROL COMMITTEE*  
*18<sup>th</sup> May 2011*

**(ii) PLANS SUB-COMMITTEE NO. 2**

	<b>Councillors</b>
1	<b>Adams</b>
2	<b>Dean</b>
3	<b>Simon Fawthrop</b>
4	<b>Fookes</b>
5	<b>Jackson</b>
6	<b>Mellor</b>
7	<b>Michael</b>
8	<b>Norrie</b>
9	<b>Turner</b>

**(iii) PLANS SUB-COMMITTEE NO. 3**

	<b>Councillors</b>
1	<b>Auld</b>
2	<b>Bance</b>
3	<b>Boughey</b>
4	<b>Roxy Fawthrop</b>
5	<b>Grainger</b>
6	<b>Ince</b>
7	<b>Lynch</b>
8	<b>Mrs Manning</b>
9	<b>Papworth</b>

**(iv) PLANS SUB-COMMITTEE NO. 4**

	<b>Councillors</b>
1	<b>Canvin</b>
2	<b>Dean</b>
3	<b>Simon Fawthrop</b>
4	<b>Fookes</b>
5	<b>Jackson</b>
6	<b>Lymer</b>
7	<b>Michael</b>
8	<b>Scoates</b>
9	<b>Stranger</b>

**4. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN**

**RESOLVED** that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee.

<b>PLANS SUB-COMMITTEE NO. 1</b>	<b>Anne Manning</b>	<b>John Ince</b>
<b>PLANS SUB-COMMITTEE NO. 2</b>	<b>Russell Jackson</b>	<b>Simon Fawthrop</b>
<b>PLANS SUB-COMMITTEE NO. 3</b>	<b>Katy Boughey</b>	<b>Douglas Auld</b>
<b>PLANS SUB-COMMITTEE NO. 4</b>	<b>Alexa Michael</b>	<b>Simon Fawthrop</b>

Chairman

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## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 30 June 2011

### Present:

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

### Also Present:

Councillor Graham Arthur

#### 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

There were no apologies for absence.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 APRIL 2011

**RESOLVED** that the Minutes of the meeting held on 19 April 2011 be confirmed and signed as a true record.

#### 4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

#### 5 PLANNING REPORTS

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

1. PLAISTOW AND SUNDRIDGE	(10/02308/FULL1) Four/five storey building comprising 20 two bedroom, 41 three bedroom and 6 four bedroom dwellings and including basement car parking, garage block for 5 cars and single storey building comprising health spa for residents' use with tennis court on roof at <b>Sundridge Park Management Centre Ltd, Plaistow Lane, Bromley.</b>
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Oral representations in objection to the application were made at the meeting by Mr Paul Norris on behalf of the Sundridge Park Golf Course. Mr Norris sought clarification on conditions 26 and 27 (page 27 of the report) which, he believed, were effectively Grampian-style conditions as enforcement depended upon the developer reaching agreement with the Golf Club.

Mr Norris submitted that the reference to 'access' in condition 27 must have been a reference to the access road leading from Plaistow Lane to the development site. No part of the access road was owned by the developers. Highway Officers had objected in the past to the absence of lighting along the access road and accordingly there was a need for the condition to be clarified in this respect to make it enforceable.

Mr Norris also submitted that Condition 27 should be amended to require details of lighting to be submitted and approved prior to the commencement of the development, not prior to first occupation.

With regard to Condition 26, Mr Norris assumed that reference to the Construction Management Plan referred to the Construction Traffic Management Plan dated July 2010 prepared by the Denis Wilson Partnership and submitted by the developer in support of the present application. The Plan contained 17 paragraphs under the heading 'Control of Construction Traffic within the Sundridge Park Estate'. The Plan described how the traffic flow along the estate road was to be tightly controlled. Mr Norris submitted that the developer had no right to control the traffic using the estate road; it simply had the right to pass and repass along the road. The Plan needed to be submitted and approved prior to the commencement of the development, and not prior to first occupation.

Mr Norris requested that a further condition in relation to the use of the Leisure Centre be incorporated restricting its use solely to residents.

Following his presentation and in response to Members' questions, it was confirmed that Sundridge Park Golf Club had previously granted a licence to the Management Centre for the use of the land. The existence of previously established parking bays made it almost impossible for two cars to pass each other.

The Chief Planner explained that a grampian style condition required the completion of one action before the implementation of another.

Oral representations in support of the application were made at the meeting by Ms Mary Power on behalf of the applicant along the following lines:-

- The revised residential scheme incorporated the highest design quality and detail which was not significantly different from the previous design.



- The previous permitted scheme was no longer viable. One option could have been to appoint a new architect to substantially redesign the scheme to reduce costs and seek to present a case for a nil affordable housing contribution. Millgate thought neither would be acceptable to the Council given the exceptional circumstances of the Sundridge Park site – Grade I and II listed buildings, listed Repton landscape terraces, historic park and MOL.
- Although the revised scheme represented an increase in floorspace to the rear courtyard building, this was not visible from the lawns in front of the pavilions, the adjacent listed building, or in long distant views from outside the site's tree-lined boundary and MOL.
- Part of the floorspace was for an underground residents health spa and the increase in units followed a change to the mix from large houses to smaller apartments to reflect current housing market requirements.
- A financial viability assessment had been undertaken which demonstrated that the revised scheme generated a lower developer profit than currently required by funders in difficult market conditions. Despite the reduced viability, Millgate increased its contribution for the delivery of off-site affordable housing.
- The Council appointed an independent consultant to interrogate the assumptions costs and values to ensure that the maximum contribution had been sought. Millgate accepted that it had to write down the price paid for the land in 2007 and accept a reduced profit margin of 15% which included the affordable housing contribution. This demonstrated that Millgate was accepting significant risks to move the project forward to implementation.
- The assessments showed that a higher level of contribution could not be afforded. Ministerial statements urged local planning authorities to negotiate viable S106 contributions in order that schemes could afford to be implemented and deliver jobs and homes to help kick-start the economy.
- The grant of permission for the revised scheme would unlock the uncertainty of the future of the site, deliver new homes, affordable housing, new construction jobs and investment in the Borough contributing to local social and community benefits. Millgate was committed to the implementation of the development as quickly as possible to deliver those benefits promptly.
- The revised scheme met the very special circumstances demanded by the Council's Metropolitan Open Land policies in the following ways:

- a very high quality design by Robert Adam retaining all of the key features of the proposed development already permitted by the Council;
- An affordable housing contribution of £2,021,000;
- An excellent landscape scheme that would restore the listed Repton Terraces and reintegrate the site into the wider Historic Park and Gardens as was intended by Nash himself;
- A scheme that addressed the special historic and architectural character of the adjacent Grade I Mansion House and Grade II listed Coach House. All of those factors were a unique circumstance relevant to Sundridge Park alone.

Following her representations and in response to Members' questions, Ms Power confirmed that use of the spa by residents only could be controlled by planning enforcement in conjunction with the management company.

Members were informed that in 2005 and 2007, the provision of affordable housing had been considered but deemed unfeasible.

A profit of 25% had been expected from the 2007 development which had decreased to 15% with the current scheme.

With regard to the demolition of the Bitten building, Ms Power explained that subject to the discharge of a previous condition, demolition had taken place but due to the economic downturn, construction had ceased.

It was noted that the first sentence of the second paragraph on page 17 of the report referred to '69 residential flats'. This was amended to read '67 residential flats'.

It was reported that the Environment Agency had no objections to the scheme but had suggested that if permission was granted, a condition relating to a sustainable drainage system should be attached.

Thames Water had no objections to the scheme.

Referring to condition 27, the Chief Planner suggested that the words 'before construction' be replaced with 'prior to commencement'.

Councillor Mrs Manning was pleased to note that the design was almost the same as the previous scheme and moved that permission be granted with the addition of a further condition restricting the use of the spa to residents only.

Councillor Jackson concurred with Councillor Mellor's views that the increased footprint due to the addition of further units would have a greater impact on Metropolitan Open Land and moved that the application be refused for that reason. Councillor Buttinger seconded the motion.

Councillor Fawthrop supported refusal on the grounds of poorly designed parking facilities.

Councillor Joel seconded the motion for permission adding that he was pleased to note that the design had incorporated conservation area/green space consideration.

Councillor Ince would have considered the proposal to be excessive if it had covered a larger footprint than the previous Butten building. He stated that the site was lower than the surrounding areas and the impact on Metropolitan Open Land was no greater than the previous planning permission. He supported approval of the application.

Councillor Boughey commented that this was a viable scheme which had minimal visible impact on Metropolitan Open land. The Chairman concurred with this view and reminded Members that the previous application had been approved under very special circumstances which had not changed.

The Chairman reminded Members that they should be conscious of the previous approval and he supported the motion for planning permission.

Councillor Bosshard was concerned that part of the access road was a bottle neck for traffic and suggested the implementation of a condition. The Chief Planner explained that such an action could not be carried out as it was a private matter between the developer and the land owner.

A vote to refuse the application fell at 7-9.

Following a vote for permission (9-7), it was **RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT as recommended, subject to the conditions set out in the report of the Chief Planner with the amendment of condition 27 to read:-**

**'27 Details of lighting to the car park and access certifying compliance with BS 5489=1:2003 shall be submitted to and approved in writing by or on behalf of the Local Planning authority prior to commencement and shall be permanently maintained as such thereafter.'**

**A further 2 conditions were also added as set out below:-**

**33 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

**34 The Health Spa hereby permitted shall be used by residents of the approved flats and by no other persons without the written permission of the Local Planning Authority.**

**REASON: In order to comply with policies BE1 and T3 of the Unitary Development Plan and to protect the amenities of residents in respect of noise and activity and additional parking demand.**

**6 DRAFT REPLACEMENT LONDON PLAN EIP PANEL REPORT SUMMARY**

The Planning Inspectorate had examined The Draft Replacement London Plan (DRLP) 2009 and concluded that the DRLP provided a sound basis for the planning of Greater London over the next 20 years. The Council had responded to the original revised London Plan consultation and had submitted written statements for the Examination in Public. Members considered those recommendations together with the subsequent responses/recommendations made by the EiP Panel to the Mayor of London.

Councillor Fawthrop was pleased to note that the EiP Panel had clarified the inclusion of Biggin Hill in the table of 'Strategic function(s) of greater than sub-regional importance' as "the reference to Biggin Hill does not trespass into aviation policy".

Referring to the section on Housing Supplementary Planning Guidance (SPG) EiP Draft - Table 3.2 Density Matrix (page 35 of the report), Councillor Fawthrop was disappointed to see that no change had been made to the density target of 35 units per ha and suggested that the Council continue to pursue its objection. In response, the Chief Planner commented that no further contribution could be made by the Council as the Inspector's report was currently with the Secretary of State pending his consideration. The Chief Planner did however, consider the EiP Panels' recommendation that the word 'maximising' be replaced with 'optimising' as a relatively positive response.

Councillor Michael was disappointed to note that Bromley Town Centre would not be designated an 'opportunity area' (paragraph 3.4, page 33 of the report).

Referring to 'presumptions against development on back gardens' (paragraph 3.7, page 34 of the report), Councillor Buttinger commented on the need for tighter control.

**RESOLVED that the report be noted.**

**7 RELAXATION OF PLANNING RULES FOR CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL: RESPONSE TO GOVERNMENT CONSULTATION**

Members considered the Council's response to the Government's consultation on proposals to relax the planning rules regarding change of use from commercial to residential in order to make housing supply more responsive to changes in demand.

The Chairman stated that final date for the consultation period had elapsed. His view was that relaxation of the planning rules could have a severe impact on the quality of buildings.

Councillor Mellor commented that permission had been granted in the past on the basis that entrepreneurs in small industry would promote the growth of industry as a whole. However, he was greatly concerned that permitted development was proposed for certain uses. If factories were converted to residential use, there would be a lack of infrastructure to ensure employment for residents in the surrounding area. Councillor Mellor was extremely concerned at the loss of Council control if the proposal was brought into Statute.

The Chief Planner stated that the Council's responses concurred with the views of Councillor Mellor. A copy of the responses would be circulated to all Members.

Councillor Ince stated that during the past year there had been an increase in the number of recommendations for change of use which had come before Members for consideration. He noted that some sites had not been marketed strenuously enough.

Councillor Michael was pleased to learn that the Council was taking a tough stance on the proposal as different types of property were located in different areas for a reason and some commercial buildings provided employment. If offices were converted into housing, it was likely that they would be of a poorer quality than expected.

On a positive note, Councillor Joel commented that office buildings had been converted in the past and should the proposal proceed, it could be a good way to provide affordable housing close to the town centre where employment opportunities existed.

**RESOLVED that the report and the Council's response to the consultation be noted.**

## **8 PROPOSALS FOR A MAYORAL COMMUNITY INFRASTRUCTURE LEVY: CONSULTATION ON DRAFT CHARGING SCHEDULE**

Following consultation on the preliminary draft Community Infrastructure Levy (8 February 2011 - Minute 83), the Mayor of London's Charging Schedule had been published for consultation with comments to be received by 8 July 2011. Members were requested to endorse the suggested responses and to formally request to be heard at the examination by an Inspector.

The Chief Planner informed Members that the Mayor had not made any changes in response to the Council's objections to the proposed charge for Bromley.

Councillor Mellor thought it unfortunate that Bromley had and would not benefit from Crossrail. He objected to the fact that at the time permission was granted, Crossrail had been fully funded but now London Authorities were being asked to provide a further £300m.

In response to a request by Councillor Mellor for clarification that the Mayor would make £50m available to authorities for funding other projects, the Chief Planner replied that currently the sole purpose of the CIL was to fund Crossrail.

The Chief Planner informed Members that a response to the second tranche of the consultation had not yet been compiled and he sought Members' approval to repeat the Council's previous objections. He also sought authorisation to formally submit a request to enable him to make oral objections in person at the examination by an Inspector.

Councillor Fawthrop proposed (and Members agreed), that the Council continue to make known its strong opposition to the format of the CIL.

Councillor Michael agreed with the proposal to continue to lobby the Mayor, stating that Bromley was being unfairly penalised as Crossrail would not come anywhere near the Borough. Councillor Michael stated that the Mayor should be called upon to look at the charges in proportion to boroughs which would benefit from Crossrail and those which would not.

It was proposed (and Members agreed), that a Freedom of Information request be submitted to obtain the statistical analysis used by the Mayor to set the proposed charges.

Provision would be made by the Mayor for the Council to retain 4% of contributions to assist with costs associated with collecting the charge and employing extra staff when necessary.

**RESOLVED that:-**

- 1. the suggested responses in continued objection to the Mayor's stance on the proposed charging levy be endorsed;**
- 2. the Chief Planner submit a request that he make oral objections in person at the examination by an Inspector; and**
- 3. a Freedom of Information request be submitted to obtain the statistical analysis used to justify the Mayor's quoted benefits.**

**9 DRAFT PLANNING POLICY STATEMENT "PLANNING FOR TRAVELLER SITES": RESPONSE TO GOVERNMENT CONSULTATION**

Members considered the key features of the Government's Gypsy & Traveller Policy outlined in the Localism Bill as they relate to the draft Planning Policy

Statement. Members also considered the Council's suggested detailed response to the consultation questions set out in Appendix 1 of the report.

Councillor Scoates welcomed the proposal and referred to action carried out in a recent case within his Ward where the Planning Inspectorate had given weight to the PPS during the hearing. Councillor Scoates was hopeful that the policy would deter gypsies from coming to the area in future.

Councillor Ince also welcomed the proposal and commended Enforcement Officers for the great work and swift action taken by them when dealing with gypsies who had arrived overnight.

It was reported that the consultation period had been extended by a further four weeks (ending on 6 August) in order for an oral hearing to be implemented as part of the consultation process. The Chief Planner sought Members' authorisation to attend such a hearing.

The Chairman moved that authorisation be given for the Chief Planner to attend any hearing to convey the Council's views. Councillor Fawthrop seconded the motion.

**RESOLVED that:-**

- 1. the report be noted;**
- 2. the proposed responses set out in Appendix 1 of the report be endorsed; and**
- 3. the Chief Planner be authorised to attend an oral hearing to convey the Council's views.**

**10 LOCAL DEVELOPMENT FRAMEWORK: ENERGY REDUCTION AND RENEWABLE ENERGY**

As requested by the Improvement and Efficiency Sub-Committee at its meeting held on 20 April 2011 (Minute 45), Members considered the inclusion of energy efficiency and renewable energy generation measures in future developments across the Borough as part of the Local Development Framework.

The Chief Planner confirmed that work had already been undertaken to promote the measures outlined in the report.

**RESOLVED that the report and the work undertaken as part of the development of the Local Development Framework to promote the inclusion of energy efficiency and renewable energy generation measures in future developments across the Borough be noted.**



**11 SECTION 106 AGREEMENTS: UPDATE AND S106 PDS  
WORKING GROUP MONITORING**

Members considered an information report on the present position of Section 106 Agreements together with an update on the progress made in implementing the S106 PDS Working Group's recommendations.

It was reported that after five years, a developer could apply for a S106 agreement to be lifted.

Councillor Mellor commented that S106 agreements had recently increased in profile. He stated that a firmer line should be taken in cases where planning permission had been granted subject to such an agreement but at a later date, the developer seeks a variation to it because the scheme was no longer viable.

The Chief Planner commented that the updating reports on S106 agreements were also submitted to the Executive and Resources Policy Development and Scrutiny Committee. Each report covered a period of 7 years and would, therefore, include information on S106 agreements which had or were due to expire.

**RESOLVED that the report and the contents of Appendices 1-5 be noted.**

**12 UPDATE: PLANNING LEAFLETS AND INFORMATION FOR  
THE PUBLIC**

At a Development Control Committee meeting held on 13 January 2011 (Minute 70), Members agreed a 9-month strategy to review and replace current planning leaflets and fact sheets.

Following an update on 19 April 2011 (Min 107), Members considered a further information report on the progress achieved so far.

It was reported that 15 of the draft planning leaflets for on-line viewing had been prepared; the remainder would be completed and available to view by September 2011.

**RESOLVED that progress be noted.**

**13 BIGGIN HILL HERITAGE CENTRE WORKING PARTY**

Members considered the reappointment of the Biggin Hill Heritage Centre Working Party and its membership for 2011/12.

The Chairman moved that Councillors Mrs Anne Manning, Julian Benington and Richard Scoates be appointed as Members of the Biggin Hill Heritage Centre Working Party. Councillor Jackson seconded the motion.



**RESOLVED that the Biggin Hill Heritage Centre Working Party be appointed for the 2011/12 Municipal Year and that the membership comprises Councillors Mrs Anne Manning, Julian Benington and Richard Scoates.**

The Meeting ended at 9.10 pm

Chairman

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# Agenda Item 5

**Application No :** 09/03618/FULL1

**Ward:**  
Cray Valley East

**Address :** Compost Site On Land Off Cookham  
Road Swanley

**OS Grid Ref:** E: 549141 N: 169599

**Applicant :** TJ Composting Services Ltd

**Objections :** YES

## **Description of Development:**

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, biofilters beds, car parking, improvements to existing secondary vehicular access and upgrading of existing hard surfaces (to replace existing open windrow composting facility).

## **Proposal**

Permission is sought for an enclosed composting facility for recycling green and kitchen food waste on this Green Belt site. An anaerobic digester (AD) will be used to process the material delivered to the site and the resultant products will be compost with liquid fertiliser and biogas by-products.

The site is currently used for open windrow composting, processing up to 28,500 tonnes of green waste per annum, 60% of which is collected from the London Borough of Bromley. It is a private facility owned and operated by the applicant.

The proposed facility will comprise the following elements:

- A Reception Building measuring 30m x 35m x 10 high, with an external steelwork gantry between this building and the AD building.
- A building to accommodate the anaerobic digester (AD building) measuring 40m x 23m x 10m high, with 2 chimneys approx 14.5m high
- A Press Room measuring 25m x 12m x 9m
- A Composting Hall measuring 80m x 25m x 10 high
- A Finished Product Storage Area in the north east corner of the site
- 2 biofilters measuring 21m x 12m x 2m and 49m x 6m x 2m
- A liquid fertiliser storage tank measuring 12m diameter x 5m high
- 3 gas engine enclosures to the side of the AD building
- An existing weighbridge
- Existing portacabins for staff accommodation
- An existing attenuation lagoon in the south west corner of the site (used to regulate the flow of surface water generated by the buildings on the site)
- 5 car parking spaces

The site is largely enclosed with a man made bund up to a maximum height of 4.5m above the level of the hardstanding on the site, but considerably lower in the south west corner and along the western boundary, facing Cray Valley Golf Club.

The external materials for the buildings will be profiled metal cladding above pre-cast walls with metal cladding roofs, all in Heritage Green.

Further details of the operation of the use are set out as follows:

- the total new floorspace of buildings will be 3602 sq m on this 2.4ha site.
- the applicant seeks permission to process 46,000 tonnes of waste on the site (compared to the current capacity of 28,500 tonnes).
- it is anticipated that approx 24,000 tonnes of waste to be processed on the site will be green and food waste from London Borough of Bromley (12,000 of which will be food waste that operates across the borough). This will leave capacity for approx 22,000 tonnes of waste from other London Boroughs and adjoining district councils and other local contractors.
- the applicant advises that the process would generate approx 15,000 tonnes of compost per annum and 6,500 tonnes of liquid fertiliser per annum and that much of this produce will be used locally. The compost from the existing windrow process is largely used by local farms and this will remain the case.
- in addition approx 2.2Mw of electricity will be generated by the plant and the applicant has advised that this will be used partly for the energy needs of the composting process with the remainder exported to the National Grid.
- the composting process will operated continuously but the site will be staffed from 7am to 7pm Monday to Friday, 7.30am to 5pm Saturdays and 9am to 4pm Sundays and Bank Holidays, plus 24 hr security. The applicant has advised that deliveries and collections will be limited to Monday to Friday (hours as above) and Saturday (7.30 to 1pm).

Anaerobic Digestion is an enclosed composting process that converts green, kitchen and other organic waste to compost and liquid fertiliser. In addition the methane gas produced can be stored and used as gas or burned to produce electricity, which can be used for site operations and exported to the National Grid. This application is for a 'dry' AD process that is appropriate for solid waste. The Planning Statement submitted by the applicant sets out the process in some detail, which is summarised as follows:

- waste is delivered to the site usually by refuse collection vehicles and deposited in the Reception Building. This building has to be 10m high to accommodate 'tipping' vehicles. Non compostable material is sorted and sent off site
- the remaining material is shredded into 50mm size pieces and placed on a feed hopper that takes the material to the AD building
- The AD building will accommodate 3 digesters that can take between 4-8 tonnes of material an hour. Using an automated process that takes 15 days, the material is heated and this speeds up the composting process and kills the bacteria in the kitchen waste. Methane gas is produced which can be burned in the gas engines located adjacent to this building

- after 15 days the material is dewatered in the Press Room. A small amount of the liquid is recovered and fed back into the system but the majority is used as liquid fertiliser
- the 'dewatered' material is transferred into the Composting Hall by external conveyor where the material undergoes a further aerobic composting process. This results in a compost that resembles dark, rich soil. The final product is taken to the Finished Produce area. At this stage the material is largely odourless
- the actual AD process is air-free and undertaken in sealed units. To control odour and the emission of bioaerosols resulting for the reception and aerobic composting parts of the process, a 'negative air pressure system' is used for the Reception Building and Composting Hall. This comprises an airlock system for entry and exit and air within the building is mechanically changed 3-5 times per hour and drawn out of the buildings through the biofilters that are located next to these buildings.

Several specific technical reports have also been submitted and their findings are summarised below. The full reports are available to view online and in the case file.

The **Transport Assessment** considers the impact of additional vehicular movements over and above the existing operation. On this basis the report advises that additional deliveries will be largely carried out by 20 tonne vehicles and there would be an additional 85 deliveries per month (average 3-4 per day) during peak months.

With regard to output distribution, approx 30% of the compost will leave the site on trailers and tractors across fields so will not use the highway network. Where possible lorries delivering green waste to the site will take away the remaining 60% of compost, but it is anticipated that there will be an additional 140 vehicle movements per month (average 7 per day) in this respect.

With regard to the liquid fertiliser it is anticipated that there will be 8 vehicle movements a month will be needed to collect the fertiliser not used on site (average less than 2 movements a week).

Therefore, in total, there will be approx 462 deliveries per month (approx 19 per day) to service the total volume of waste that would be processed on the site.

The applicant also advises that kitchen waste from Bromley is currently transported to Maidstone. The new facility at Cookham Road will considerably reduce the amount of vehicle movements and miles travelled on the wider road network, thereby reducing carbon emissions and congestion.

With regard to construction traffic, the existing use will be suspended during this period and the level of movements relating to construction is not expected to be higher than the movements relating to the current use of the site.

The **Landscape and Visual Impact Assessment** provides a detailed assessment of the potential impact of the proposed buildings on the landscape character and visual amenity, given the rural setting of the development and the existing use on the site. It reaches the following conclusions:

- the site lies in an area of undulating landscape and the land rises to the west to a low ridge which screens the site from the urban area and to the north towards Joyden's Wood on the far side of the A20.
- the site would be visible from several vantage points. At close range it can be seen from Cookham Road, public footpaths to the east and north of the site and the Cray Valley Golf Course. From longer range it will be visible from two residential properties, Ruxley Manor Garden Centre, the footpath over the M20, from public footpaths located at greater distance and from Pauls Cray Hill Park, which is beyond Chapman's Lane to the south west. Much of the site is screened by the existing bund and planting around the site. The longer distance views are softened by roadside vegetation and general landscape vegetation and in most cases the proposed buildings will be seen against the landscape rather than the horizon.
- with regard to landscape character the site is set within an area of urban/rural fringe landscape and the assessment concludes that the overall character is generally in poor condition and of low quality. There are also prominent urban structures and infrastructure within the landscape. Due to distances involved and existing screening of the site within the landscape, the people and places that will be able to see the site will not be significantly adversely affected by the development.
- in addition there are opportunities for mitigating measures on the development site with additional planting, reworking of the bunds to allow additional planting and screening, careful choice of colour of the buildings to minimise the visual impact and the design of the buildings to avoid hard edges where possible.
- in terms of the impact on the Green Belt and other UDP policies the report concludes that, for the reasons set out above and subject to the mitigation measures, the development will not have a significantly adverse impact on the landscape and is acceptable in policy terms.

The **Environmental Noise Report** considers the impact of predicted additional noise on nearby sensitive receptors. The takes the existing ambient noise level by measuring current activities over several days. From the technical information available for the component activities proposed for the AD plant the report assesses their impact on the receptors.

The report concludes that there would be no increase in ambient noise levels from the proposed plant during the night. There will be an increase in levels of +4 during the daytime as a result of vehicle movements and loading activities. In terms of the impact on the receptors, an increase of +5 decibels is considered to be of marginal significant in terms of generating complaints.

Therefore the report concludes that the proposed development is acceptable in terms of the likelihood of generating complaints and in environmental noise terms.

The **Ecology Report** relates to the impact on the nearby colony of sand martins at Hockenden Sand Pit, which is a Site of Interest for Nature Conservation. It advises that that on a field visit in July 2009 no birds or active nest holes were identified and old nest sites had not been visited for several years. The report advises that even if the site was to be visited by birds in the future, the construction of a building 0.5 km from the sand pits would not have an adverse on the birds.

The **Odour Impact Assessment** identifies the source of odour at the proposed AD facility, the effectiveness of proposed odour control measures, the impact of odour on nearby sensitive receptors and the significance of these impacts.

The report identifies 26 receptor locations around the site which covered the nearest residential properties and other more general locations, such as the adjacent golf course. The potential odour sources are likely to be in the delivery area, the biofilter beds, the AD plant itself, the composting hall and the digestate storage area.

The report concludes that, based on the technical information submitted, there are adequate measures proposed to ensure that the odour impact on nearby residential properties is below the industry standards. For the nearby golf course and the immediate part of Cookham Road adjacent to the site, odour levels slightly exceed the industry standard but due to the transitory nature of the use of these areas it is considered that the predicted impacts are acceptable.

The **Air Quality Management** report assesses the impact of the biogas CHP plant on local air quality for both sensitive human and ecological receptors. The report considered the impact on short range, medium range and long range locations.

In terms of the impact on human receptors the report found that in all but 10 cases the impacts of the biogas CHP plant emissions are not considered to be significant. In the 10 cases where there was a 'small' or 'medium' change the predicted impact is identified as 'slight adverse' within the technical definitions. Overall the impacts are considered to represent a 'low' priority consideration according to Environmental Protection UK (EUPK) guidance and no further mitigation is considered to be required.

There are no predicted impacts on any of the ecological receptors in the study area.

## **Location**

The application site is located on the south western side of Cookham Road approx 250m to the south of the junction of Cookham Road and Old Maidstone Road. To the north the land rises with fields, the A20, Old Maidstone Road and Joyden's Wood beyond. The land initially falls then rises to the south of the site towards Chapman's Lane, Hockenden Woods and Pauls Cray Hill Park beyond. To the west the land, again, initially falls away towards the Cray Valley Golf Course but rises towards Ruxley Manor Nursery beyond the A20. To the east the land is primarily flat.

Vehicular access to the site is via Cookham Road which leads off Old Maidstone Road and is a single track road. A barrier has been installed across the highway close to the junction with Old Maidstone Road which is closed each evening restricting access to the road. There is no access from Cookham Lane to Hockenden Lane so Cookham Lane is effectively a no through road

There are residential properties and businesses in the area between the A20 and Old Maidstone Road, known as Upper Ruxley. There is one farm to the east of the site, Burnt House Farm, and Westview Nursery to the north with residential properties further east along Cookham Road and along Hockenden Lane.

The borough boundary with London Borough of Bexley is Old Maidstone Road and with Sevenoaks District Council it is the A20.

A Site of Importance to Nature Conservation is located at Hockenden Sand Pit approx 500m to the south of the site

There are public footpaths leading directly north and south from the site. In addition there is a footpath approx 750m to the west extending from Maidstone Road, across a footbridge over the A20, and through the Cray Valley Golf Course to Sandy Lane.

### **Comments from Local Residents**

Nearby properties were notified and several representations were received which can be summarised as follows:

- industrial development in the Green Belt
- increase in pollution
- increase/commencement of unacceptable odours
- increase in traffic levels on over-used and poor quality country lanes
- storage of potentially harmful/dangerous materials in a rural environment
- effect on visual outlook
- effect on land values
- need a guarantee that the air quality, in terms of odour, will be improved
- use generating current odours should not be in the countryside
- existing odour is sometimes unbearable
- contrary to Policy G1 Green belt as it will encourage urban sprawl and is very visible in the landscape and from private gardens.

In addition the applicant wrote directly to nearby residential properties in November 2009 setting out the details of the proposals and received 4 responses. All respondees support the proposal and 2 replies refer to problems with odour from the site. One letter raises concerns about the size of vehicles used to deliver waste and their proximity to their back garden and danger from a potential accident.

Swanley Town Council support the application for the potential employment benefits for Swanley residents.



## Comments from Consultees

The Council's Highways Officer notes that there would be a potential increase in vehicle movements of upwards of 30%. However given that the current level of movement is approx 15 vehicles per day it is considered that this is not likely to have a significant impact in local highway terms.

Transport for London raised no concerns and recommends conditions relating to the submission of a Delivery and Service Plan, a Travel Plan and a Construction Management Plan.

The Council's Drainage Consultant referred the application to Thames Water who raise no objection to the proposal in terms of surface water drainage and sewerage infrastructure.

The Council's Environmental Health Officer has reviewed the Air Quality Management Report, the Odour Impact Assessment and the Environmental Noise Report and raises no objections in principle.

The London Borough of Bexley was consulted and raises no objection to the proposal on the grounds of the impact on air quality. They commented on the Alternative Site Assessment submitted by the applicant stating that whilst there may be opportunities for this facility on some other sites identified, and other potential opportunities that have not been explored, the Cookham Road site is still assessed with a high score. This development would help meet objectives set out in PPS10, which seek to promote the management of wastes as close as possible to their point of production, and for communities to take responsibility for the management of their own waste. Therefore no objection is raised.

Sevenoaks Borough Council was consulted and raises no objections.

The Environment Agency raises no objections in terms of the impact on groundwater, surface water drainage and foul drainage. However the Environment Agency has advised that there are regular complaints regarding the odour generated by the current use of the site. These can be daily depending on wind direction and atmospheric conditions.

On March 31st 2010 the Council received a Stage 1 report from The Greater London Authority under powers vested in the Mayor of London under the Town and Country Planning Act 1990 (as amended). The Greater London Authority Acts 1999 and 2007 and the Town and Country Planning (Mayor of London) Order 2008. The GLA advised that the application did not comply with the London Plan for the following reasons

- Green Belt: The proposals constitute inappropriate development on Green Belt, and the 'very special circumstance' argument as required by PPG2 is not robust and requires further consideration before the proposals can be accepted as complying with PPG2 and London Plan Policy 3D.9 relating to Green Belt (superseded by policy 7.16 of the London Plan 2011)

- Waste: The proposed AD plant is generally in line with London Plan policy 3A.25 (superseded by London Plan 2011 policies 5.16 and 5.17) although further information is required in relation to the joint waste group and the justification for the proposed capacity of plant.
- Biodiversity: The use of planning conditions is required to secure the ecological recommendations and ensure the proposals comply with the London Plan policy 3D.14 (superseded by policy 7.10 of the London Plan 2011)
- Urban Design: The proposals broadly comply with the London Plan policy 4B.1 but a green or brown roof is required in line with London Plan policy 4A.11 (superseded by London Plan 2011 policy 7.16)
- Transport: Further information is required to ensure compliance with London Plan policies 3C.2, 3C.22, 3C.23, 3C.25 (superseded by London Plan 2011 policies 6.3, 6.9, 6.13 and 6.14)
- Climate change mitigation and adaptation: Further information is required to demonstrate full compliance with London Plan policies 4A.5 and 4A.6 (superseded by London Plan 2011 policies 5.3, 5.5 and 5.6)

The applicant was advised of further changes that could lead to the application becoming compliant with the London Plan, namely

- Green Belt: The applicant should provide more detailed information on the site selection criteria and the need for the development in waste capacity terms. Bromley Council should also confirm the figures provided by the applicant are accurate and provide reassurance to how the use of a private facility will serve the borough exclusively.
- Waste: Further information is required in relation to the joint waste group and the justification for the proposed capacity of plant
- Biodiversity: The use of planning conditions is required to secure the ecological recommendations
- Urban Design: The applicant should investigate the use of green or brown roofs and living walls and provide examples of the cladding approach
- Transport: A delivery and servicing and construction logistics plan is required alongside confirmation of the number of employees and car parking spaces at the site
- Climate change mitigation and adaptation: Further information is required in relation to the specific proposals (rather than generic figures for the proposed technology), energy efficiency measures and the export of heat from the site.

The applicant has submitted further information which is considered below.

The Mayor will consider this additional information, following consideration of this report by Members, and will produce a Stage 2 report with their officer's conclusions and recommendations.

## **Planning Considerations**

The application falls to be determined in accordance with the following Unitary Development Plan policies:

- G1 Green Belt
- ER2 Waste Management Facilities
- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- NE12 Landscape Quality and Character
- EMP6 Development outside Business Areas
- IMP1 Planning Obligations

In strategic terms the most relevant London Plan (July 2011) policies are:

- 1.1 Delivering the Strategic Vision and Objectives for London
- 2.17 Strategic Industrial Locations
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.13 Sustainable Drainage
- 5.16 Waste self-sufficiency
- 5.17 Waste Capacity
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.14 Freight
- 6.13 Parking Strategy
- 7.10 Biodiversity and access to nature
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.16 Green Belt
- 8.2 Planning Obligations

A minor alteration was published in December 2009 setting out waste apportionment targets.

The London Plan Industrial Capacity Supplementary Planning Document.

There are a number of national policy documents that are relevant to the consideration of this application. These include:

- PPS1 Delivering Sustainable Communities
- PPG2 Green Belts

PPS9 Biodiversity and Geological Conservation  
PPS7 Sustainable Development in Rural Areas  
PPS10 Planning for Sustainable Waste Management  
PPS22 Renewable Energy  
PPS23 Planning and Pollution Control  
PPG24 Planning and Noise

Other relevant documents include

National Waste Strategy for England (2007)

In May 2007 the Department for the Environment Food and Rural Affairs (DEFRA) published the Waste Strategy for England. The key government objectives outlined in the strategy include:

- an emphasis on waste prevention and re-use
- to meet and exceed targets for the diversion of biodegradable municipal waste from landfill
- to increase the diversion quantity of non-municipal waste
- secure better integration for municipal and non-municipal waste

South East London Waste Partnership (SELWP) – this comprises the London Boroughs of Bexley, Bromley, Southwark, Greenwich and Lewisham. SELWP is formally registered as a Joint Waste Planning Group for the purposes of satisfying the requirements of the London Plan and PPS10.

## **Planning History**

The site has been the subject of several previous relevant applications:

- Hardstanding for composting (Upper Hockenden Farm) approved as a determination of agricultural permitted development rights in December 2010 (ref 01/03814/AGRIC).
- Waste composting facility comprising access roads, weighbridge, portable building, car parking, storage lagoon, compost storage area and landscaping buffer permitted in May 2004 (ref 03/03110)
- Removal of condition 1 of application 03/03110 to enable permanent use of the site for waste composting facility comprising access roads, weighbridge, portable building, car parking, storage lagoon, compost storage area and landscaping buffer (ref 04/04280) permitted in February 2005
- Variation of condition 14 of application 04/04280 to increase the throughput of material to 28,500 tonnes per annum (from 20,000 tonnes) permitted in August 2007 (ref 07/01939/VAR).
- Variation of condition 14 of application ref. 04/04280/VAR to enable use of the site for reception and transfer of up to 5,000 tonnes of wood waste per annum in association with existing waste composting facility (ref 10/03429/VAR) permitted in April 2011.
- Change of use of compost facility from open windrow compost system to an Anaerobic Digestion (AD) and In Vessel Compost (IVC) facility together with

buildings necessary for the relevant operations. Request for formal screening opinion regarding need for Environmental Impact Assessment under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (ref 08/03541/EIA). EIA not required - Dec 2008

## Conclusions

The main issues to be considered are:

- the principle of development and need for an anaerobic digester in the London Borough of Bromley
- impact on the Green Belt in terms of appropriateness and openness and visual impact on the landscape
- climate change mitigation and adaptation
- highways and parking implications
- other technical implications such as odour control and noise and disturbance

### 1. Principle of development and the need for an anaerobic digester in the London Borough of Bromley

The London Borough of Bromley has been operating a green garden waste collection service for over 15 years. In 2009/10 10,929 tonnes was collected. In October 2010 a food waste collection service was introduced across the borough and it is projected that this will collect 12,350 tonnes per annum (based on the first 4 months of operation). Currently all of the Council's green garden waste is processed at Cookham Road. The kitchen waste is currently transported out of borough for processing.

The current application seeks to provide a facility that would facilitate the processing of all green and kitchen waste within the borough.

PPS 10 Planning for Sustainable Waste Management sets national policy and provides guidance that is relevant to this application, namely:

- the energy hierarchy – this requires communities to take responsibility for managing their own waste by reducing the amount of waste generated in the first instance and the promotion of recycling and composting in favour of landfill.
- locational criteria for identifying suitable sites for development.

#### (a) Waste Hierarchy

The waste hierarchy referred to above seeks a sequential approach to waste management. The first step is to reduce the generation of waste. Where waste is generated the next step seeks to maximise the re-use of products and materials together with the recycling and composting of relevant waste resources. The next step is to generate energy from the waste resources. Only if none of these steps can be taken should waste be disposed of.

Policies 5.16 and 5.17 of the London Plan 2011 set out how waste will be managed in London and advise that development plans should safeguard existing waste sites and identify new sites in suitable locations in order for boroughs to meet their apportioned waste and recycling targets.

Policy 5.16: Waste Self-Sufficiency seeks to manage as much of London’s waste within London as practicable, working towards 100% by 2031. This will be achieved by exceeding recycling and composting rates by at least 45% for municipal solid waste by 2020, rising to 60% by 2031. To help achieve this Bromley forms part of the South East London Waste Partnership (SELWP), together with the London Boroughs of Bexley, Greenwich, Southwark and Lewisham.

Policy 5.17: Waste Capacity states that the following development will be supported; development that includes a range of complementary waste facilities on a single site, development that uses technologies to produce a renewable gas and developments for producing renewable energy from organic/biomass waste. In addition existing waste sites should be protected and the use maximised.

The current applicant fits into the Waste Hierarchy by seeking to increase the capacity to compost green and kitchen waste within London, close to the source of that waste.

The applicant has submitted detailed information in an Alternative Site Assessment setting out the current and projected position relating to the treatment of organic waste in the SELWP area. This information is summarised below.

At the present time the SELWP can jointly satisfied the GLA requirements for residual waste treatment, recycling transfer and processing up to 2020 but there is not sufficient capacity for the treatment of organic material.

#### Southeast London Boroughs’ Joint Waste Working Group Organics 2008-09

Authority	Windrow	Treatment Capacity	IVC	Treatment Capacity	Total Organics	Treatment Capacity
Bexley LB	2,488	0	20,138	0	22,626	0
Bromley LB	10,072	28,000	532	0	10,604	28,000
Greenwich LB	1,553	0	19,325	0	20,788	0
Lewisham LB	730	0	-	0	730	0
Southwark LB	5,967	0	-	0	5,967	0
Sub-total	20,810	28,000	39,905	0	60,715	28,000

Source: WasteDataFlow accessed 1.10.2010

Southeast London Boroughs’ Joint Waste Working group Organics Projected 2012



Authority	Windrow	Treatment Capacity	IVC	Treatment Capacity	Total Organics	Treatment Capacity
Bexley LB	3,500	0	21,500	0	25,000	0
Bromley LB	10,500	0	12,850	46,000	23,350	46,000
Greenwich LB	2,500	0	20,500	20,000	203,000	20,000
Lewisham LB	900	0	-	0	900	0
Southwark LB	6,500	0	-	0	6,500	0
Sub-total	20,810		54,850	66,000	78,750	66,000

Source: WasteDataFlow accessed 1.10.2010 plus personal communication

Based on the latest figures produced by the SELWP the projected demand by 2012 is for the treatment of 78,000 tonnes of organic waste (green and kitchen) in the partnership area. There is currently capacity to deal with 28,000 tonnes of green waste at the application site. There are no other sites in the SELWP area that deal with the treatment of green waste and there are no facilities in the SELWP area that can treat kitchen waste.

The Councils Waste Advisor has been consulted and verifies these figures as accurate for both the Joint Waste Planning Group and for Bromley.

The London Borough of Bromley currently uses the application site for the treatment of all its green waste and transports approx 12,800 tonnes pa of kitchen waste to an In-Vessel Composting (IVC) facility in Maidstone.

The London Borough of Bexley currently transports 23,000 tonnes pa of mixed food and garden waste to Ipswich.

The London Borough of Lewisham are in the early stages of considering a food waste collection service and currently send 900 tonnes pa of green waste to Cookham Road.

The London Borough of Southwark is committed to dealing with their organic waste through the use of their MBT (Mechanical Biological Treatment) facility at the Old Kent Road.

There are currently two potential AD sites identified in the SELWP area, namely Cookham Road in Bromley and Purland Road in Greenwich. Together they would provide a total capacity to treat 66,000 tonnes of organic waste. Based on the projected demand for the treatment of 78,000 tonnes by 2012 this leaves an overall shortfall of 12,000 tonnes in the SELWP area based on current estimates.

The applicant advises that the development of an AD at Cookham Road that can treat 46,000 tonnes of organic waste will make a significant contribution to the overall waste treatment targets for the partnership area. In addition the applicant advises that a site of approx 2.5ha is required to provide a plant that would

significantly help to meet current demand for the treatment of organic waste material.

It should be noted that the Council has received letters from both the London Borough of Bexley and Lewisham supporting the current application. They supported the opportunity to process waste locally rather than sending it out of London. Both boroughs expressed interest in using the AD facility subject to their own procurement processes.

In addition the applicant advises that the Council, Veolia and the applicant have an informal agreement that all Bromley's food waste will be delivered to the AD facility should planning permission be granted.

#### (b) Locational Criteria

These are a set of criteria set out in PPS10 that should be addressed by each application for development of waste management facilities. The criteria are as follows:

- opportunities for on-site management of waste where it arises
- assessment of a broad range of location including industrial sites
- physical and environmental constraints on development, including existing and proposed neighbouring land uses – this includes protection of water resources, nature conservation, visual intrusion traffic and access, air emissions, odours, vermin, noise and vibration and litter.
- the cumulative effect of previous waste disposal facilities
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste
- priority to the re-use of previously developed land.

These issues will be addressed through this report in the sections below

#### 2. Green Belt issues

The application site lies within the Metropolitan Green Belt. As such PPG2 Green Belts, London Plan Policy 7.16 and UDP Policy G1 restrict development to defined appropriate uses. It is considered that the current proposal is an inappropriate use and, therefore, it is necessary for the applicant to demonstrate 'very special circumstances' that would justify the proposed development. In addition openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design.

In addition to this advice, there is further advice relating to projects proposed in the green belt as follows:

PPS 10 sets out locational criteria for new waste related development, including proposals in the Green Belt – para 3 states that 'policies should 'protect green belts but recognise the particular locational needs of some types of waste management facilities...and in determining planning



applications, that those locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.’ Para 21 sets out criteria for identifying and assessing sites and areas suitable for new or enhanced waste management facilities. The guidance goes on to state that, amongst other criteria, priority should be given to the re-use of previously developed land.

PPS 7 Sustainable Development in Rural Areas states that ‘While the policies in PPG2 continue to apply in green belts, local planning authorities .... should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses (para 26).

PPS 22: Renewable Energy states that ‘when located in the green belt, elements of many renewable projects will comprise inappropriate developments....Careful consideration will need to be given to the visual impact of projects and developers will need to demonstrate very special circumstances that clearly outweigh the harm by reason of inappropriateness...Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources (para 13) ’

It should be noted that the existing composting use is an inappropriate use within the green belt and this was acknowledged when planning permission was originally granted for this use of the site. Therefore the site is previously developed land.

In this instance the applicant has submitted the following documents to support the application in these respects:

- an Alternative Site Assessment (ASA) to demonstrate that the application site is the most suitable location for the proposed use
- a Landscape and Visual Impact Assessment.

#### (a) Alternative Site Assessment

The ASA is a detailed report that assesses alternative sites in the London Borough of Bexley and Bromley. Sites in Lewisham and Greenwich and Southwark have not been included in this assessment. The applicant advises that this is based on the proximity principle to Bromley’s waste source and the transportation distances and the additional cost to Bromley from using facilities in these boroughs. The applicant identifies 12 criteria against which each site is assessed including site size, proximity to waste, availability, policy compliance, location, access to road network, landscape or nature conservation restrictions, flooding or groundwater restrictions.

A ‘long list’ of 13 sites was initially drawn up. Three of these sites were eliminated due to land area and land use constraints. Three further sites were eliminated due to deliverability issues. The remaining 7 sites were assessed against the detailed criteria set out above and scored in terms of their compliance with these criteria. Of

the sites assessed at this stage one is in the London Borough of Bromley, namely the application site at Cookham, and the remaining 6 are in the London Borough of Bexley.

The report concludes that the Cookham Road site has the highest score with a total of 8 thereby demonstrating the greatest compliance with the assessment criteria. There are 3 other sites with scores of 7, 6 and 6 respectively.

The applicant also assessed some of the more appropriate strategic waste sites in the boroughs of Bexley and Bromley identified in the SELWP Joint technical paper to consider the possibility of co-location of the existing waste uses and the proposed AD. In this respect the report concludes that, in all cases, it is not possible to co-locate an AD plant on the existing sites.

The report has been assessed by officers from both Bexley and Bromley and found to be reasonable in the choice of assessment criteria, scoring values and conclusions. On the basis of the information available at the time of preparing the report it is considered that the report has demonstrated that the application site would help to meet the objectives of PPS10, which seek to promote the management of wastes as close to their point of production as possible, and for communities to take responsibility for the management of their own waste. In addition this forms an important part of the applicants case for 'very special circumstances' on the grounds that there are no non-Green Belt sites available for the location of an AD.

#### (b) Landscape and Visual Impact Assessment

The applicant has submitted a detailed assessment of the impact of the proposed buildings on the landscape character of the site and the surrounding area. The report assesses the visibility of the development, the impact on planning policy, in particular the green belt and the impact on the particular landscape character in the vicinity of the site. The findings are summarised earlier in the report.

The report and its conclusion have been assessed by officers. Firstly it is clear that the proposed structures will be visible from outside the site and it will not be fully screened by the bund or existing planting. It is accepted that there are some opportunities for additional planting around the site. The landscape does include woodland blocks so additional heavy tree planting where this can be undertaken on the site is welcomed. There is little planting on the top or slopes of the bund which suggest poor quality and this will need to be addressed by the applicant if planning permission is granted. In addition there is limited land available for additional planting but the applicant has shown additional tree screening particularly along the north east boundary (facing the golf course).

It is evident that the buildings will be visible within the landscape of this area. The applicant has offered mitigation measures, described above, to reduce the visibility of the buildings and this will help to soften their appearance but will not hide them from view.

In terms of the impact on openness in the green belt there is no doubt that the proposal would amount to the introduction of a large building into the landscape and, therefore, there would be harm to the openness of the green belt. The applicant will attempt to minimise the harm through planting and the use of suitable materials for the buildings as described above and as such, it is considered that the impact from the building will be largely confined to the local area and would not be unacceptable.

With regard to the Hockenden Sand Pit Site of Importance to Nature Conservation (SINC) it is agreed that the sand martins that have used the site in the past are no longer using it, and therefore the development would not have an adverse impact on this SINC.

To summarise, in terms of very special circumstances it is considered that the lack of suitable non Green Belt sites, the need to find locations well related to the source of waste arisings and the fact that the site is previously developed land already in a waste related use amount to very special circumstances sufficient to overcome the harm by reason of inappropriateness and any other harm, and to justify the development in the Green Belt.

### 3. Climate Change Mitigation and Adaption

The applicant advises that the composting process is likely to generate approx 2.2Mw of electricity from the AD process and this would be sufficient to power 2,000 local homes. (This is the equivalent of approx 10 wind turbines but with 24/7 production of energy).

In addition the process will produce approx 15,000 of compost and 6,500 tonnes of liquid fertiliser.

The site will use power generated by the composting process to run the process with excess energy exported to the National Grid.

At this stage the applicants have advised that it is not possible to provide the exact division of electricity between the site requirements and input into the National grid but it is likely that the AD will use approx 12.5m kWh per annum and around 12,135,500kWh per annum will be exported into the Grid.

In terms of CO<sub>2</sub> emissions that applicant advises that there are zero emissions from the AD plant itself. In terms of gas emissions from the plant there will be directed to the Combined Heat and Power engine and used to generate electricity. Therefore the net release of biogas into the atmosphere will be zero.

In the event that the CHP is out of commission the biogas will be directed to a flare to ensure that this remains the situation.

In addition attention is drawn to the PPS 10 which introduces the 'proximity principle' in which local communities take more responsibility for their waste and enable sufficient and timely provision of waste management facilities to meet their needs. Consequently it is also a key objective on PPS10 for waste to be dealt with

in one of the nearest appropriate installations. In this case the application site will provide an accessible facility on the northern boundary of the borough close to adjoining London boroughs and district councils.

To reinforce the proximity principle and maximise the mitigation of climate change the signing of a legal agreement is recommended to secure local sources of waste material for the site. For contractual reasons it is not currently possible to guarantee the use of the site by the local waste authorities but the applicant proposes the following wording

“Subject to appropriate waste being available to the facility, the operator shall ensure that only waste from the South East London Partnership Area and directly adjoining boroughs will be processed at the AD plant”

Having looked at other recent decisions relating to a variety of different waste uses it is considered that this form of wording is reasonable to enable the applicant to operate and the SELWP and adjoining boroughs to be able to use the site once it is in operation.

As previously mentioned Bromley has very limited opportunities to deal with waste within the borough boundaries and it is considered that this plant is an opportunity for the borough to start meeting some of its commitments in this respect.

#### 4. Highways and Parking Implications

The applicant has submitted a detailed Transport Assessment which has been summarised above. TfL and the Council’s Highways Officer have assessed the information in the report.

In summary the report stated that there were 377 deliveries to the site in the month of June 2009, June being one of the busiest months of the year, with an average of 15 trips per day. It is anticipated that there will be an additional 85 trips per month resulting from the additional operational capacity resulting in approx 462 deliveries per month. Therefore the daily trip generation would be approx 19 vehicles over a 25 day month.

Both officers have considered the impact of additional vehicle movements over and above the existing number of movements and, based on the information provided but the applicant, conclude that the additional numbers of vehicles would not have a significantly detrimental effect on the amenities of local residents in the area.

Both consultees recommend conditions relating to the submission of Service Delivery and Construction Management Plans. In addition the Councils Highways Officer also recommends further conditions relating to car and bicycle parking, wash down facilities and highways drainage.

In view of the above it is recognised that there will be additional vehicle movements generated by the increase in capacity relating to the AD plant. However in view of the relatively small increase in daily trips it is anticipated that this will not result in a

significantly detrimental affect on the local highway network or the amenities of the occupants of nearby residential properties.

## 5. Other technical issues

### (a) Odour Issues

As previously stated there are considerable odour issues associated with the current use, as verified by the Environment Agency and the letters of objection received.

The applicant has submitted a detailed report relating to odour control which is summarised above. The report concludes that the techniques proposed by the applicant to control odour emissions are sufficient to ensure satisfactory odour control to all receptors except to users of Cookham Road and the footpaths immediately adjacent to the site. The level of predicted odour impact is such that may result in a complaint from a residential property.

As previously stated the report concludes that due to the transient nature of any individual's exposure at the locations the predicted impacts are considered to be acceptable.

In order to maximise the effectiveness of odour control a condition is recommended requiring an odour management plan to be submitted and approved and the plan to be implemented prior to first use of the premises and thereafter retained.

Is summary it is recognised that there is a predicted impact on the area immediately adjacent to the site but it should be noted that there is already a considerable impact on the area in terms of odour, including the residential properties, from the current windrow operation on the site.

The report states that the impact for the residential receptors would not be significant and Members may consider that this improvement for these receptors is welcomed and the slight impact on transient users in the immediate vicinity of the site is acceptable.

### (b) Air Quality Management

The applicant has submitted a detailed report relating to the impact of the biogas CHP engine emissions which is summarised above.

As previously stated the report concludes that in all but 10 cases the impact from the predicted biomass emissions is classified as 'negligible'. In the case of the residence between the site and the A20, where the finding is 'slightly adverse,' the level only marginally exceeds the limited required to reach a classification of 'negligible' impact. In the remaining 9 cases that received a 'slightly adverse' finding the readings were only marginally over the 'negligible' limit. In addition the report found that there were no sites. The report also states in its conclusions that

the calculations have been made on a 'worst case' scenario in terms of the hours of operation and so the actual impacts will be lower than predicted.

The reports overall conclusion is that the emission of combustible products from the biogas CHP plant will not lead to any breaches of Air Quality Standards for either short term NO<sub>2</sub> or long term NO<sub>2</sub>.

Members may agree with the findings of the report that there is a relatively low number of properties that are predicted to have readings that are marginally higher than the 'negligible' standard and given there is no overall breach of the objective for NO<sub>2</sub> the impacts are acceptable.

#### (c) Use of green/brown roofs

The GLA requested that the applicant investigate the use of green or brown roofs. The applicant advises that they have investigated these and there are a number of construction issues that make it virtually impossible to use these types of roof.

They also state that there will be significant planting associated with the scheme which will improve overall biodiversity and that the lagoon is already attracting wildlife.

#### (d) Noise emissions

The applicant has submitted a detailed noise report that is summarised above. This is based on the proposed plant and its operational requirements.

In conclusion the report assesses the impact of potential noise arising from the development on nearby noise sensitive receptors, in this case nearby residents, taking into account day and night emissions. The analysis shows that the level of noise will increase between 0 decibels (night operations) and +4 decibels (daytime operations). The British Standard states that +5 decibel assessment difference indicates the likelihood of complaints is considered to be of marginal significance and therefore is acceptable in terms of British Standard 4121 assessment.

The Council's Environmental Health Officer has reviewed the report and agrees in principle with the report findings. It should be noted that the predicted noise levels for the AD plant are based on average prevailing wind speeds and direction. Therefore there may be occasions when the measured levels are higher or lower than the predicted levels.

#### (e) Night time illumination

It is expected that there will be a requirement for some illumination of the site during the hours of darkness for operational and safety purposes. As yet detailed information has not been received regarding the level of illumination needed but this will vary depending on the operations being undertaken. It is anticipated that the AD plant will require higher levels of lighting during the hours when waste is being delivered to the site, reducing significantly after these hours of



operation. During the remainder of time that is from 7pm to 7am the light levels is likely to be reduced to an operational minimum.

A condition has been recommended requiring the applicant to submit details of illumination of the site.

### Overall conclusions

This is a complex application that brings together sensitive issues relating to waste management and the protection of the Green Belt.

Looking at each element of the application in turn and based on the detailed analysis set out in the report and taking account of the comments from local residents and Consultees, it is considered that the following conclusions apply in this case:

### The principle of development and need for an anaerobic digester in the London Borough of Bromley

National, regional and local plan policies clearly set out the need to reduce landfill as a method of dealing with household waste. By setting out specified targets these policies are encouraging individual local authorities to develop waste strategies to provide facilities to encourage, in this instance, recycling of organic waste. The existing and projected need and demand for facilities to treat organic waste close to the source of that waste is demonstrated and the lack of a site within the London Borough of Bromley is evident. To this extent it is considered that the need and demand for this facility is proven.

### Impact on the Green Belt in terms of appropriateness and openness and visual impact on the landscape

As this site lies within the Green Belt the applicant has submitted information to demonstrate that there are sufficient 'very special circumstances' that clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

The paragraph above sets out the conclusion in relation to need and demand which are also highly relevant to this aspect of the development.

The Alternative Site Assessment concludes that there are currently no non-Green Belt sites in the London Boroughs of Bromley and Bexley that could accommodate an AD plant of the size required to meet the current demand for organic composting.

The AD plant will be situated on previously developed land and the site currently accommodates an inappropriate use within the Green Belt. This site is also a waste management site and national and regional policies encourage the retention and maximum use of these sites.

It is accepted that the AD plant will be visible at short, medium and long range distances and that this will have a significant impact on openness. However this must be weighed against the 'very special circumstances' submitted by the applicant and the mitigating measures proposed to soften the appearance in the landscape.

Lastly the site will produce renewable energy (see paragraph below).

#### Climate change mitigation and adaption

In support of policies to reduce greenhouse gas emissions and maximise the provision of renewable from waste processing the applicant proposes a Combined Heat and Power facility that will transform the biogas produced by the waste process into electricity.

In terms of green house production there will be nil produced by the AD plant and all of the gas produced as a by-product will be converted to energy. Part of this energy will be used for the operation of the site and the remainder will be transferred to the National Grid resulting in a net increase of renewable energy.

Lastly it is anticipated that local boroughs will use the site for treatment of their green and kitchen waste reducing the current mileage undertaken to transport this waste to facilities outside the boroughs.

#### Highways and parking implications

There are no objections to the level of additional traffic proposed from TfL or London Borough of Bromley subject to conditions to the minimise impact of vehicle movements on local residents during construction and subsequent operation of the AD plant.

#### Other technical implications such as odour control, air quality and noise and disturbance

Reports submitted by the applicant indicate that for each of the above areas there are no predicted significantly adverse impacts resulting from the proposed AD plant and in terms of odour control it is anticipated that the current poor situation is likely to be improved. Conditions are recommended to allow officers to consider each aspect of these mitigation measures in detail.

In view of the above, it is considered that, on balance, the proposed AD plant is acceptable, subject to the direction of the Mayor of London, the signing of a S106 agreement and the recommended conditions.

Background papers referred to during the production of this report comprise all correspondence on file ref. 09/03618, excluding exempt information.

as amended by documents received on 08.06.2010 14.10.2010 10.11.2010  
02.12.2010 10.12.2010 01.03.2011 31.05.2011



**RECOMMENDATION: 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 prior completion of a Section 106 agreement relating to source of waste material.

and the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
ACA01R      A01 Reason 3 years
- 2      ACK01      Compliance with submitted plan

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan.

- 3      The site shall only be used for the purposes of composting green and kitchen waste and for no other purposes and the throughput of material shall not exceed 46,000 tonnes per annum.

**Reason:** In the interests of the amenities of the locality and to comply with the terms of the permission and Policy BE1 of the Unitary Development Plan.

- 4      The composting facility shall not accept deliveries of green or kitchen waste other than between the hours of 0700 hrs to 1900 hrs Monday to Friday, 0700 hrs to 1300 hrs on Saturday and shall not accept green waste on Sundays, Public Holidays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In order to comply with the terms of the permission and Policy BE1 to protect the interests of the amenities of the locality and nearby residents, particularly in terms of noise and disturbance from traffic movements.

- 5      Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays to Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

**Reason:** In the interests of the amenities of the locality and to comply with the terms of the permission.

- 6      No raw materials (unprocessed organic waste) shall be stored or processed in any external area on the site at any time.

**Reason:** To protect the amenities of local residents in accordance with Policy BE1 of the Unitary Development Plan.

- 7      Records of daily tonnages of waste, including separately that received from the London Borough's of Bromley and Bexley shall be taken and shall be made available for the officers of the Waste Disposal Authority to see on request.

**Reason:** To accord with the terms of the application and to comply with Policies G1 and ER2 of the Unitary Development Plan.

### **Permitted Development Rights**

- 8      Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no plant or machinery, building, structures and erections whether fixed or moveable, shall be erected, extended, installed or replaces within the site without the prior approval in writing of the Local Planning Authority.

**Reason:** To comply with Policy G1 of the Unitary Development Plan and to protect the designated Green Belt.

### **Heat Recovery and Energy Exportation**

9 Prior to the commencement of operation of the AD plant hereby approved a heat plan detailing the means of delivering energy and heat outputs from the facility, the identified heat users and the timetable for deliveries shall be submitted to and, following consultation with the Environment Agency, approved by the Local Planning authority. Unless otherwise approved in writing in advance by the Local Planning Authority the approved heat plan shall thereafter be implemented in accordance with the details and timetable so approved.

**Reason:** To comply with Policy 5.17 of the London Plan 2011 and to ensure the maximum benefit from the collection and delivery of sustainable power can be achieved.

10 Prior to commencement of the development hereby approved details of means of connection to the National Grid, together with the details of all related pipework and machinery shall be submitted and approved in writing by the Local Planning Authority. Prior to the commencement of the use of the AD this development shall be carried out in accordance with the details so approved and to enable compliance with the heat plan approved under Condition 9.

**Reason:** In order to ensure that the physical measures to export heat are implemented and ensure that the AD plant is operated efficiently in accordance with the requirements of Policy 5.17 the London Plan 2011.

11 No waste shall be processed by the AD plant until the electric link to the National Grid has been constructed and is capable of transmitting all the excess electrical power produced by the Plant. Thereafter, except during periods of maintenance and repair and unless required to do so by the National Grid no waste shall be processed by the plant unless power is being generated

**Reason:** To ensure that the development complies with Policy Be1 of the Unitary Development Plan and Policy 5.17 of the London Plan 2011.

### **Appearance**

12 Prior to the commencement of development full details of all aspects of the appearance of all of the buildings and structures on the site, including finishes, colour and treatment of external materials, shall be submitted to and approved by the Local Planning Authority including the design and appearance of all of the individual component buildings, the proposed materials for the buildings and the associated hard surfaces. The buildings and structures shall be constructed in accordance with the submitted details and permanently retained thereafter.

**Reason:** To ensure that the proposed structures are relevant and necessary to the use of the site as specified in the application and to comply with Policy BE1 of the Unitary Development Plan.

13 ACA04 Landscaping Scheme - full app no details  
ACA04R Reason A04

14 Prior to the commencement of development a plan to improve the biodiversity value of the site shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

**Reason:** In order to comply with Policy 7.19 of the London Plan 2011 and maximise the use of site in biodiversity terms.

15 ACA07 Boundary enclosure - no detail submitted  
ACA07R Reason A07

16 ACC01 Satisfactory materials (ext'nl surfaces)  
ACC01R Reason C01

17 Details of the location, height, design, sensors, hours of operation and luminance of internal and external lighting for the AD plant (which shall be designed to minimise the potential nuisance of light spillage on nearby properties and the countryside) shall be submitted and approved in writing by the Local Planning Authority before the commencement of the permitted use. Any scheme that is approved shall be implemented in accordance with the approved details and retained as such thereafter.

**Reason:** In order to comply with Policy BE1 and minimise the impact on the amenities of the area and nearby residential properties.

18 Following the receipt of any waste, no storage container, skip, unsorted or sorted waste material or residue of recycled materials or any other items shall be stored outside the building, other than within the designated bays or on operational vehicles.

**Reason:** To control the visual appearance of the site and protect the amenities of the surrounding area and nearby residents in accordance with Policy BE1 of the Unitary Development Plan.

19 ACK05 Slab levels - no details submitted  
ACK05R K05 reason

### **Drainage and Contamination**

20 ACD02 Surface water drainage - no det. submitt  
ADD02R Reason D02

21 ACC04 Matching materials  
ADD04R Reason D04

22 If during development, contamination not previously identified is found to be present at the site no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with.

**Reason:** The site is underlain by Thanet Sands and Upper Chalk formations, classified respectively as secondary and principal aquifers. The site is also located within Source Protection Zone II for a groundwater abstraction.

23 No filtration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**Reason:** The site is underlain by Thanet Sands and Upper Chalk formations, classified respectively as secondary and principal aquifers. The site is also located within Source Protection Zone II for a groundwater abstraction.

## Highways

- 24 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 25 ACH04 Size of parking bays/garages  
ACH04R Reason H04
- 26 ACH16 Hardstanding for wash-down facilities  
ACH16R Reason H16
- 27 ACH22 Bicycle Parking  
ACH22R Reason H22
- 28 ACH28 Car park management  
ACH26R Reason H26
- 29 ACH27 Arrangements for construction period  
ACH27R Reason H27
- 30 ACH29 Construction Management Plan  
ACH29R Reason H29
- 31 ACH32 Highway Drainage  
ADH32R Reason H32
- 32 Prior to the commencement of the development hereby permitted a Delivery and Servicing Plan relating to the operation of the approved facility shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify efficiency and sustainability measures to be undertaken once the development is in operation, identification of the optimum use of loading facilities, measures to encourage off-peak servicing and the management of additional vehicle movements generated as a result of the development and measures to minimise noise emissions from reversing vehicles.

**Reason:** In order to comply with Policy 6.14 of the London Plan 2011 and in the interests of the amenity and safety of the occupants of nearby residents and businesses.

## Odour Control

- 33 Prior to the commencement of development an odour management plan for the AD plant hereby approved shall be submitted to and, following consultation with the Environment Agency, approved in writing by the Local Planning Authority. The plan shall outline details of measures necessary to prevent offensive odours, as well as a proposed system of odour abatement and destruction in the event of offensive odours being identified. These shall include details of the operation and maintenance for the proposed biofilters. These preventive measures shall include the installation of fast opening/closing doors on all buildings, which shall be kept shut at all times except when a vehicle is entering or leaving. The AD plant shall be operated in strict accordance with the odour management plan so approved.

**Reason:** In the interests of the amenity of the area and to comply with Policy BE1 of the Unitary Development Plan.

- 34 No loaded lorries shall enter or leave the site unless the loads are fully sealed.

**Reason:** In order to protect the amenities of nearby sensitive receptors and to comply with Policy 7.14 of the London Plan 2011.

35 All delivery/loading bay doors within the development shall be kept closed at all times except to provide access for loading/unloading operations.

**Reason:** To avoid the unnecessary breakout of noise and odours from the operation of the units and to protect the amenities of local residents in accordance with Policy 7.14 of the London Plan 2011.

### **Noise Control**

36 All plant and machinery on the site shall be operated and maintained in accordance with the manufacturers instructions at all times and any attenuation measures necessary to achieve the predicted noise levels in the Environmental Noise Report shall be carried out prior to the first use of the plant and/or machinery and retained permanently thereafter.

**Reason:** In order to protect the amenities of nearby sensitive receptors and to comply with Policy 7.15 of the London Plan 2011.

### **General Conditions**

37 There shall be no direct retailing of compost from this site and the site shall not be used by the general public either for purchasing compost, deliveries or collections.

**Reason:** To comply with the terms of the permission.

38 Prior to the commencement of development details of contingency measures and arrangements to deal with all aspects of the operation of the AD plant in case of emergency power failure shall be submitted and approved in writing by the Local Planning Authority. The approved generator shall be installed and be in working order prior to the first commencement of the use hereby permitted and shall be retained in operational good order permanently thereafter.

**Reason:** To ensure that the plant can remain operational at all times and to prevent the escape of odours and noxious substances in the event of power failure. This is in accordance with Policy 7.14 of the London Plan 2011.

39 If for any reason than for extended maintenance or repair, the AD plant ceases to be used for a period of more than 36 months, a scheme for the demolition and removal of the building and the related infrastructure (which shall include all buildings, structure, plant, equipment, areas of hardstanding and access roads) shall be submitted for approval in writing to the Local Planning Authority. Such a scheme shall include:

- (i) details of all structures and buildings which are to be removed,
- (ii) details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise,
- (iii) timing and phasing of the demolition and removal,
- (iv) details of the restoration works, and
- (v) the phasing of restoration works.

The demolition and removal of the buildings and related infrastructure and subsequent restoration of the site shall thereafter be implemented in accordance with the approved plans.

**Reason:** In order to protect the amenities of nearby sensitive receptors and to comply with Policy 7.14 of the London Plan 2011.

40 Prior to the commencement of the use of the site a pest control plan should be submitted and approved in writing by the Local Planning Authority. This plan should include measures for the control and eradication of pests, including rodents, insects and larvae. The measures approved shall be implemented prior to the first use of the AD plant in accordance with the approved plan and retained permanently thereafter.

**Reason:** In order to protect the amenities of nearby sensitive receptors and to comply with Policy BE1 of the Unitary Development Plan.

**Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- G1 Green Belt
- ER2 Waste Management Facilities
- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- NE12 Landscape Quality and Character
- EMP6 Development outside Business Areas
- IMP1 Planning Obligations

In strategic terms the most relevant London Plan (July 2011) policies are:

- 1.1 Delivering the Strategic Vision and Objectives for London
- 2.17 Strategic Industrial Locations
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.13 Sustainable Drainage
- 5.16 Waste self-sufficiency
- 5.17 Waste Capacity
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.14 Freight
- 6.13 Parking Strategy
- 7.10 Biodiversity and access to nature
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes

7.16 Green Belt  
8.2 Planning Obligations

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the landscape and streetscene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding areas
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties, in relation to odour, air quality and noise and disturbance
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the safety and security of buildings and spaces around them
- (g) sustainability issues
- (h) the green belt and open space policies of the development plan
- (i) the relationship of the development to trees to be retained

and having regard to all other matters raised.

INFORMATIVE(S)

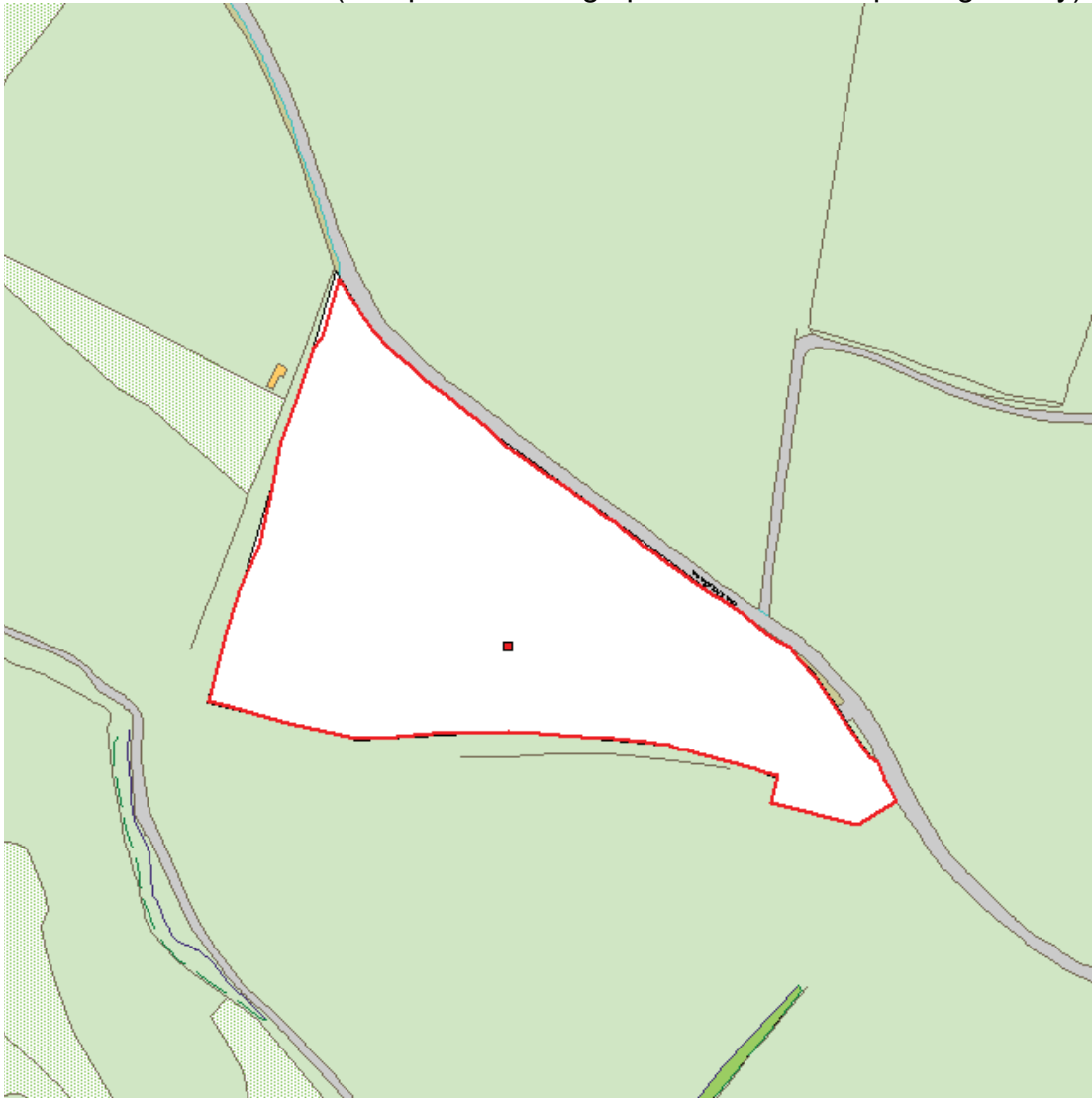
- 1 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding the need to obtain permits for the use of 20 tonnes vehicles under the London Lorry Control Scheme.
- 2 RD124 Public Right of Way advice



Reference: 09/03618/FULL1

Address: Land At Cookham Wood Cookham Road Swanley

Proposal: 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, biofilters beds, car parking, improvements to existing secondary vehicular access and upgrading of existing hard surfaces (to replace existing open windrow composting facility).



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# Agenda Item 6

Report No.  
DRR11/088

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:**      **Development Control Committee**

**Date:**                      **8 September 2011**

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

**Title:**                      **POSSIBLE ARTICLE FOUR DIRECTION AT THE CHENIES,  
PETTS WOOD**

**Contact Officer:**      Bob McQuillan, Chief Planner  
Tel: 020 8464 3333 E-mail: bob.mcquillan@bromley.gov.uk

**Chief Officer:**              Bob McQuillan

**Ward:**                      Petts Wood

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1. Reason for report

The issue for consideration by Members is whether the Council should seek, with the use of an article 4 direction, to withdraw permitted development rights for the insertion of roof lights in the front slopes of roofs of properties in The Chenies conservation area. A recent proposal on one of the properties in the area has given rise for some concern. If an article 4 direction is served, the Council may be liable to pay compensation to applicants in certain circumstances – this needs to be balanced against the potential harm to the conservation area caused by a possible proliferation of proposals.

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2. **RECOMMENDATION(S)**

**Members are invited to consider whether Executive should be requested to confirm an Article 4 direction withdrawing permitted development rights for roof lights in The Chenies, Petts Wood, Conservation Area.**

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Quality Environment.
- 

### Financial

1. Cost of proposal: Possible unquantifiable cost implications arising from compensation issues
  2. Ongoing costs: Recurring cost. Possible ongoing cost from increased workload.
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding: revenue budgets
- 

### Staff

1. Number of staff (current and additional): 1
  2. If from existing staff resources, number of staff hours: 4
- 

### Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: Not specifically in respect of this report - but have been involved in ongoing discussions on the issue.

### 3. COMMENTARY

- 3.1 The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) grants various rights to householders to alter or extend their dwelling houses without the need to obtain planning permission. This is referred to as 'permitted development' (pd). One such right (under Part 1 of Schedule 2, Class C) is to carry out alterations to the roof of a dwelling house. Provided any alteration does not protrude more than 150mm beyond the plane of the slope of the original roof (such as would normally be the case with a roof light or 'Velux' window) it can be undertaken as 'pd'. This particular right does not differentiate between general residential areas and conservation areas and it is therefore possible for householders within designated conservation areas to insert roof lights in the front roof slopes of their houses without the need to obtain planning permission from the Council.
- 3.2 Article 4 of the GDPO allows for the making of a direction that can withdraw specified pd rights. This does not prevent the development to which it applies but instead requires that planning permission is first obtained from the local planning authority for that development.
- 3.3 The Chenies Conservation Area was designated in 1982 and comprises a total of 29 detached houses set in generous plots. In the Supplementary Planning Guidance for The Chenies, adopted by the Development Control Committee in February 2000, advice is given in respect of dormers and roof lights in order to ensure that roof slopes do not become over cluttered. A recent photo survey of properties in The Chenies showed that only one property (No. 5) had a roof light facing the front (photos attached at Appendix 1).
- 3.4 The issue for consideration by Members is whether the Council should seek to withdraw permitted development rights for roof lights in The Chenies given the recent development at No.5.
- 3.5 Guidance issued by DCLG in November 2010 advises that local planning authorities should consider making article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity. In deciding whether an article 4 would be appropriate, LPAs should ... "identify clearly the potential harm that the direction is intended to address" and may want consider whether the exercise (by property owners) of pd rights would "...undermine the visual amenity of the area or damage the historic environment".
- 3.6 In procedural terms there are two main types of article 4:
- non-immediate direction (permitted development rights are only withdrawn upon confirmation of the direction by the local authority following local consultation; and
  - immediate directions (where permitted rights are withdrawn with immediate effect, but must be confirmed by the LPA following local consultation within 6 months, or else the direction will lapse).
- 3.7 Article 4 directions cannot be applied retrospectively to development undertaken before a direction comes into force and any planning application required as a consequence of an article 4 direction is exempt from the usual planning application fee.

- 3.8 There are circumstances where LPAs may be liable to pay compensation having made an article 4 direction, although the potential liability is limited in many cases by the time limits that apply. Compensation may be payable to those whose pd rights have been withdrawn if they:
- refuse planning permission for development which would have been pd if it were not for an article 4 direction; or
  - grant planning permission subject to more limiting conditions than the GDPO would normally allow as a result of article 4 direction being in place.
- 3.9 Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of pd rights. Under section 107 of the TCPA 1990 this could include '*...any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it...*' It could also include any loss of value although this would be difficult to calculate.
- 3.10 For certain pd rights, including those for roof alterations and insertion of roof lights, compensation can only be claimed if an application is submitted within 12 months following the effective date of the direction. Alternatively, if the LPA gives an 'early notice' of between 12 months and 2 years of the making of the direction (using the non-immediate direction process referred to above) then no compensation can be claimed.
- 3.11 In Bromley Borough, article 4 directions have been in place in conservation areas such as Alexandra Cottages since 2004, Chancery Lane since 1984, and Barmead Road since 1992. These cover a wide range of possible alterations to the fronts of properties, including the installation of roof lights (specifically in Alexandra Cottages). The intention of each direction has been to safeguard the character of the conservation area. Whilst the detail of regulations and procedure have changed over the years it should be noted that no compensation claims were made in respect of any of these article 4 directions – nor did they lead to a proliferation of requests for directions in other conservation areas. There has been some increase in workload arising from applications for proposals (such as window replacements) that did not previously require planning permission.
- 3.12 It is very difficult to estimate the extent of possible compensation to which the Council may be liable. It could amount to the cost of preparatory work for roof lights for the 28 remaining properties in The Chenies. This could be avoided however if the making of the notice were delayed for 12 months after local consultation – in which case no compensation would be payable.
- 3.13 Members should balance the risk of compensation and resource issues against the possible harm caused to the conservation area if roof lights were to proliferate in the area. The roof structure of the houses in The Chenies is clearly important to the character of the area - the photographs circulated enable Members to judge the potential damage to the character and appearance of the conservation area that could be caused if further roof lights were implemented using pd rights.
- 3.14 The views of residents will be an important factor in helping Members decide on how to proceed. The 'early notice' procedure enables time for local consultation to be carried out before a direction needs to be confirmed.

#### **4. FINANCIAL IMPLICATIONS**

There are compensation and other resource issues referred to above in paras 3.9 and 3.10 above.

#### **5. LEGAL IMPLICATIONS**

Article 4 of the GPDO 1995 (as amended) allows LPAs to withdraw specified pd rights for specified sites within their areas.

**6. PERSONNEL IMPLICATIONS**

There is a possible increase in workload arising from Article 4 directions with no increase in fee income.

<b>Non-Applicable Sections:</b>	Policy Implications;
Background Documents: (Access via Contact Officer)	The Chenies, Petts Wood Conservation Area Supplementary Planning Guidance Feb 2000

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Report No.  
DRR11/089

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** Development Control Committee

**Date:** 8 September 2011

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

**Title:** **BROMLEY TOWN CENTRE CONSERVATION AREA STATEMENT**

**Contact Officer:** Robert Buckley, Conservation Planner  
Tel: 020 84617532 E-mail: robert.buckley@bromley.gov.uk

**Chief Officer:** Bob McQuillan

**Ward:** Bromley Town

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## 1. Reason for report

Subsequent to the Bromley Town Centre AAP formal hearing in March/April 2010, the Inspector accepted the Council would prepare a Conservation Area Statement to complement the AAP. The Inspector recommended additional criteria to Policy BCT17 Urban Design, which requires any development affecting the Conservation Area to be assessed on the basis of the emerging Conservation Area Statement.

Therefore, a "Conservation Area Statement" has been written for Bromley Town Centre. Following a report to committee of August 2010 a public consultation exercise was carried out and the results are attached in appendix 1 of this report.

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## 2. RECOMMENDATION(S)

**Members are requested to note the representations, subsequent amendments, additions to the Local List and adopt the Conservation Area Statement.**

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: N/A.
- 

### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

### Staff

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

### Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Bromley residents who live in or use the Town Centre
- 

### Ward Councillor Views

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



### 3. COMMENTARY

- 3.1 A Conservation Area Statement has been prepared to replace the existing Supplementary Planning Guidance for Bromley Town Centre as this will complement the implementation of the AAP and was also requested by the Inspector at the formal hearing. The existing SPG dates from 2001 and it is therefore appropriate to update and review this in line with current policy and development proposals. The document, once adopted, will form part of the Local Development Framework and has been prepared in accordance with English Heritage guidance.
- 3.2 Residents were notified of this proposed Conservation Area Statement and copies were be made available to them via the Council website and Bromley Library. A 6 week consultation period was take place to allow for representations during 5<sup>th</sup> October – 22<sup>nd</sup> November 2010. A public exhibition was also held in the Bromley Library on October 19<sup>th</sup> 2010.
- 3.3 A report to committee on April 19<sup>th</sup> 2011 deferred adoption of the Conservation Area statement pending consultation with those who made representations on character areas and keys views maps that have been inserted into the document, and for a review of the Local List to be carried out. This work has now been completed and changes made to the document.
- 3.4 Following representations a number of minor changes were made to the document which were agreed by members on April 19<sup>th</sup> 2011. Following the public consultation and a review of the Conservation Area, It was decided to add a number of buildings to the local list of buildings of architectural or historic merit in order to assist the Council and applicants to identify those buildings which add to the character of Bromley. A list of these buildings is provided in Appendix 1. All owner/occupiers were notified of this particular proposal and no responses have been received. Any late responses will be reported verbally at the committee meeting.
- 3.5 The Conservation Area Statement will be used by officers to determine planning applications in the Conservation Area, along with other planning documents and material land use planning considerations. It will also be used by the Council for planning appeal purposes.
- 3.6 The document will, as the AAP Inspector anticipated, complement the guidance given for individual opportunity sites within the Bromley Town Centre AAP.
- 3.7 A copy of the final draft Conservation Area Statement will be available in the Member's room prior to the DC Committee meeting on September 9<sup>th</sup> 2011. A table outlining the changes made to the document was agreed by members on April 19<sup>th</sup> 2011 and a copy of this document will also be available in the Member's room.

### 4. POLICY IMPLICATIONS

- 4.1 The Statement, along with others, will be brought into the Local Development Framework process and can be used to support the Council's decisions at appeals.

<b>Non-Applicable Sections:</b>	Financial implications, legal implications, personnel implications.
Background Documents: (Access via Contact Officer)	Draft Bromley Town Centre Conservation Area Statement

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## **APPENDIX 1**

### **Bromley Town Centre Conservation Area Statement – Additions to the Local List**

1. Former Fire station, 2 West Street, Bromley, BR1 1RF
2. Old Municipal building, 19 East Street, Bromley, BR1 1QH
3. Primark, 162 High Street, Bromley, BR1 1HJ
4. Martins Hill Lodge, Glassmill Lane, Bromley, BR2 0EJ
5. Odeon Cinema, 242 High Street, Bromley, BR1 1PQ
6. Head to Toe, 209 High Street, Bromley, BR1 1N
7. Money Shop, 207 High Street, Bromley, BR1 1NY
8. 204-206 High Street, Bromley, BR1 1PW
9. 34 Market Square, Bromley, BR1 1NF
10. 34A Market Square, Bromley, BR1 1NF
11. 33 Market Square, Bromley, BR1 1NF
12. 33A Market Square, Bromley, BR1 1NF
13. 32 Market Square, Bromley, BR1 1NF
14. 32A Market Square, Bromley, BR1 1NF
15. 31 Market Square, Bromley, BR1 1NF
16. 31A Market Square, Bromley, BR1 1NF
17. 30 Market Square, Bromley, BR1 1NF
18. 30A Market Square, Bromley, BR1 1NF
19. 29 Market Square, Bromley, BR1 1NF
20. 29A Market Square, Bromley, BR1 1NF
21. 159 High Street, Bromley, BR1 1NJ
22. 161 High Street, Bromley, BR1 1NJ
23. 163A High Street, Bromley, BR1 1NJ
24. 165-167 High Street, Bromley, BR1 1NJ
25. 35 Market Square, Bromley, BR1 1NF
26. 35A Market Square, Bromley, BR1 1NF
27. 36 Market Square, Bromley, BR1 1NF
28. Bromley Baptist Church, Park Road, Bromley, BR1 3HJ
29. 8 South Street, Bromley, BR1 1RH

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# Agenda Item 8

Report No.  
DRR11/083

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:**      **Development Control Committee**

**Date:**                      **8 September 2011**

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

**Title:**                      **CONSULTATION DRAFT NATIONAL PLANNING POLICY  
FRAMEWORK**

**Contact Officer:**      Mary Manuel, Head of Planning Strategy and Projects  
Tel: 020 8313 4303 E-mail: mary.manuel@bromley.gov.uk

**Chief Officer:**              Bob McQuillan, Chief Planner

**Ward:**                      Boroughwide

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1. Reason for report

- 1.1 The Government (Department for Communities and Local Government) issued (in July 2011) the draft National Planning Policy Framework for consultation. Responses have been invited by 17<sup>th</sup> October 2011.
- 1.2 This report seeks the Committee's endorsement of the approach and key issues to be raised in the Council's response. This will be refined in the final weeks of the consultation taking in to account the emerging responses from other bodies whose responses the Council may wish to refer to and comment on. It is suggested that the final response is submitted to Government by the Chief Planner in consultation with the Committee's Chairman.
- 1.3 The draft National Planning Policy Framework comprises less than 60 pages and proposes to replace up to 1000 pages of planning policy.

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2. **RECOMMENDATION(S)**

**That Development Control Committee:**

- 2.1 Agrees that Appendix 1 together with paragraphs 3.5 and 3.6 form the basis of the Council's response to the draft National Planning Policy Framework and that the formal response is agreed by the Chief Planner in consultation with the Committee's Chairman for submission by the 17<sup>th</sup> October deadline.

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: Quality Environment. Vibrant Thriving Town Centres
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
- 

### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough residents and those employed in and visiting the Borough.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 The Government in recent months has issued a series of consultations relating to planning. The draft National Planning Policy Framework (NPPF) being the most anticipated and central to the Government's overall approach. The consultation was issued in July and responses invited by 17<sup>th</sup> October 2011.
- 3.2 The Government in its impact assessment accompanying the draft NPPF states in its policy objectives that "a more streamlined set of planning policy documentation , which aims to reduce the burden and bureaucracy of the existing system, will allow it to work both effectively and efficiently, by:
- Improving the clarity of national policy so as to give developers greater certainty, reduce costs and burdens for business, and promote sustainable development;
  - Handing back power to local communities to decide what is right for them – instead of imposing an excessive number of rigid rules from the centre; and
  - Being more user-friendly and accessible, so that it is easier for members of the public to have a meaningful say in planning decisions."
- 3.3 The draft NPPF is set out in less than 60 pages and is stated as replacing over 1000 pages of policy. It would, if agreed, cancel 25 Planning Policy Statements and Guidance Notes, a number of Circulars and explanatory letters to Chief Planning Officers.
- 3.4 The scale and scope of the questions being asked by Government and the analysis and potential response is very substantial. These tend to seek a one word response, e.g. agree/disagree. However, it is proposed that Bromley comments on those issues which are of particular interest to Bromley and contributes to other broader responses as appropriate with regard to more general points to manage the response process as efficiently as possible. Notwithstanding this there are some key general points which it is suggested that Bromley makes with respect to the overall document.
- 3.5 *While the Council would agree that there is scope for streamlining the planning system the approach adopted in the draft NPPF removes at a single stroke policy guidance which in some areas has taken years to develop and refine, and which has been used effectively by local planning authorities and understood by developers and local communities. The relative brevity of the document which covers such a wide range of topics works against the policy objective of providing clarity as to policy and providing certainty. There are areas of ambiguity, gaps in policy and potential conflict between sections. It is difficult to assess the extent to which power will be handed back to local authorities and communities.*
- 3.6 *There is no reference made to the London Plan which in London is an important layer in the planning process and restricts /guides the nature of many policies for the boroughs. There is a question as to how the general nature of the document and shortage of detail will make it easier for members of the public to have a meaningful say in planning decisions.*
- 3.7 The draft National Planning Policy Framework 's introduction states " The Government expects the planning system to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment. Planning has a key role in securing a sustainable future." It goes on to state that the system should be based on:

- “National policies which set out the Government’s requirements for the planning system and how these are expected to be addressed
  - Local and neighbourhood plans, which empower local people to shape their surroundings; and
  - Development management, which allows planning applications to be considered on their merits, within this national and local framework. “
- 3.8 (it) “provides a framework with which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.”
- 3.9 After the introduction the Framework is set out in six sections, delivering sustainable development, plan-making, development management, planning for prosperity, planning for people and planning for places.
- 3.10 The Framework sets out a clear presumption in favour of sustainable development and states that ‘Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible:
- Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes
  - Approve development proposals that accord with statutory plans without delay; and
  - Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.
- 3.11 This is a shift in emphasis from the present position as set out in Section 38 (6) of the Planning and Compulsory Purchase Act 2004 “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 3.12 The Government is also asking views on the impact of the draft framework on the number of planning applications and process for determining applications. At this stage it is difficult to forecast the impact, however, the emerging view from professional bodies and local authorities is that give the brevity of the guidance and the scale of policy cancelled, much of which has developed over many years and is used on a regular basis in the development management process there will be further policy detail required. In the meantime should the national planning framework be as general as currently suggested it is anticipated that there will be a significant increase in the proportion of applications progressing to appeal and increased costs, in particular, for local authorities.

#### **4. POLICY IMPLICATIONS**

- 4.1 The national planning policy framework currently comprises 25 policy statements and additional circulars and letters of clarification to Chief Planners. These provide an important in development management and the context for the London policy (The revised London Plan was published on 22<sup>nd</sup> July 2011. Potentially the reduction in national policy will require clarification with regard to specific areas or issues and additional local policy to be developed.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	<p>Draft National Planning Policy Framework DCLG July 2011  <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf</a></p> <p>Draft National Planning Policy Framework Consultation DCLG July 2011  <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951747.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951747.pdf</a></p> <p>Draft National Planning Policy Framework – Impact Assessment DCLG July 2011  <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951736.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951736.pdf</a></p>

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## Draft National Planning Policy Framework – July 2011

## Summary and comments

## London Context

1. *There is no recognition of the existence of the London Plan.*
2. **Delivering Sustainable Development**
  - 2.1 The definition of sustainable development has not been altered from the 1987 Bruntland definition – “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. (Para 9)
  - 2.2 *Although the definition of sustainable development remains the same, there has been a subtle change in the meaning it is given, whereby development and economic growth are seemingly interchangeable. This is key to the understanding of the proposed policy framework.*
  - 2.3 There is to be a presumption in favour of sustainable development which “should be taken as a golden thread running through both plan making and decision taking”. Decision takers at every level should assume that the default answer to development proposals is “yes” except where this would compromise the key sustainable development principles set out in the framework (Para 19).
  - 2.4 *Bearing in mind the emphasis on ensuring economic growth in the NPPF, it will be of concern that lesser weight could be given to local plans and local considerations.*
3. **Plan-making**
  - 3.1 Development Plans must aim to achieve the objective of sustainable development. Each local planning authority should produce a Local Plan for its area. (Paras 20-21)
  - 3.2 *Amendments to the Local Planning Regulations, which contain more detail about plan production, have been released for consultation. Overall, changes to the process of plan making are unlikely to have major implications for the development of Bromley’s Core Strategy (which will need to become the Local Plan).*
  - 3.3 Additional Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) should only be necessary where their production will bring forward sustainable development at an accelerated rate. (Para 21)
  - 3.4 *Bromley had not identified the need for any further DPDs (the Area Action Plan for Bromley is a DPD), but additional SPDs have been suggested. SPDs have historically been very useful in aiding the understanding of policies and can be relatively quick to produce and update. Their value – in terms of clarity and consistency - should not be underestimated.*
  - 3.5 One key new requirement of a Local Plan is that they should identify areas where it may be necessary to limit freedom of change of use. This reflects proposed changes outside this framework to enable more flexible use and conversion of commercial property. (Para 24)

- 3.6 *Clearer guidance is needed on how this could be achieved.*
- 3.7 In the absence of an up-to-date and consistent plan, planning applications should be determined in accord with the NPPF including its presumption in favour of sustainable development (Para 26).
- 3.8 *What is to be considered “up-to-date”? How will this be decided? Should a situation arise in which this NPPF is used to directly determine an application, is it considered fit for purpose? The lack of detail suggests even more ambiguity and varying interpretation is likely. The presence of the London Plan means that it would not only be the NPPF that should be taken into account. Clearly, ensuring the Local Plan is up to date is key to reducing the risk of this approach.*

#### Evidence Base

- 3.9 Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Evidence is likely to be required on housing, business, infrastructure, security, environmental issues, the historic environment and viability. (Para 27)
- 3.10 *This highlights the need for ongoing resources to support the development and monitoring of robust local information.*

#### Housing Requirements

- 3.11 Local planning authorities should use a Strategic Housing Market Assessment (SHMA) to identify the need and demand for housing and the scale of housing supply during the plan period. The Assessment should consider the scale and mix of housing and should address the need for all types of housing, including affordable housing and the needs of different groups in the community (such as families with children, older people, disabled people, service families and people wishing to build their own homes). (Para 28)
- 3.12 *The use of the SHMA is retained from PPS3. Bromley will need to consider future updates of the existing SHMA and the approach to and timing of that (previously undertaken on an SE London basis). It would be useful to indicate if the Government is planning to provide any specific guidance on SHMA or SHLAAs or if existing guidance will be retained.*

#### Ensuring viability and deliverability

- 3.13 To enable a plan to be deliverable, the sites and scale of development identified should not be subject to such a scale of obligations and policy burdens as to threaten viability. Costs of requirements should provide acceptable returns to a willing landowner and willing developer. Community Infrastructure Levy (CIL) charges should be worked up and tested alongside the Local Plan. (Paras 39-43)
- 3.14 *The NPPF continues the existing guidance to local authorities that s106 requirements, including affordable housing, must take account of financial viability to enable delivery.*

#### Examining local plans



- 3.15 Local Plans will continue to be subject to independent examination and will need to be found “sound” when considered against four tests – the plan should be:
- Positively prepared – base on a strategy to meet objectively assessment development and infrastructure requirements, where it is practical to do so with the presumption in favour of sustainable development
  - Justified
  - Effective, and
  - Consistent with national policy
- (Para 48)

*3.16 The requirements for examination and soundness are broadly retained, though the first “test” is new. The amendments to the Local Planning Regulations outline changes to the Examination process in more detail.*

### Neighbourhood Plans

- 3.17 Neighbourhood Plans should be in general conformity with the strategic policies in the Local Plan. Local planning authorities should therefore set out clearly their strategic policies for the area. Neighbourhoods will have the power to promote more development than is set out in the Local Plan. They can be used to develop a shared vision, set planning policies and give planning permission through Neighbourhood Development Orders and Community Right to Build Orders. They will be subject to independent examination. (Para 50)

*3.18 The NPPF reinforces the need for a sound Local Plan, developed in collaboration with all key stakeholders and particularly local communities.*

## **4. Development Management**

### Pre-application engagement and front loading

- 4.1 The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development. The Local Plan (including any neighbourhood plans) is the starting point for determination of applications. “Front loading” including pre-application discussions are encouraged. Lists of information requirements for applications should concern material that is proportionate, relevant and necessary in relation to the particular proposal.

*4.2 Much of this guidance reflects existing practice. The Planning Department encourages pre-application discussion, and the Local Information Requirements agreed by the Development Control Committee reflect Government advice, such documentation only being requested at officers’ discretion when necessary.*

### Tailoring planning controls to local circumstances - Neighbourhood development and community right to build orders

- 4.3 Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development. Neighbourhoods can use neighbourhood development orders to grant planning permission, developments permitted in this way will not require further planning permission from local planning authorities. Community Right to Build Orders will require the support of the local community through a referendum. Local planning authorities should work with communities collaboratively to resolve issues regarding such proposals.

- 4.4 *These provisions are unclear. Presumably there will be more information when the Localism Bill progresses further through Parliament.*

#### Determining applications - Planning conditions and obligations

- 4.5 Local authorities should still consider using conditions or planning obligations to make unacceptable development acceptable, however, it is explicit that they should avoid unnecessary conditions or obligations particularly where this would undermine the viability of development proposals (Para 67-70).
- 4.6 *It is noted that Circular 11/95 The Use of Planning Conditions is to be retained, but 05/2005 Planning Obligations is to be cancelled. The explicit use of purely 'necessary' planning obligations is already statutorily regulated. However in the context of 'viability', for London the Mayoral Community Infrastructure Levy (which is non- negotiable by Local Authorities) on top of our own necessary requirements could risk development viability and consequently communities would not benefit. The nature of the NPPF should be that of long term strategy however, this document seems to be an inappropriate short term solution reflecting the current market conditions of low economic growth rather than acknowledging inevitable long term changes in land and development costs.*
- 4.7 *Generally regarding the advice about development management, there are concerns that the NPPF will create ambiguity, policy gaps and uncertainty. Much of the existing guidance in the form of Circulars, PPGs and PPSs and other documentation provides helpful, detailed and clear guidance on a wide range of planning issues. Such guidance which has been refined and built up over many years is essential for efficient development management. There is concern that the NPPF, which removes most of this at a stroke, and is scant on detail in many areas, could lead to a policy framework 'void'. Far from speeding up the planning process, it may in fact slow things down because of ambiguity, lack of detail, and possible conflicts between sections of the NPPF. It is likely that much of the NPPF will require further expansion and clarification for it to be useful for development management purposes.*

### **5. Planning for prosperity**

#### Business and economic development

- 5.1 The Government's objectives are to plan proactively, to meet the development needs of business and support an economy fit for the 21st century (Para 72). Local Planning Authorities should set out a clear economic vision and strategy for their area which positively and proactively encourages economic growth (para 73) however, planning policies should avoid the long term protection of employment land or floorspace and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses. (Para 75)
- 5.2 *It appears the objective in Para 72 – to plan to meet development needs – contradicts the policy in Para 75 which could reduce the amount of land available for such needs. Despite the desire to increase more flexibility in the use of land, it is possible that this policy could also lead to inappropriately located uses.*
- 5.3 Planning policies should recognise the importance of town centres and include policies to support their continued development through their definition, designation of frontages and allocation of sites to meet the scale of development needed. Where

sites are not available, planning authorities should undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites. A sequential test should be applied for retail and leisure uses that are not in a town centre or in an up to date local plan. (Paras 76-80)

- 5.4 *Whilst much of this policy area is retained from PPS4, a key change is the removal of office uses from the existing sequential approach that favours town centre schemes over out-of-town developments. The Impact Assessment says this is likely to lead to developers having a wider choice over where they can seek planning permission for new office space but this may undermine the strategy of seeking to retain and develop office uses in our town centres.*
- 5.5 *The proposed policy also leaves out the detail in PPS4 Policy EC4.1 which recognised that the need to support “shops, services and other important small scale economic uses (including post offices, petrol stations, village halls and public houses) in local centres and villages”, the retention and enhancement of existing markets, and the established character and diversity of town centres. It appears that the NPPF could direct local policies to be set aside to deliver the government’s growth agenda in response to market-led demands rather than to promote truly sustainable development for neighbourhoods and for local and wider than local areas.”*
- 5.6 A Retail Impact Assessment will be required for retail/leisure developments outside town centres. (para 79 and Impact Assessment p37).
- 5.7 *This requirement is retained from PPS4, however, the Impact Assessment for the draft NPPF suggests that retail impacts should be assessed over 10 years, rather than 5 as previously.*

## Transport

- 5.8 The planning system should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. (Para 83)
- 5.9 *“Reasonable to do so” provides some flexibility where developments are remote from public transport.*
- 5.10 All developments that generate significant amounts of movement, as determined by local criteria, should be supported by a Transport Statement or Transport Assessment. However, development should not be prevented or refused on transport grounds unless the residual impacts of development are severe. (Para 86)
- 5.11 *While on the one hand this appears to strengthens our current ability to require transport assessments and travel plans it also appears to negate the authority’s ability to mitigate adverse transport impacts, particularly in the context elsewhere in the framework of increased presumption in favour of development and developer judgement of viability.*
- 5.12 A key tool in promoting sustainable transport modes will be a Travel Plan (Para 90)
- 5.13 *While the explicit requirement for a travel plan is welcomed, the main issue is enforceability. Travel plans are not a one-off document and need to be monitored to ensure they are being adhered to. Ideally they should be reviewed/updated with the authority on a three year cycle. This is particularly important because travel plans do*

*not just impact on the physical fabric: they require active management as managers and employees move on. It is important that the Framework gives them some “teeth”.*

5.14 When setting standards for residential and non-residential development, local planning authorities should take into account ‘local car ownership’ (para 93)

5.15 *While this comment is in line with the recently amended PPG13, a reference to the approach taken to the London Plan would be helpful to avoid confusion on the subject.*

## **6. Planning for people**

### Housing

6.1 The Government’s key housing objective is to increase significantly the delivery of new homes. Local Planning authorities should identify sites key to the delivery of housing and maintain a rolling supply of specific deliverable sites to provide five year’s worth of housing against their housing requirements. The supply should include an additional allowance of at least 20% to ensure choice and competition in the market for land. (Paras 107-109)

6.2 *Considering the difficulty in finding suitable sites in Bromley and the historic reliance on windfalls, it is likely that the identification of an additional 20% is unrealistic. This approach is not consistent with that of the London Plan and will increase pressure to develop in areas of constraint such as Conservation Areas and on open space.*

6.3 To deliver a wide choice of quality homes and widen opportunities for homes ownership, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and where they have identified affordable housing is required, set policies for meeting this need on site unless off-site provision can be robustly justified (Para 111)

6.4 *This is consistent with the requirements for research and analysis as set out in the chapter headed ‘Plan-making’, and reflects current practice. The framework also reiterates the existing government policy expectation that affordable housing is provided on site, unless it can be “robustly justified”,*

6.5 Local authorities should avoid isolated homes in the countryside unless there are special circumstances such as (for example) where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or where a building would be of an exceptional quality or innovative design. (Para 113)

6.6 *It is considered that this could encourage a practice of allowing buildings in the countryside to fall into disrepair in order to take advantage of this policy.*

### Design

6.7 The Government’s objectives for the planning system is to promote good design that ensures attractive, usable and durable places. Local Plans should develop robust and comprehensive policies that set out the quality of development that will be

expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its present defining characteristics. (Para 114-116)

- 6.8 *The development of the Core Strategy has begun with a character analysis of the Borough as a whole and its composite places. This provides a robust starting point for considering design objectives.*
- 6.9 Planning policies should ensure that a place will function well over the lifetime of the development, optimise the potential of the sites, respond to local character and reflect the identity of local surroundings, while not preventing or discouraging appropriate innovation. Developments should create safe and accessible environments which are visually attractive. (Para 116)
- 6.10 *In terms of building design, whilst this policy seems to respect local character, there is some contradiction with Para 151 on highly sustainable buildings (see below).*
- 6.11 Whilst design codes may help deliver high-quality outcomes, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development. (Para 117)
- 6.12 *While Bromley does not set out such detailed policies, the London Plan design guidance is more prescriptive.*
- 6.13 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. (Para 118)
- 6.14 *The requirement not to attempt to impose architectural styles or tastes appears to be in conflict with the advice in para 116 to “respond to local character and reflect the identity of local surroundings”. Clarification will be necessary to indicate how will this contradiction be resolved when considering refusals on the basis of proposals being “out of character”?*

### Sustainable communities

- 6.15 The planning system can play an important role in facilitating social interaction and creating inclusive communities. Planning policies and decisions should aim to design places which promote, opportunities for meetings between members of the community who might not otherwise come into contact with each other, encourage the active and continual use of public areas, and not undermine quality of life or community cohesion (Para 125).
- 6.16 *Reiterates the explicit role of planning in delivering cohesive communities.*
- 6.17 Deliver community facilities and local services, safeguarding against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs (Para 126)
- 6.18 *The proposed policy strengthens the position asking local councils to consider the availability and viability of community facilities as part of the plan making process.*

*This policy is applied to all community facilities and not just those within defined local centres and villages (as previously in PPS4).*

- 6.19 Local authorities should take a proactive, positive and collaborative approach to the development of schools by working with schools promoters to identify and resolve key issues before applications are submitted. In determining planning applications for schools, local planning authorities should:
- attach very significant weight to the desirability of establishing new schools and to enabling local people to do so
  - seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate; and
  - only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area. (Para 127).
- 6.20 *This goes further than the recent policy statement on “Planning for Schools Development” (15th Aug 2011) which indicates that the Secretary of State “will attach significant weight to the need to establish and develop state funded schools”.*
- 6.21 *No other use in the NFFP is afforded “very significant weight” (eg harm to the Green Belt is only afforded “substantial weight” (para 143) and hence there needs to be clarification about how this weight relates to the potentially conflicting objectives in the NPPF.*

#### Open space, sports and recreational facilities

- 6.22 Planning policies should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. This information should be used to set locally derived standards for the provision of open space, sports and recreational facilities. (Para 128)
- 6.23 *The Audit and Strategy undertaken to comply with PPG17 provides this information, but needs to be kept under review, including regular surveys of usage and opinion surveys of provision and standards.*
- 6.24 Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment clearly shows the open space, land or buildings to be surplus to requirements or the needs clearly outweigh the loss. (Para 129)
- 6.25 *How will “surplus to requirements” be judged, over what scale and what time period? How is this proposed to work in designated open spaces such as Green Belt, Metropolitan Open Land and Urban Open Space with the functions they are afforded? Could this clause in any situation override those protective policies, despite the existence of a Local Plan and the London Plan? There is concern that the presumption in favour of (sustainable) development set out in this Framework may encourage increased speculation in building on playing fields and former recreational open space, particular in light of the proposed adjustments in national Green Belt policy and Community Right to Build (see below).*

#### Local Green Space

- 6.26 Local communities, through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. The designation



will rule out development except in very special circumstances. It should only be used where the space is close to a centre of population, where is demonstrably special to a local community and holds particular significance because of its beauty, historic importance, recreational value, tranquillity or richness of its wildlife. (130-132)

*6.27 It is suggested that Local Green Space should be managed in line with Green Belt policy.*

### Green Belt

6.28 The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The five purposes are:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

(para 133-134)

*6.29 While the aim and purposes of Green Belt remain the same, the Impact Assessment states that policy changes are needed because the current policy is very restrictive. Reference to the uses of land in the Green Belt, particularly for agricultural, forestry and related uses has been removed. The London Plan reiterates the national policy for London's Green Belt, requiring its protection from inappropriate development. It refers to PPG2 and its "clear guidance" on its functions, characteristics and acceptable uses.*

6.30 Inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations. (Para 142)

*6.31 The principle of inappropriate development remains, although PPG2 also stated that it is for the applicant to show why permission should be granted.*

6.32 Exceptions, in terms of the construction of new buildings, to inappropriate development include buildings for agriculture and forestry, appropriate facilities for outdoor sport and recreation, cemeteries, replacement of buildings and extensions provided that it does not result in disproportionate additions over and above the size of the original building. (Para 144)

*6.33 The provision of essential facilities for outdoor sport has been altered to appropriate, and the right to alter/replace now applies to all buildings, not just dwellings.*

6.34 Other forms of development are also not inappropriate, including mineral extraction, engineering operations, local transport infrastructure, re-use of buildings and development brought forward under a Community Right to Build Order, and provided they do not conflict with the purposes of including land in the Green Belt.(Para 145)

*6.35 The changes include extending the rights of Park and Ride to other local transport infrastructure and the new clause on Community Right to Build, to be brought forward through the Localism Bill. The Impact Assessment states that the Right to Build will help tackle rural housing issues and may involve small-scale schemes of 5 to 10 units. It states that the development would only come forward if "the community" agree, but precedence of development in a Green Belt location has a wider impact.*

*There is obvious concern that this will increase development in the Green Belt, contrary to its fundamental aim and could weaken Green Belt policy in the future. Considering the national and regional importance of Green Belt, it is suggested that Community Right to Build should not be permissible in the Green Belt or at the minimum it should only be agreed through a Local Plan rather than a Neighbourhood Plan.*

- 6.36 There is no guidance on agricultural buildings, as in PPG2, which was aimed at preventing an abuse of permitted development rights. It advised that Councils should consider whether such rights should be removed in certain situations. This advice no longer exists but clearly the action could still be taken.

## **7. Planning for Places**

### Climate change, flooding and coastal change

- 7.1 When setting local requirements for a building's sustainability, local authorities should be consistent with the Government's policy and adopt national standards (for example, Code for Sustainable Homes or equivalents). (Para 150)
- 7.2 Key to Bromley is the presence of the London Plan, the policies of which are used in particular to guide major developments to improve their carbon emissions. The policy requires a 25% reduction in carbon emissions over and above the Building Regulations. Should the Borough wish to improve upon this, bearing in mind viability issues, it may wish to look at providing more guidance on smaller schemes, which are not currently a local priority. The NPPF allows for this to be considered.*
- 7.3 Local Planning Authorities should not refuse planning permission for well-designed buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape unless the concern related to a designated heritage asset and the impact would cause material harm to the asset or its setting, and this harm is not outweighed by the proposal's wider social economic and environmental benefits. (Para 151)
- 7.4 Notwithstanding the support that should be afforded to well-designed, sustainable buildings, this appears to be an area of conflict with conserving local character, and may lead to appeals*
- 7.5 Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources. There should be a positive strategy to promote energy from zero and low-carbon sources and opportunities to support or develop renewable and low carbon energy, including decentralised systems, should be considered. (Para 152)
- 7.6 This policy area is covered in more detail in the London Plan. Within the reduction of carbon emissions expected from Major developments, there is an assumption that at least 20% will come from renewable sources, and Boroughs need to consider local opportunities for energy production in their Local Plans.*

### Vulnerability and flood risk

- 7.7 Local plans should be supported by strategic flood risk assessment and local planning authorities should ensure that planning applications don't increase flood risk elsewhere and are informed by a site specific flood risk assessment. (Paras 154-158)



7.8 *At present PPS25 and its Practice Guide provide invaluable objective technical guidance for developers and planners. How will such guidance be provided in future? Without it, resolving flood risk issues on development sites will be problematic, if poor decisions are made to grant permissions in such cases the public could become subject to hazards caused by future flooding, conversely if authorities find they have to adopt a safety-first approach more appeals may result.*

### Natural environment

7.9 The planning system should aim to conserve and enhance the natural and local environment by:

- protecting valued landscapes
- minimising impacts on biodiversity and providing net gains in biodiversity, where possible; and
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability. (Para 164)

7.10 *It would be helpful to refer to the need to manage existing biodiversity.*

7.11 Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites as part of the LDF (Para 166)

7.12 *Further guidance on criteria is needed – will they be purely locally devised?*

7.13 When determining planning applications in accordance with the Local Plan and the presumption in favour of sustainable development, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- opportunities to incorporate biodiversity in and around developments should be encouraged
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats (Para 169)

7.14 *There needs to be more clarity over the nature of compensation in this context. If there is to be a national trial in biodiversity offsetting ie biodiversity works off site to compensate for loss on site, we would need to work up criteria for this and a scale of charges, Clarification is needed of what is irreplaceable – species rich grassland, ponds, ancient hedgerows?*

7.15 Paras 171-175 concern risks from pollution, land instability, noise, air pollution and lighting. The advice given sets out very general principles regarding local policies and decisions, and in the main these reflect existing planning policies and practices but the text is very brief.

7.16 *It is unclear why these wide-ranging environmental issues are dealt with in the section on the natural environment. Water pollution is not mentioned. These are all technical*

*issues and cancellation of the guidance in PPG14, PPS23 and PPG24 on unstable land, pollution and noise will leave a policy and guidance vacuum for applicants and planners, as such making decisions on these issues will be problematic.*

### Historic environment

- 7.17 The Government's objective is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations (para 176). Planning for the historic environment should:
- conserve heritage assets in a manner appropriate to their significance; and
  - contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost. (Para 177).
- 7.18 *There is concern that this policy infers a greater acceptance of the loss of heritage assets that previously. How will significance be determined? Will this be determined locally?*
- 7.19 Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply.
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use. (Para 184)
- 7.20 *How can "harm" and "public benefit" be assessed? There is potential for this clause to be used by developers to justify the loss of heritage assets. The concern is that this section of the statement will be used as a charter for demolition. The final point may be open to abuse (although it appears that it cannot be used in isolation from the other points.*

Report No.  
DRR11/085

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:**      **Development Control Committee**

**Date:**                      **8 September 2011**

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

**Title:**                      **UPDATE ON PUBLICATION OF LONDON PLAN**

**Contact Officer:**      Mary Manuel, Head of Planning Strategy and Projects  
Tel: 020 8313 4303      E-mail: mary.manuel@bromley.gov.uk

**Chief Officer:**              Bob McQuillan, Chief Planner

**Ward:**                      Borough-wide

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1.      Reason for report

1.1      This report highlights to the Committee the publication of the London Plan on 22 July 2011 and its status as the spatial development strategy for London. It also updates Members on the Mayor's response to the EIP Panel's comments as they relate to Bromley's comments and recommendations on the Draft Replacement London Plan (2009) as reported to the Development Control Committee meeting on 30 June 2011.

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2.      **RECOMMENDATION(S)**

**That Development Control Committee:**

2.1      Note 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.

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: Quality Environment. Vibrant Thriving Town Centres
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### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
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### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory requirement. London Plan - spatial development strategy for London
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 The Committee received the report 'Draft Replacement London Plan EIP Panel Report Summary' at their June meeting. This report summarised the recommendations put forward by the Council and the subsequent response and recommendations made by the Examination in Public (EiP) Panel to the Mayor. Alongside the publication of the London Plan in June 2011 the Mayor published a schedule of all Draft London Plan EIP Panel report recommendations and Mayoral responses. Appendix 1 sets out for Members' information those areas where the Mayor has made a response to these points.

### 4. POLICY IMPLICATIONS

- 4.1 The London Plan, published on 22 July 2011, replaces the London Plan (consolidated with alterations since 2004) which was published in February 2008 as the spatial development strategy for London. The London Plan provides an important context for the continuing development of Bromley's Local Development Framework, together with national policy and is a material consideration in determining planning applications. The Council in preparing its development plan documents needs to ensure that they are 'in general conformity with the London Plan.'

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	Report DRR11/045 DCC 30/6/11 'Draft Replacement London Plan EIP Panel Report Summary' The London Plan <a href="http://www.london.gov.uk/sites/default/files/The%20London%20Plan%202011.pdf">http://www.london.gov.uk/sites/default/files/The%20London%20Plan%202011.pdf</a> Mayoral response to EIP Panel report <a href="http://www.london.gov.uk/sites/default/files/LP2011%20Mayor%20response%20to%20Panel%2022%20July%202011.pdf">http://www.london.gov.uk/sites/default/files/LP2011%20Mayor%20response%20to%20Panel%2022%20July%202011.pdf</a>

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## Appendix 1

Bromley's comments	EiP Panel recommendation	Mayoral Response
<b>DRLP Policy 3.3 Increasing Housing Supply and Table 3.1</b>		
<p>The target figure of 565 per annum for LB Bromley in Table 3.1 (which showed the figure set for each borough) and Policy 3.3 was opposed as the target is set too high and is not realistically achievable. It is considered essential that the figure accurately reflects a reasonable estimate of development capacity and takes into account all existing and future constraints including Green Belt, Metropolitan Open Land and other open space local policies, residential character and garden land.</p> <p>A number of large sites included in the 2009 London SHLAA were identified as unlikely to come forward for development during the monitoring period 2011-2021 resulting in LBB proposing a new figure of 473 per annum. Further analysis submitted to the GLA proposed a further reduced target figure of 462 per annum (4620 ten year target) to be inserted into Table 3.1. The GLA published a Housing Technical Note (August 2010) that reduced the annual target for Bromley from 565 to 500.</p>	<p>Panel recommendations refer to a 'minimum' monitoring benchmark of 34,900 dwellings per annum for London and introduce a range of 34,900-37,400 dwellings per annum (previously 34,900) to take into account increases in projected household formation and lower levels of net migration to surrounding regions. Any alterations to borough targets would be reflected through Early Alterations to the Plan.</p> <p>Borough targets set out in Table 3.1 (Housing Technical Note, August 2010) are agreed. Importantly, borough Development Plan Documents (DPDs) only have to be in general conformity with the London Plan and it will be open to individual boroughs that have evidence to justify any different figures at Examinations of Core Strategies. To avoid any uncertainty and lack of impetus over securing sufficient provision boroughs will roll forward annual targets in Table 3.1 (500 units per annum for the Borough) expressing the rolling target as an indicative figure to be checked and adjusted against any revised housing targets.</p>	<p>The Mayor does not consider it appropriate to include the 37,400 figure as suggested by the Panel. At the Examination in Public (EiP) he gave a commitment to an early review of the way housing targets in the Plan are developed. The result of this review and monitoring could be incorporated into an early alteration to the published Plan. The Mayor refers to this early review which is already underway and the need for alterations to the Plan in an addition to Paragraph 3.19. He also highlights that the figures given are likely to be minima.</p>

**DRLP Policy 3.5 Quality and design of housing developments and Paras 1.2.19 and 1.2.21 of the Housing Supplementary Planning Guidance (SPG) EiP Draft**

<b>Bromley's comments</b>	<b>EiP Panel Recommendation</b>	<b>Mayoral response</b>
<p>Policy 3.5 seeks to secure new housing of the highest quality and protect and enhance residential neighbourhoods. Paragraphs 1.2.19-1.2.26 of the Housing SPG EiP Draft (August 2010) set out guidance on how boroughs and developers should consider development proposals on private garden land.</p> <p>In the Housing SPG EiP Draft the definition of private garden land in paragraph 1.2.19 is not reflected in paragraph 1.2.21 which refers to presumptions against development on back gardens (rather than private garden land) and Policy 3.5 of the DRLP should be amended to refer to a presumption against development on private garden land.</p>	<p>Policy 3.5 paragraph 3.28 should be modified to refer to the fact that the London SHLAA assumes a theoretical reduction of 90% in the historic level of garden development and therefore no strategic housing land availability obstacle to the formulation of DPD policies that seek to protect private or back gardens from housing development. A suitable evidence base is necessary at a local level to support such policies. The words “presumption against” are replaced with “policies to control” in the last sentence of Policy 3.5A.</p>	<p>The Mayor agrees to the insertion of wording recommended by the panel to make reference to the fact that the SHLAA assumes a theoretical reduction of 90% in the historic level of garden development (at Para 3.34 of the 2011 London Plan).</p> <p>The words ‘presumption against’ have been retained in Policy 3.5. The Mayor considers that as a matter of law, there is no longer a single presumption in favour of development as suggested by the Panel. There is no reason why a sound, evidence based policy should not presume against a certain type of harmful development.</p>

**Housing Supplementary Planning Guidance (SPG) EiP Draft - Section 2 Quality and Design**

<b>Bromley's comments</b>	<b>EiP Panel Recommendation</b>	<b>Mayoral response</b>
<p>LB Bromley considers that the use of standards as set out in Section 2 on Quality and Design in the Housing SPG EiP Draft is overly prescriptive and inappropriate for this type of document and also for the DRLP itself.</p>	<p>Recommendations have not been made on the Housing SPG EiP Draft unless linked to changes in policy within the Plan.</p> <p>Table 3.3 showing minimum space standards in the DRLP is endorsed with some changes recommended that specify “LDFs should incorporate minimum space standards that generally conform to Table 3.3 and the Mayor will seek to ensure compliance with the Table 3.3 standards when determining applications that</p>	<p>The Mayor is concerned that the wording proposed by the Panel does not fully reflect the legal status that the plan enjoys under section 38 of the 2004 Act as part of the development plan in Greater London, which section 38 (6) makes clear has to be taken into account in making all relevant planning decisions. The Mayor has therefore only accepted the Panel’s recommendation in part. The following wording will be added to Policy 3.5B; “...LDF’s should incorporate minimum space standards that generally conform with Table 3.3.</p>



	<p>come before him”.</p> <p>Reference to the standards in the text and the title should change from “minimum” to “indicative” and an additional row be added to Table 3.3 to provide for 1 bedroom/studio units with an indicative floorspace of 37sqm.</p>	<p>The Mayor will, and boroughs should, seek to ensure that new development reflects these standards.”</p> <p>The word “minimum” has been retained in the supporting text and in Table 3.3.</p>
<p><b>DRLP Policy 3.8 Housing Choice and Policy 3.9 Gypsies and Travellers</b></p>		
<p><b>Bromley’s comments</b></p> <p><b>Draft Replacement London Plan Policy 3.9</b> The policy required LB Bromley to provide 58 Gypsy and Traveller pitches between 2007 and 2017. This figure far exceeded the requirements of all other London boroughs and LB Bromley objected strongly to this figure of 58 as it had to the Gypsy and Traveller Accommodation Needs Assessment (GTANA 2008) which was the evidence base used by the Greater London Authority in negotiating and drafting the London Plan policy. The GTANA had indicated a requirement of 119 additional pitches for Bromley (2007 – 2017) including a very significant proportion for those currently housed but with a psychological aversion to bricks and mortar. During the pre plan negotiations and throughout the draft London Plan consultation, Bromley has disputed the psychological aversion allowance and argued that capacity should be given more weight than need in determining allocations across the Capital.</p> <p><b>March 2010 - Minor Alteration to Policy 3.9 issued.</b> This alteration produced a pitch requirement of 17 for LB Bromley and was welcomed, since it addressed both of the key objections LB Bromley had previously raised (above).</p>	<p><b>EiP Panel Recommendation</b></p> <p>The EiP Panel agreed with LB Bromley’s representations that:</p> <ul style="list-style-type: none"> <li>• Gypsy and Traveller provision is a strategic London-wide issue.</li> <li>• Sept 2010 alteration is not an appropriate solution</li> <li>• March 2010 offers a better way forward in respect of the land : capacity ratio</li> </ul> <p>The panel, in reaching its target had some sympathy with</p> <ul style="list-style-type: none"> <li>• The GLA equitable delivery argument that Gypsies and Travellers ought not to expect a better level of provision than is feasible for social housing generally (72.5% of identified need)</li> <li>• The need for some allowance for psychological aversion</li> </ul>	<p><b>Mayoral Response</b></p> <p>The Mayor considers that taking an approach that it not favoured by the gypsy and traveller community or the boroughs would be involved in its implementation and would not appear to be a clear and robust mechanism for setting targets across the metropolitan area. A sub regional approach of the kind suggested would be difficult to implement in a transparent way.</p> <p>The Mayor remains of the view that the available evidence based on three rounds of public consultation and emerging Government Policy means that the most effective and practical way of ensuring provision for gypsies and travellers is to be done at a local level in the context of developing national planning policy.</p>

Additionally LB Bromley made representations regarding the provision of transit sites and Travelling Showmen plots, which would be met sub regionally and would not fall equally on all boroughs. LB Bromley, which has a large travelling showpeople site where additional provision has recently been made, argued that where a borough met one of these needs for the sub region it should be exempt from the other.

**September 2010 Minor Alteration to Policy 3.8 Housing Choice (Policy 3.9 deleted)**

The Mayor published a further minor alteration deleting the pitch targets altogether and incorporating reference to gypsies and travelling showpeople within Policy 3.8 "Housing Choice", making boroughs responsible *"for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPD's*. LB Bromley welcomed the removal of references to provision for those with a "psychological aversion" to living in bricks and mortar accommodation, but, argued strongly that the absence of a target effectively returns to a policy which seeks to meet needs where they arise without reference to capacity, would not be a strategic approach and would see responsibility falling heavily on the few boroughs, currently making provision, significantly LB Bromley.

Given the two points above one reducing and one increasing the need, the panel settled on a London-wide figure which matched the minimum need of 268 pitches producing a target for LB Bromley of 29 pitches. Furthermore, the panel indicated that provision should be made through cooperation within the sub regional housing partnership groups. The panel noted that some sub regions had traditionally under provided and should bare a greater need, effectively reducing the South East group (including Bromley) such that the LB Bromley provision would be 19 pitches.

Report No.  
DRR11/084

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:**      **Development Control Committee**

**Date:**                      **8 September 2011**

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

**Title:**                      **LOCAL PLANNING REGULATIONS**

**Contact Officer:**      Mary Manuel, Head of Planning Strategy and Projects  
Tel: 020 8313 4303    E-mail: mary.manuel@bromley.gov.uk

**Chief Officer:**              Bob McQuillan, Chief Planner

**Ward:**                      Borough-wide

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1.    Reason for report

- 1.1    This report draws the Committee's attention to the publication of the Government (Department for Communities and Local Government) consultation on 'Local Planning Regulations'. This proposes revisions to the regulations which govern the process by which local councils prepare their development plans in response to anticipated reforms in the Localism Bill.
- 1.2    The report advises that it is not planned for Bromley to make an individual response to the consultation but will contribute to London Councils response, as appropriate. The consultation was issued in July inviting responses by 7 October 2011. The Government's response to the consultation is expected by 1 November. This together with proposals for how the current preparation of Bromley's Core Strategy can take into account the expected changes will be reported to Members.
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2.    **RECOMMENDATION(S)**

**That Development Control Committee:**

- 2.1    Note the publication of the suggested changes to the Local Planning Regulations by the Government.

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: Quality Environment. Vibrant Thriving Town Centres
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
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### Staff

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

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough residents and those employed in and visiting the Borough.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004 as amended set out the current process for preparing local development plan documents. The Localism Bill intends to amend the 2004 Act and the Government's proposal is to amend the regulations to reflect the changes to the Act.
- 3.2 Key changes in the regulations include removing the powers of the Inspector at the public examination of the plan to impose changes as currently allowed. Instead the Inspector will only be able to recommend modifications to the plan to overcome any conflicts between the plan and national policy or the regulatory process. In addition councils will be able to suggest their own modifications and they can decide to accept the Inspector's recommendations and adopt the plan or resubmit a new plan. This is meant to encourage a more collaborative approach and for increased local ownership of the plan.
- 3.3 A new duty to co-operate is proposed with a list of public bodies to whom this applies. This is particularly relevant outside London as regional strategies for areas outside of London have been removed. The duty to co-operate will apply to London local authorities.
- 3.4 Other changes are intended to streamline the process, including removing the detailed prescription for public participation in the preparation of a statement of community involvement and the requirement to prepare an Annual Monitoring Report for the Secretary of State. Instead councils will be required to make a report for local people on key issues to be determined locally. There will be some prescribed minimum information which has to be included such as Community Infrastructure Levy receipts, the number of neighbourhood plans that have been adopted, action taken under the duty to co-operate and net additional affordable housing. This is far less onerous than current requirements.
- 3.5 There is a simpler definition of development plan documents and the terminology of Local Development Frameworks is dropped with reference made to local plans and not core strategies, and area action plans. This allows local councils to decide what they want to include in their local development plan documents and increase the pace at which policy can be reviewed. Also the requirement to produce a Local Development Scheme is removed giving councils the flexibility to report the information they think most relevant to local people regarding the plan making process.
- 3.6 It is not proposed to make a Bromley specific response to this consultation but contribute, as appropriate, to any response from other bodies.
- 3.7 The Government states that it aims to issue its response to this consultation by 1 November 2011. This will provide increased clarity of the changes expected to be brought in. Bromley already has several documents adopted within its Local Development Framework, including the Bromley Area Action Plan, Supplementary Planning Documents on Planning Obligations and Affordable Housing and an agreed Statement of Community Involvement and Annual Monitoring Reports. However, the current consultation on Core Strategy Issues and timescale for preparing a draft plan should allow scope for the Council to prepare the plan in alignment as far as possible with any Government proposed changes and create a robust and sound plan which meets local requirements. This should minimise costs to the Council of the new regulations and requirements and contribute to ensure a strong up to date plan as early as possible. The intention will be to report further Government announcements on changes to the plan making process and seek agreement from the Local Development Framework Advisory Panel, Development Control Committee and the Executive as appropriate.

#### 4. POLICY IMPLICATIONS

- 4.1 The Council is currently consulting on its Core Strategy Issues Document as a key stage in preparing its Core Strategy, the overarching policy document within the Local Development Framework. There is scope for the preparation of this document to take into account proposed changes as they become clearer and more certain later in the year. This would assist in preparing a robust and locally owned development plan document which is an important strategy in achieving Building a Better Bromley. In particular, it contributes to the priorities of a Quality Environment, Vibrant and Thriving Town Centres, and a Safer Bromley.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	Department of Communities and Local Government ' Local Planning Regulations July 2011 <a href="http://www.communities.gov.uk/publications/planningandbuilding/localregulationsconsultation">http://www.communities.gov.uk/publications/planningandbuilding/localregulationsconsultation</a>