



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 15 July 2019

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock, Kevin Brooks, Peter Dean,
Simon Fawthrop, Christine Harris, William Huntington-Thresher, Charles Joel,
Russell Mellor, Tony Owen, Angela Page, Richard Scoates, Melanie Stevens and
Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **TUESDAY 23 JULY 2019 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

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 SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically relating to reports on the agenda are received by the Democratic Services Team by **5 pm on Wednesday 17 July 2019.**

- 4 **CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS HELD ON 30 APRIL AND 8 MAY 2019** (Pages 1 - 12)
- 5 **MATTERS OUTSTANDING FROM PREVIOUS MINUTES** (Pages 13 - 16)
- 6 **PLANNING APPLICATION (19/01012/FULL1) - BIGGIN HILL AIRPORT LTD, CHURCHILL WAY, BIGGIN HILL TN18 3BF** (Pages 17 - 74)
- 7 **PLANNING APPLICATION (17/05343/RECON) - BIGGIN HILL AIRPORT LTD, CHURCHILL WAY, BIGGIN HILL TN16 3BN** (Pages 75 - 98)
- 8 **ARTICLE 4 DIRECTION - THE DRIFT, KESTON** (Pages 99 - 110)
- 9 **LAND AT NEW YEARS LANE, KNOCKHOLT - PROPOSED ARTICLE 4 DIRECTION** (Pages 111 - 118)
- 10 **DRAFT LONDON PLAN UPDATE** (Pages 119 - 122)
- 11 **PLANNING SERVICE IMPROVEMENTS** (Pages 123 - 128)
- 12 **PLANNING APPEALS - COSTS 2018-2019** (Pages 129 - 132)
- 13 **PLANNING APPEALS MONITORING REPORT - APRIL 2018 TO MARCH 2019** (Pages 133 - 138)
- 14 **PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT 2018-2019** (Pages 139 - 148)

15 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

Items of Business

Schedule 12A Description

- | | | |
|-----------|---|--|
| 16 | PLANNING APPEALS - COSTS 2018-2019
(Pages 149 - 154) | Information which is likely to reveal the identity of an individual. |
| 17 | PLANNING APPEALS MONITORING REPORT - APRIL 2018 TO MARCH 2019 (Pages 155 - 180) | Information which is likely to reveal the identity of an individual. |
| 18 | PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT 2018-2019 - APPENDIX 1: PLANNING ENFORCEMENT CASES PENDING CONSIDERATION (Pages 181 - 206) | Information which is likely to reveal the identity of an individual. |

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 30 April 2019

Present:

Councillor Alexa Michael (Chairman)

Councillors Vanessa Allen, Yvonne Bear, Katy Boughey, Mark Brock, Kevin Brooks, Peter Dean, Nicky Dykes, Simon Fawthrop, Colin Hitchins, Charles Joel, Kate Lymer, Russell Mellor, Michael Rutherford, Richard Scoates, Melanie Stevens and Michael Turner

Also Present:

Councillors Gareth Allatt, Nicholas Bennett J.P., Peter Fortune, Colin Smith and Michael Tickner

55 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Kira Gabbert and Will Harmer; Councillors Russell Mellor and Michael Rutherford attended as their respective substitutes.

An apology for lateness was received from Councillor Brooks.

56 DECLARATIONS OF INTEREST

No declarations of interest were received.

57 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

58 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 4 APRIL 2019

RESOLVED that the Minutes of the meeting held on 4 April 2019 be confirmed and signed as a correct record.

59 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

RESOLVED that the report be noted.

**60 PLANNING APPLICATION (19/00370/FULL1) - ST HUGH'S
PLAYING FIELDS, BICKLEY ROAD, BICKLEY, BROMLEY -
BICKLEY WARD**

Description of application – Stationing and temporary use of a modular building for educational purposes for a one-year period with associated access and parking.

The Planning Officer gave the following update:-

Comments received from the Greater London Authority raised no objections to the application. The Council could, therefore, determine the application without the need to refer back to the Mayor of London.

Following receipt of an Energy Assessment, the application was deemed to be policy compliant. A condition to ensure continuing compliance would be added should Members decide to grant permission.

The final paragraph under the heading 'Trip Generation' on page 24 of the report was amended to read:-

'- 70 pupils vehicles trips and 20 staff vehicle trips are anticipated for a future higher capacity in 2020, if required and subject to planning permission.

A further 70 letters of support, similar to those already contained in the report had been received.

Representations in support of the application were received from Mr Matthew Blythin, DHA Planning.

Mr Blythin outlined the application as follows:-

- The temporary structure would accommodate 360 pupils for a one year period whilst the school's permanent building was under construction.
- Vehicular access would be gained via Chislehurst Road and vehicles would exit via the existing access onto Bickley Road thereby limiting the impact of noise and disturbance.
- There was adequate parking provision for staff.
- A breakfast club would be available for pupils and after school clubs would take place until 15:20 with sports activities continuing later.
- It was anticipated that the permanent school would be completed in December 2020. Should the need arise to extend the current temporary accommodation, a further application for this would be submitted.

In response to a Member question concerning the possibility of providing 100% electric vehicle charging points, Mr Blythin stated that this would need to be explored and if feasible, he assumed the applicant may be willing.

Committee Member and Ward Member Councillor Lymer spoke on behalf of Ward Members past and present. A full copy of her representations can be viewed as Annex A to these Minutes.

The Chairman acknowledged that the Planning Inspector had granted permission on appeal for the permanent school having concluded that the risk to pedestrian and driver safety was acceptable and that there would be limited impact on the road network. However, in regard to this application, the Chairman could find no grounds for refusal – the building was compact and would not be situated on the playing field or in close proximity to local residents. She therefore moved that the application be granted. Councillor Dykes formally seconded the motion.

Councillor Fawthrop moved that 100% electric vehicle charging points be provided. The motion was seconded by Councillor Brock. The vote fell at 6-7.

RESOLVED that PERMISSION BE GRANTED subject to the conditions and informatives set out in the report of the Chief Planner with the addition of a further condition to read:-

24. The development shall be implemented and maintained thereafter in full accordance with the approved Energy Statement & LZC Report (12th April 2019), including measures to provide a reduction in expected carbon dioxide emissions of at least 35% above that required by the 2013 Building Regulations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to seek to achieve compliance with the Mayor of London's Climate Change Mitigation and Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2015 and Policy 124 of the Bromley Local Plan.

61 PLANNING APPLICATION (18/05236/FULL1) - FOOTZIE SOCIAL CLUB, STATION APPROACH, LOWER SYDENHAM, LONDON SE26 5BQ - COPERS COPE WARD

Description of application – Demolition of the existing buildings and redevelopment of the site by the erection of a four to eight storey development with basement parking comprising 151 residential units (63 one bedroom; 80 two bedroom and 8 three bedroom) together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.

Supplemental Updates Following Publication of the Report

The following paragraphs were deleted as they referred to content within Planning Practice Guidance which had been superseded by updated guidance:-

1. Page 120 – final paragraph; and
2. Page 121 – third paragraph, final sentence.

Despite these deletions, the conclusions of the report and the officer recommendation remained as set out in the main agenda.

The labelling of sub-paragraphs a) and b) on page 103 of the report were amended to read c) and d) respectively.

Visiting Ward Member Councillor Michael Tickner spoke in objection to the application. As the Council's housing targets were being met, he could see no validity to issues in the report concerning the need for housing and affordable housing. The residential block on the neighbouring site was constructed on brownfield land. However this application was for redevelopment of what was a former sports and social club and residents were concerned about the loss of such sites. Ideally, the land should be restored to playing fields. This was precious Metropolitan Open Land (MOL) and there were no very special circumstances arising from the application to merit permission. Councillor Tickner urged Members to refuse the application and to consider initiating enforcement action in the future.

Committee Member and Ward Member Councillor Russell Mellor agreed that the proposal amounted to inappropriate development of MOL and would create a strain on local infrastructure. There was no GP surgery in the area, limited public transport and a lack of immediate shopping facilities and schools. If the application was granted, specific conditions relating to infrastructure should be included. Councillor Mellor moved that Members refuse the application.

Councillor Fawthrop seconded the motion for refusal.

RESOLVED that the application be refused subject to any necessary referral to the Mayor of London and Secretary of State as recommended, for the reasons set out in the report of the Chief Planner.

62 HERITAGE AT RISK UPDATE

Report DRR19/026

Members were provided with information on Historic England's Heritage at Risk Register and Bromley's entries on the register. The report also outlined the approach taken by the Council to seek repair, restoration or reuse of the listed structures.

As Heritage and Design Champion, visiting Councillor Nicholas Bennett JP addressed the Committee.

Members were informed that of the 23 entries on the At Risk Register, the Old Town Hall, the Royal Bell Hotel, the Klinger Factory and Scadbury Manor had either been granted permission or would be submitting applications to bring these sites back into use.

Four sites were associated with Crystal Palace Park, four were sited at the Civic Centre and four located at Biggin Hill.

Councillor Bennett's concerns centred on the four sites at Biggin Hill owned by a lessee of the Council. These were barrack blocks built in the late 1930s, which were vacant and deteriorating. Councillor Bennett considered they should be made the subject of a Compulsory Purchase Order so they could be restored and brought back into positive use.

In regard to Crystal Palace Park, the terraces had been crumbling for years and were in need of repair. If the subway was brought back into everyday public use, a good standard of security would be required to guard against vandalism.

As a result of the Council selling the 'Y' blocks at the Civic Centre, Councillor Bennett suggested that income from this be used to restore the 'at risk' buildings located at the Civic Centre.

Councillor Stevens urged the Council to seek actively a collaboration with the owner to bring the camps at Biggin Hill back up to standard.

The Principal Conservation Officer (PCO), confirmed the updates given by Councillor Bennett on the various at risk heritage sites. The barrack buildings at Biggin Hill had been vacant since the 1990s and the owner was not motivated to seek new uses for them. At one stage, the Council did have a plan to work with Bromley College to bring forward educational use; unfortunately this did not come to fruition. Discussions had taken place with Historic England who considered that Urgent Works Notices should be issued on the buildings to seek emergency repairs. Members would receive an update on this matter towards the end of May.

It was important to bear in mind that the nature of some of the assets owned by the Council, meant they could not easily be adapted for new use i.e. the terraces at Crystal Palace required a multi-million pound investment but they had no obvious use. There is, however, an on-going regeneration plan for the park and it was envisaged that the terraces would be repaired as part of that plan.

The PCO had recommended that as part of any planning proposals put forward for the 'Y' buildings, the repair of assets should be imposed either by

Development Control Committee
30 April 2019

condition or a Section 106 Agreement. This was accepted by interested parties.

Members were invited to contact the PCO should they have any queries concerning sites on the At Risk Register.

Members were informed that all possibilities would be explored to restore use or carry out repairs to heritage assets whether they be Council owned or privately owned.

RESOLVED that the report be noted.

The meeting ended at 8.13 pm

Chairman

ITEM 6 – ST HUGH’S PLAYING FIELDS REPRESENTATIONS FROM COMMITTEE MEMBER AND WARD MEMBER COUNCILLOR LYMER

Madame Chairman

I thank you for the opportunity to address this evening’s Committee on behalf of not only myself, but the other Bickley Ward Councillors, past and present.

Madame Chairman, going back to January 2017 and beyond, when an application for a school on St Hughs Field first came to Committee we were very clear, as the Minutes will confirm, and have remained consistent throughout, that we would base our support or otherwise for a School at this location, solely on proven facts and Planning matters.

That is a position we maintain to this day.

We argued that the bulk, size and density of the Sports Hall was aesthetically displeasing and diminished the amenities of nearby residents living on Chislehurst Road.

Bizarrely this matter never even received meaningful planning scrutiny, drowned out as it became, by a secondary debate concerning the need or otherwise for school places in the Borough.

We found that quite remarkable at the time and still do in hindsight given the primary function of the Development Control Committee, but there we are.

We argued that the applicant paid mere lip service, or even pretence, to finding an alternative site for their school, and that their document in question merely went through the motions to tick that planning box, such was the intent of the Department for Education and their Funding Agency to ram their project through against all manner of objections on their preferred site, irrespective of logically worries and concerns to the contrary. We stand strongly by those assertions.

The Education Funding Agency’s ‘consultation’ process has been an absolute disgrace throughout, however we took some small solace that both Bob Neill MP and indeed, even Members of the applicant’s Governing body came to see, understand and agree with us on that narrow point over time.

We repeatedly pointed out that even if there were a shortfall in future school places in the Borough (which we all accept there was) that there was minimal local need for additional school places **at this location**.

In September 2018, 16 Bickley children enrolled at BWB, for September 2019 26 are due to do so.

Less than 1 form of entry in each year.

In September 2018, 50 out of Borough children enrolled at BWB, in September 2019, 42 are set to do so.

Posed with those figures, members of the Committee will form their own views.

We are nevertheless told that most will be walking in to avoid even more excessive traffic build up on a junction already technically running at over-capacity in the morning rush hour. We remain extremely sceptical to put it mildly.

But most of all, and above all else, we urged colleagues to consider the serious concerns raised by Road Safety experts. Over road safety in particular, we thank the majority of colleagues who supported that view both at the time and since.

Our concerns remain about road safety, and our profound hope in this regard, looking to the future, is that the Government Inspectorate's view proves to be sound, and our own views are conclusively disproved.

All off this is however of historical context. Wrongly or rightly the Inspectorate has spoken, local decision making has been set aside and their defining will and opinion has now been imposed, meaning that the school will, unfortunate as it is in our view, now be built at St Hughs notwithstanding the additional traffic and pollution issues that local Bickley Residents will now have over coming years.

Madam Chairman, moving to the head of this statement, you will recall as part of my preamble that I advised you that Bickley Members would base our support, or otherwise for a school at this location, solely on proven facts and Planning matters. The same applies for the temporary application set before us this evening.

We continue to dispute that a fair number of facts have been proven or even properly considered, but given the Inspector's decision have to reluctantly accept, in planning terms, that that conversation is now redundant.

On Planning matters however, based on this evening's report and the advice contained therein, there is nothing which we can see which amounts to a substantive planning issue to object to.

Madam Chairman, in closing, I shall therefore be abstaining from this evening's vote to mark both my own and my colleagues' collective dismay at the manner in which this entire process has been handled from the outset, and I would encourage anyone else who has travelled the same journey and agrees, to consider doing similarly themselves.

On a brighter note to finish, I would also like to take opportunity to convey and place on record, Bickley Ward Councillors' immense thanks and gratitude to the professionalism of the numerous Council Officers who have played their part in the processing of this unprecedented saga and in particular, the work of the Council's Deputy Chief Planner, Mr Tim Horsman for his outstanding work under intense pressure over many months.

It would also, of course, be churlish in the extreme, mindful of where we now find ourselves, not to also take this moment to wish the school itself, every success and best wish moving to the future.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 8.33 pm on 8 May 2019
following the annual meeting of the Council

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock,
Kevin Brooks, Peter Dean, Simon Fawthrop, Christine Harris,
William Huntington-Thresher, Charles Joel, Russell Mellor,
Tony Owen, Angela Page, Richard Scoates, Melanie Stevens
and Michael Turner

Also Present:

Other members of the Council

63 PROPORTIONALITY OF SUB-COMMITTEES

RESOLVED that the following proportionality for Sub-Committees be agreed -

	Size	Conservative	Labour	Independent
Plans Sub No. 1	9	8	1	0
Plans Sub No. 2	9	8	1	0
Plans Sub No. 3	9	8	1	0
Plans Sub No. 4	9	8	1	0

64 MEMBERSHIP OF SUB-COMMITTEES

RESOLVED that the following Schedule of Members to serve on the Sub-Committees of the Development Control Committee be agreed.

(i) PLANS SUB-COMMITTEE NO. 1

	Councillors
1	Alexa Michael (CH)
2	Angela Page (VC)
3	Kathy Bance (LAB)
4	Katy Boughey
5	Kira Gabbert
6	Christine Harris
7	Tony Owen
8	Will Rowlands
9	Suraj Sharma

(ii) PLANS SUB-COMMITTEE NO. 2

	Councillors
1	Peter Dean (CH)
2	Michael Turner (VC)
3	Mark Brock
4	Nicky Dykes
5	Simon Fawthrop
6	Colin Hitchins
7	Josh King (LAB)
8	Neil Reddin
9	Richard Scoates

(iii) PLANS SUB-COMMITTEE NO. 3

	Councillors
1	Katy Boughey (CH)
2	Tony Owen (VC)
3	Kevin Brooks (LAB)
4	Samaris Huntington-Thresher
5	Charles Joel
6	Alexa Michael
7	Keith Onslow
8	Angela Page
9	Kieran Terry

(iv) PLANS SUB-COMMITTEE NO. 4

	Councillors
1	Richard Scoates (CH)
2	Simon Fawthrop (VC)
3	Marina Ahmad (LAB)
4	Gareth Allatt
5	Aisha Cuthbert
6	Peter Dean
7	Nicky Dykes
8	Kate Lymer
9	Michael Turner

65 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF SUB-COMMITTEES

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

Plans Sub-Committee No. 1	Alexa Michael	Angela Page
Plans Sub-Committee No. 2	Peter Dean	Michael Turner
Plans Sub-Committee No. 3	Katy Boughey	Tony Owen
Plans Sub-Committee No. 4	Richard Scoates	Simon Fawthrop

The Meeting ended at 8.34 pm

Chairman

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Report No.
CSD19087

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Development Control Committee**

Date: **Thursday 23 July 2019**

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

Title: **MATTERS OUTSTANDING FROM PREVIOUS MINUTES**

Contact Officer: Mark Bowen, Director of Corporate Services
Tel: 020 8313 4355 E-mail: mark.bowen@bromley.gov.uk

Chief Officer: Director of Corporate Services

Ward: N/A

1. Reason for report

For Members to monitor progress against actions outstanding from previous meetings.

2. **RECOMMENDATION**

That Members note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
-

Corporate Policy

1. Policy Status: Existing Policy. The Committee will be regularly updated on matters outstanding from previous meetings.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £358,740
 5. Source of funding: 2019/20 revenue budget
-

Personnel

1. Number of staff (current and additional): There are 8 posts (6.79 fte) in the Democratic Services Team.
 2. If from existing staff resources, number of staff hours: Monitoring the Committee's matters outstanding can take up to two hours per meeting.
-

Legal

1. Legal Requirement: No statutory requirement of Government guidance.
 2. Call-in: Not applicable. The report does not involve an executive decision.
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The report is intended primarily for Members of this Committee
-

Ward Councillor Views

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

3. COMMENTARY

Annex A provides updates on progress achieved in regard to requests made by the Committee at previous meetings. Following each meeting, required actions are listed and monitored to ensure that any outstanding issues are addressed in a timely fashion.

Since the previous meeting, all outstanding matters have been completed.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Policy, Financial, Personnel, Legal and Procurement Implications.
Background Documents: (Access via Contact Officer)	

PROGRESS ON MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

<u>Minute Number/Title</u>	<u>Updates/Feedback Requested</u>	<u>Action By</u>	<u>Current Status</u>
Minute 62 – 30.04.19 Heritage at Risk Update	The barrack buildings at Biggin had been vacant since the 1990s. Discussions had taken place with Historic England who considered that Urgent Works Notices should be issued on the buildings to seek emergency repairs. Members would receive an update on this matter towards the end of May.	Principal Conservation Officer	Information below sent via e-mail on 5 June 2019. Action completed.
<p><u>Update</u></p> <p>Following the meeting, the Council contacted Historic England who referred us to their document <i>Stopping the Rot: A Guide to Enforcement Action to Save Historic Buildings</i>. Following the advice in this document, an initial warning letter has been sent to the owners of the properties requesting a) a repair strategy and specification for the defective roofs and b) information on their future plans for the site. A deadline of 8 weeks has been given and should an unsatisfactory response be received, then the next steps towards an Urgent Works Notice will take place. The letter also advises the owners that the Council is actively considering the use of available statutory powers.”</p>			

Application No : 19/01012/FULL1

Ward:
Biggin Hill

Address : Biggin Hill Airport Ltd, Churchill Way,
Biggin Hill TN16 3BN

Objections: Yes

OS Grid Ref: E: 541744 N: 160173

Applicant : London South East Colleges

Description of Development:

Erection of a new College facility (Class D1), creation of a new access and car and cycle parking, 3 substations, servicing, new public realm, hard and soft landscaping and other works.

Key designations:

Biggin Hill Noise Contours
Biggin Hill Noise Contours
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 24
South Camp

Proposal

Planning permission is sought for the erection of a Class D2 building and associated development to accommodate the London Aerospace and Technology College (LATC) project which is a collaboration between London South East Colleges (LSEC) in partnership with London Biggin Hill Airport (LBHA).

The proposed development will occupy a 1.03ha site located at the junction of Main Road and Churchill Way. Immediately adjacent to the site, along the northern boundary, is a public café known locally as The Lookout Café.

To facilitate the development of the application site for education purposes, a separate minor material amendment application has been submitted for revisions to a scheme for a hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas), lounge, gymnasium and associated access road together with service area and car parking and a sub-station (17/05343/FULL) on land to the east of the application site between the site and the Bombardier building. This amendment involves the realignment of the access road into the site, a shared drainage strategy and coach parking and turning facilities between the 2 sites. A separate report dealing with this application appears elsewhere on the agenda under ref 17/05343/RECON.

The elements of the proposed LATC development are as follows:

Teaching Building

- A single building which will provide 2,130 sqm (GIA) Class D1 floorspace. This will provide space for up to 200 students and 25 teaching staff.
- The building will range in height from approximately 7.5m to 9m in height with the highest part of the building facing south. The building will accommodate classrooms, a lecture room, meeting rooms, support services accommodation and other ancillary functions.
- There will also be an internal double height space which provides a hangar and workshop space which will be able to accommodate small aircraft and aircraft parts for practical teaching activities
- The main pedestrian entrance to the building will be along the northern elevation accessed from Main Road leading to a double height open learning area with changing and toilet facilities, a café area and kitchen.
- There will be a design feature in the form of a gold perforated metallic 'wrap' which will extend along part of the western elevation curling over part of the roof of the building. The 'wrap' will be above the front entrance area and will anchor itself on the top of a 7m high pillar beyond the northern-easternmost elevation of the building.

External Space

- Vehicle access to the site will be from Churchill Way via an existing access point which is currently unused. The existing access known as Maitland View will be closed. The internal access road will run along the eastern boundary of the site leading to a coach parking/turning area and a car park beyond. The internal road will also provide vehicle access to the site to the east of the application site which has planning permission for a hotel.
- A service yard including substation structures will be on the south side of the main building and access to the internal hangar space will be via this yard.
- In front of the main entrance and leading up to the site boundary with Main Road, there will be a triangular open space with a sunken seating area and raised and peripheral planted beds.
- A total of 76 car parking spaces will be provided on the site. Five spaces are to be provided along the access road and a dedicated car park to the north of the main building will provide a further 71 spaces. The applicant advises that the car park will be shared with 31 spaces (including 3 disabled spaces) for the College and 40 spaces for the Café. A controlled barrier will be provided at the entrance to the car park.
- A total of 41 cycle parking spaces will be provided with 7 spaces for staff, 10 long stay spaces for pupils and 24 short stay parking spaces. The site will also provide space for relocated cycle stands for the Café.
- To the NE of the proposed building, space is provided for 2 coach parking bays and a turning area for these 12m vehicles. It is proposed that these facilities will also be used by the adjacent proposed hotel for their coach drop off/pick up and parking.

- Beyond the car park an area currently used for the parking of planes will be profiled and landscaped to provide a dry detention basin which forms part of the sustainable urban drainage strategy for this site and the adjacent hotel site. This land will remain airside and dedicated security fencing will be provided around this part of the site.
- There are 2 existing trees on the site and the ash tree adjacent to the Maitland View access will be removed and the oak tree to the east of this will be retained
- Hard and soft landscaping details and boundary treatment details have been submitted.

The following documents have been submitted by the applicant in support of the application:

Air Quality Assessment by Hoare Lea

This report describes the potential air quality impacts associated with the construction and operation of a proposed college development, located off Churchill Way, Biggin Hill, Kent. The Proposed Development site is not located within the Air Quality Management Area (AQMA) declared for exceedances of the (NO₂) objectives.

The energy for the development is to be provided via an electric solution with no energy combustion systems proposed on site. As such, there will be no assessment of the impact of these emissions required at this stage as there will be no emissions on site from the energy plant.

A risk assessment of the potential impacts of the construction phase of the Proposed Development has been undertaken to identify appropriate mitigation measures. Provided these are implemented, for example through a planning condition, the residual impacts are considered to be not significant.

A qualitative assessment of the impact of the proposed development to existing air quality has been undertaken with both nitrogen dioxide and particulate matter being reviewed. Concentrations at the façade of the Proposed Development are expected to be below the objectives in 2019 and also in the anticipated earliest years of opening (2020).

The proposed development is air quality neutral according to the Greater London Authority's (GLA) benchmarking assessment methodology.

The overall operational air quality impacts of the Proposed Development are judged to be not significant.

Construction Management Plan by Academy

This document sets out arrangements for the management of the construction process to minimise the impact of the proposed construction works in the surrounding area.

Design and Access Statement by Richard Hopkinson Architects

This statement sets out the applicant's assessment of the site and surrounding area and the rationale for the proposal having regard to relevant development plan policies. The statement confirms the amount of development proposed, parking strategy, refuse and sustainability strategy. The statement discusses the approach to scale and layout, appearance, access, landscaping and services, energy and sustainable drainage of the development.

Additional information has been submitted by email dated 15.5.2019 regarding the operation of the college.

Energy Statement by Furness Green

The report assesses the proposed development against the Building Regulations requirements and the Buildings Emissions Rate requirements.

In this instance the proposed passive and active construction methods have improved the energy performance against the baseline by 27% and emissions are below the Building Regulations Part L benchmark.

The area does not have a local district heat network and, due to the small demand for heating and hot water, a combine heat and power system would not be viable.

In terms of the use of renewable energy, the development has been assessed against numerous technologies and the report recommends the provision of 55 solar panels on the roof of the college and air source heat pumps. This further improves emissions to 37% when compared to the Target Emission Rate (TER).

External Lighting Assessment by Furness Green

This document sets out details of the external lighting of the car park, service yard and access road which will take the form of columns and bollards lights.

Flood Risk Assessment and Drainage Strategy by Price and Myers

This report confirms that the site is located within Flood Zone 1 (an area with low probability of flooding) and within a Groundwater Source Protection Zone 3. The report discusses the potential risks of flooding at the site and sets out the drainage strategy for this site and the site to the east which has planning permission for a hotel and is the subject of a separate application to amend the layout of the site, including the drainage strategy.

The strategy sets out details of surface water and foul water drainage. Surface water drainage will include filtration of water into the chalk subbase via a dry detention basin and permeable paving for all of the parking areas. This will deal with surface water discharge for all events except a very extreme flood event (less than 3% annual probability) and in this instance the proposed car park and surrounding landscaped areas will be allowed to flood.

For foul drainage the existing sewer on the site will need to be diverted and there will be 2 connections provided on the site to the sewer; one for the LATC and one for the hotel.

Ground Investigation Report by Geo Integrity

Phase I desk study and Phase II intrusive investigation has been completed and provides data relating to geological, environmental and historical information. Due to the history of the site as a wartime airfield a site specific UXO (Unexploded Ordnance) risk assessment has been commissioned and concludes that there is a medium risk from Allied military ordnance and unexploded German aerial delivered ordnance.

The report recommends that a UXO expert is in attendance during groundworks at the site. A part UXO assessment has been undertaken and a full site should be undertaken prior to the development. Also CPT testing should be undertaken across the proposed building footprint area as greater surety of pile depths and carry capacity is required.

A watching brief should be undertaken and if undiscovered contamination is found then site management can be immediately informed and inspection can be undertaken by a suitably qualified person.

Noise Impact Assessment by Adrian James Acoustics

The purpose of the surveys is to establish typical noise levels at the site including internal noise levels for the teaching space, external noise criteria for plant noise emissions and the nearby neighbouring properties during the expected hours of operation.

From the assessment of noise break-in to the proposed new college building the report concludes that the internal ambient noise criteria are achievable with standard façade and glazing constructions.

Representative background sound levels have been determined, and based on these levels, plant noise limits at the nearby noise sensitive receptors have been proposed.

The proposed scheme should be assessed in accordance with BS4142:2014 to ensure that these limits are met when the design has progressed sufficiently and detailed plant specifications are available.

Planning Statement and Statement of Community Involvement by Lichfields

This statement seeks to describe the site and surrounding area and sets out the applicant's case in support of the proposal in relation to the principle of development, policy compliance, aviation related uses, design, visual impact, landscaping, lighting, transport, energy, flood risk and sustainable drainage, noise, air quality, contamination and sustainable construction.

The Statement of Community Involvement sets details of opportunities and events undertaken to consult with the local community during the pre-application phase of the planning process for this development.

Townscape and Visual Appraisal by Lichfields

This report sets out the existing townscape character of the site and surrounding area and the main visual receptors and key representative views.

The report considers the potential for townscape and visual effects and whether these are beneficial, neutral or negative in light of the relevant policy context and summarises the findings of the analysis relevant to the proposal.

The report concludes that the development would have a major beneficial effect of the site itself, a moderate beneficial effect on the Churchill Way Townscape Character Area (TCA) and a negligible effect on the Biggin Hill Airport and Sunningvale TCA.

There would be changes in views in both directions approaching the site from Main Road and Churchill Way and from parts of Skid Hill Lane in winter. The building would be seen in the context of the existing hangars and industrial building at the airport. There would be no harmful visual effects on people in the surrounding area arising from the application proposals and no effects on any important views. There would be no harm to the adjacent areas of Green Belt.

Transport Assessment by RPS group

This statement sets out the policy requirements in respect of transport and highway impact, identifies the baseline conditions in respect of public transport, accessibility and traffic surveys and then assesses the impact of the proposal. The report covers road safety, access, parking standards, traffic generation and measures to promote sustainable transport modes. The report also sets out measures to minimise any transport impacts.

The trip generation calculation does not identify a significant increase in vehicle trips and will not have an adverse impact of the local transport network.

Car Parking will be provided for the college and to replace the existing public car park on the LATC site. Car parking will be provided for the college in accordance with Bromley standards plus dedicated parking for the Lookout Café. The use of the car park will be limited by permits to staff and students with disabilities and other exceptional circumstances and all of the car parking spaces will be marked for the college and café respectively. There is also space for parking for 2 coaches on the site.

A shuttle bus service will be provided to transport students from the existing Bromley College site to the LATC to arrive in accordance with the staggered college start and finish times. Public transport in the form of local bus services will provide access to the college.

Cycle parking is provided in accordance with the London Plan standards.

The assessment concludes that the site is well connected and provides easy access to public transport and local facilities and will not have an adverse impact of the local transport network.

Additional information has been submitted by emails dated 15.5.2019 and 21.6.2019 relating to trip generation, modal split and the use of the car park.

Travel Plan by RPS group

The Travel Plan sets out objectives and suggests a package of measures to promote and provide for the use of more sustainable modes of travel. A strategy for implementation, target setting and monitoring is also set out.

The report concludes that 'the proximity of the site to frequent public transport services indicates that there are good opportunities for site users to travel by public transport to the site and thereby reduce the need to travel by private car. The existing local highway network is safe with only one slight injury accident occurring between April 2015 - April 2018.'

Location and Key Constraints

The application site is located within the south western corner of the London Biggin Hill Airport within the designated 'South Camp' area which forms part of the Biggin Hill Strategic Outer London Growth Area (SOLDC). It lies outside the Green Belt but its northern boundary borders the Green Belt. The site lies within Flood Zone 1 and within a Groundwater Source Protection Zone (SPZ).

A Site of Interest for Nature Conservation (SINC) is located to the north west of the site on the opposite side of Main Road.

There are no other constraints affecting the site.

Existing vehicle access to the site is via Churchill Way and Maitland View from the roundabout with Main Road, which is a London Distributor Road (A233). The Public Transport Accessibility Levels (PTAL) rating for the site is between 1b and 2 (where 6a is the highest and 1 is the lowest)

The site currently comprises hardstanding areas, open grassed areas and the access road to a car park and café. There are two trees on the southern boundary of the site adjacent to the roundabout. To the east of the application site is a hangar for Bombardier, which was constructed in 2009. To the north of the application site is the 'Lookout Café'.

To the south east are buildings that form part of the Biggin Hill Business Park and there are residential buildings on the opposite side of Main Road to the south west of the site.

Consultations

Comments from Local Residents

Nearby properties were notified and 4 representations objecting to the proposal, including Bromley Friends of the Earth, and 1 representation in support have been received at the time of writing this report. The comments received are summarised below.

Objection comments:

- Not complimentary to the area.
- College is too specialist.
- Overdevelopment - the college is squeezed into a small space and should be located on sites with more open space on the airfield.
- Should be located between the chapel and the main entrance and this would help improve existing dilapidated buildings.
- Outlook café would make a great memorial park.
- Additional congestion from students will add to existing congestion and generate more pollution.
- Parking proposed is not enough for staff and students leading to overspill on local roads.
- Bus routes in the TA are not accurate.
- Oppose any facility that encourages aviation expansion in times of worrying climate change.
- More employment opportunities in green renewable industries should be encouraged rather than in aviation.

Support comments:

- College will provide skilled people for the aviation industry which is short of skilled staff.
- Putting the specialist aviation college at Biggin Hill will encourage new business to the airport and improve economic development in the area. This supports Mayoral policies in this respect.
- SE London Colleges already operate in the borough and using this as a base to support the LATC is sensible.
- Access via the public bus routes and proposed shuttle buses is sustainable.

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

- LBB Highways

The site is currently used as a car park for the Flying School and Viewing Café with an access from Maitland View. Maitland View and Churchill Way are recorded as

private roads. A Transport Assessment (TA) was included with the application together with a Travel Plan and Construction Management Plan.

The proposal is for a D1 Aerospace and Technology College with a GIA of 2130m². There are 76 parking spaces proposed of which 36, including 3 disabled spaces, will be for the College and the remaining 40 spaces will be for the existing café.

The site has a low (1b/2) PTAL assessment. It is served by 6 bus services on Main Road, the R2, 246, 320, 464, 664 and 684, the last 2 of which are school bus services.

The 320 is probably the most used of these running north from Biggin Hill going past the Bromley College campus on Bromley Common.

There will be cycle storage providing 22 long stay spaces and 24 short term spaces. There is an approved planning application for a 56 bed hotel to the east of this site which included the realignment of Maitland Way. The College would share the new access road with the hotel.

There will be up to 200 students on site at any one time together with 25 staff. The age of students is given as 16 - 24 and the latest information also says there will also be courses for adult learners according to industry demands. It is anticipated that the College will be open some evenings and weekends but limited information has been provided about this.

Car park

There are currently 50 spaces in the café car park and this will be reduced to 40. This is a very popular attraction, particularly in the summer and not just at weekends. No surveys of occupancy have been carried out so there is no indication that 40 spaces is adequate. Biggin Hill Airport on behalf of the café have however said that 40 spaces is enough.

Designated parking bays for both the college and the café will be marked out in the car park. The college will run a permit only parking policy with permits limited to staff and only to students who would qualify for a Blue Badge for use in DDA parking. All permits would need to be clearly shown at all times to allow for the car park to be managed to stop unauthorised parking. The café will need to monitor and manage their own car park to ensure that only patrons of the café use the designated spaces available for the café use. How they will do that is not clear and would appear to be somewhat onerous on the café.

Trip generation

The assumptions made for the trip generation in the TA were

- The college will cater for a maximum of 200 students at one time;
- Students spread over three teaching periods (0815-1615, 0900-1700, 0945-1745);

- The student age range will be between 16-24 years with the majority of students being under 18 apprentices. This is important as this limits the number of students who have the ability and means to drive. Therefore the majority of students, given the location, will need to take either the shuttle bus or a London Bus to get to campus.

The trip generation and modal split for students from the TA is shown in the following table. The trip rates are not based on other educational facilities and I am not clear how these figures have been arrived at from the assumptions above

	Mode Split	AM Peak		PM Peak		Daily	
		Arrival	Departure	Arrival	Departure	Arrival	Departure
Shuttle Bus	72%	96	0	0	96	144	144
London Bus	20%	27	0	0	27	40	40
Car	5%	10	0	0	10	10	10
Cycle	3%	4	0	0	4	6	6
Walk	0%	0	0	0	0	0	0
Total		133	0	0	133	200	200

It is likely most of the staff will drive and they can be accommodated within the car park. It is estimated that there will be 6 trips by the shuttle buses in the morning and 6 in the evening, giving an average occupancy of 24 pupils per bus. The TA indicates all buses will be in the peak hours but a third of pupils will travel outside of the peak hours.

Further information was subsequently received regarding the travel patterns of existing students and potential LATC students which showed 13% (26) indicated they would drive to the college. Assuming some coming by car would have permits to park in the car park there would be at least 16 without a space.

Shuttle bus

One of the major assumptions behind this must be that all students using the shuttle buses will go to the college campus where the bus originates, which I assume is only the Bromley site at Bromley Common. There is no mention as to whether the shuttle bus will be available in the evening or at weekends. Those people attending the adult classes would seem unlikely to use the shuttle bus and driving would seem to be the most likely option. I note the applicant has suggested a condition for a Shuttle Bus Strategy.

On-street parking

There does not seem to be any methodology to stop students driving to the college and parking off-site. There is however limited on street parking available near the site. Churchill Way and Maitland View are private under the control of the airport. Main Road has double yellow lines in this location extending about 200m south of the site. The nearest roads without restrictions are Sunningvale Avenue, Nightingale Close and Jail Lane.

None of these roads are ideal to take additional on-street parking. Given the uncertainty, if the application is permitted there should be funding available to install additional waiting restrictions if required.

Travel Plan

The comments from the Travel Plan officer are that there should be more detailed information regarding the shuttle bus initiative. There are concerns that the car parking for the site is not substantial, the current Airport Café car park is often at capacity and how will they prevent students from driving their private vehicles to site and parking in the car park.

Conclusions.

The modal split in the TA is not based on other similar uses and it is not clear exactly how it has been derived. A lot of weight appears to be on the age of students meaning they will not drive. Further information supplied indicates that up to 13% of students may drive.

There is very little information about the evening and weekend classes when it is unlikely that the shuttle buses will run.

The site is not well connected to public transport. The use of shuttle buses is the major component of the travel arrangements to / from the site and they need to be provided in perpetuity. There is relatively little mention of the provision of the shuttle buses in the Travel Plan. Para 7.12 indicates that a register will be taken to track the students using the shuttle bus and to review its success. If the shuttle buses are not well used there does not appear to be any alternative strategies. The demand is likely to fall on London Buses and the car. There is no indication that the buses, particularly the 320, have sufficient capacity to accommodate the additional students.

Potential impacts / mitigation

The main highway impact of the proposed college is if more students drive to the site than is estimated in the TA. This could manifest itself in 2 ways. Students could either park in the café car park or on street. The application indicates that the café will need to manage their car park but how that will be undertaken is not given.

The situation in the evening and at weekends is unclear in terms of the number of students / staff or whether they can use the car park.

The roads around the site with no parking restrictions are not particularly suitable for increased parking so waiting restrictions may need to be installed if parking starts occurring.

If that is thought to be suitable safeguard for overspill parking and permission is forthcoming please include the following conditions.

OC03 parking
ND16 hardstanding for wash down facilities
AG12 cycle parking
AG13 lighting
PC17 construction management plan
AG14 travel plan

Non standard conditions

Shuttle Bus Strategy

Car Park management

A method to ensure £5000 is available for future waiting restrictions either via a s106 or condition.

- LBB Drainage

The submitted information including "Flood Risk Assessment & Drainage Strategy Report" carried out by Price & Myers with Job No. 27166 Version 4 dated March 2019 to incorporate permeable paving in car park area, deep borehole soakaway and detention basin to attenuate for surface water run-off are in principle acceptable.

CONDITION: The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The following plan/report shall be complied with:

- Flood Risk Assessment & Drainage Strategy Report carried out by Price & Myers with Job No. 27166 Version 4 dated March 2019.
- "Drainage Layout Plan Sheets 1 to 3" DRW No. 27166-600 Version 3 Dated 12/03/2019 ,
- MicroDrainage Calculations.

REASON: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

The Drainage Officer further advises that the report does not include detailed design information which should be secured by a pre-commencement conditions

- LBB Environmental Health

I have considered the Acoustics Report, Contaminated Land Report and Construction Management Plan and have no objections within the grounds of consideration subject to the following.

The Contaminated Land Report states that only a section of the site was covered by the 'UXO assessment (undertaken for a neighbouring development proposal), given the sites history a full site specific analysis should be undertaken prior to development outside this area'. I would recommend that a full assessment is

required by condition prior to the commencement of the development. I would also recommend that a K09 condition is attached, some elements of this condition will already have been complied but others remain outstanding and cover contamination throughout the development.

In relation to noise the recommendations within the acoustic report should be implemented in full. In addition I would recommend the following condition -

- At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014. Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.
- Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- Following installation, but before the new plant comes into operation, measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

Following discussions with the applicant, the second bullet point above has been removed from the proposed condition.

In addition, the Environmental Health Officer is satisfied with the Construction Management Plan as it takes a broad approach with the Council's Code of Practice. In terms of the Air Quality Assessment Environmental Health Officer has no comment other than the mitigation measures within the report should be followed. In terms of the External Lighting Strategy the Environmental Health Officer is satisfied with the submitted documents.

- LBB Tree Officer

Only one tree at the application site is seen as a development constraint. The oak tree adjacent to the existing access is a semi-mature oak with a good retention span. This tree is capable of contributing a prominent feature to the local street scene. If allowed to reach an ultimate height, the tree would be a landmark.

The proposals seem to be well laid out and allow for low level soft landscaping. Due to the close proximity of the airport runway and taxiways, it is understood why medium to large trees have not been selected. The tree species selected for the site frontage are a good choice and will tolerate the local soil conditions and avoid clearance issues. The remaining aspects of the landscaping are to a satisfactory standard.

I would recommend planning permission be granted subject to the following conditions:

1. PC02: Tree Protection
2. ND01: Compliance with Landscaping plans
3. ND04: Retaining Trees

- Environment Agency (EA)

We have reviewed the document 'Ground Investigation Report' by GEO Integrity (reference 19-01-02 Issue 3 dated March 2019). The investigation did not reveal any concentrations of contaminants that would represent a significant risk to Controlled Waters. We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below.

Condition 1 If, during development, contamination not previously identified is found to be present at the site then 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 Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason

There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters the site is located above a Principal Aquifer and within Source Protection Zone 3).

Condition 2 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted 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. The development shall be carried out in accordance with the approval details.

Reason

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

Condition 3 Piling or any other foundation designs using penetrative methods shall not be permitted 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- Thames Water (TW)

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:" A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by

telephoning 02035779483 or by emailing
www.qriskmanagement@thameswater.co.uk.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- Secure by Design

The Metropolitan Police Crime Prevention Design Adviser as follows:

From my inspection of the proposal documents, I have a number of possible concerns regarding the development, which I believe should be addressed for the staff, students and visitors, and for the building safety and security of the college and airport site.

The security aspects I would wish to see addressed include the permeability of the site and ease of access to secluded or restricted areas. Also details of the security for access around the cycle and refuse storage, secure mail delivery and visitor strategies, secure building lobbies, and the incorporation of tested and accredited doors and windows. Due to the sensitive nature of the location I have made aware and am in discussion with the counter terrorism security advisor.

I can confirm that I have not met with the project architects or agents to discuss security on this development. Should my request for a Secured by Design

condition be successful, I would request my contact details be passed on please for consultation.

I feel that should this application proceed, it will be able to achieve the security requirements of Secured by Design, with the guidance of Secured by Design officers and the Commercial 2015 v2 guidance document, and I would therefore request a Secured by Design condition be attached.

The adoption of these standards will help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment, and a condition requiring the development to engage with police and the local authority to achieve Secured by Design accreditation would greatly assist with the delivery of a safer development in line with national, regional and local planning policies.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in for this proposal includes the Bromley Local Plan (2019) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

1. Local Plan (LP)

Current Policies relevant to this application include:

Policy 27 Education

Policy 28 Educational Facilities

Policy 30 Parking

Policy 31 Relieving Congestion

Policy 32 Road Safety

Policy 33 Access for all

Policy 34 Highway Infrastructure Provision

Policy 37 General Design of Development

Policy 53 Land adjoining the Green Belt or Metropolitan Open Land

Policy 73 Development and Trees

Policy 77 Landscape Quality and Character

Policy 79 Biodiversity and Access to Nature

Policy 80 Strategic Economic Growth

Policy 103 Biggin Hill Strategic Outer London Development Centres (SOLDC)

Policy 106 South Camp

Policy 109 Airport Public Safety

Policy 113 Waste Management in New Development

Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems
Policy 118 Contaminated Land
Policy 119 Noise Pollution
Policy 120 Air Quality
Policy 122 Light Pollution
Policy 123 Sustainable Design and Construction
Policy 124 Carbon reduction, decentralised energy networks and renewable energy
Policy 125 Delivery and Implementation of the Local Plan

2. In strategic terms the most relevant London Plan 2016 policies include:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.7 Outer London: economy
Policy 2.16 Strategic Outer London Development Centres (SOLDC)
Policy 3.18 Education facilities
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.21 Contaminated land
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.13 Parking
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.17 Metropolitan Open Land
Policy 7.19 Biodiversity and access to nature
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Please note that the Draft London Plan has been issued for consultation. The policies have been subject to examination and the weight attached to the draft policies increases as the Local Plan process advances as set out in the NPPF paragraph 216.

3. National Policy

The National Planning Policy Framework 2019 (NPPF) and NPPG is relevant to this application, particularly the paragraph 94 relating to the provision of school places.

Planning History

There is one relevant planning history for the application site as follows:

19/01012/EIA: Screening opinion provided 12.6.2019

On the adjacent site to the north the following applications have been approved:

09/01194/FULL1 - Hotel comprising 76 bedrooms with restaurant, viewing terrace, meeting/ training rooms, administration area, gym/ sauna, function room, pilots lounge and associated facilities together with car parking and service area, and new access road. Approved 14.8.2009.

17/05343/FULL1 - Hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas), lounge, gymnasium and associated access road together with service area and car parking and a sub-station. Approved 13.3.2018.

17/05343/AMD - Amendment to application 17/05343/FULL1: Hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas), lounge, gymnasium and associated access road together with service area and car parking and sub-station to allow for changes to the approved conditions Approved 11.5.2018

The following application is pending decision:

17/05343/RECON - Variation of Condition 2: Approved Documents and Condition 21: Lighting Scheme of permission 17/05343/FULL (as amended by 17/05343/AMD) for hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas), lounge, gymnasium and associated access road together with service area and car parking and a sub-station to realign the vehicle entrance, adjustments to the car parking layout and coach parking area, alterations to the landscaping treatment to the west of the hotel, removal of the approved substation, amendment to approved light fixings and alterations to the drainage strategy.

Planning Considerations

It is considered that the main planning issues relating to the proposed scheme are as follows:

- Principle of Development including policy context
- Design including layout, scale, massing, appearance and impact on the character of the area.
- Impact on Neighbour Amenity.

- Highways and Traffic Matters ((including Cycle Parking and Refuse).
- Trees and Landscaping
- Other technical matters

Principle of Development

- Policy Context

The NPPF Paragraph 11 identifies the presumption in favour of sustainable development and that planning permission should be granted without delay if they are in accordance with the development plan. Paragraph 38 of the NPPF states that decision makers should seek to approve applications for sustainable development where possible.

In terms of the provision of education facilities, Paragraph 94 seeks to ensure that there is sufficient choice of school places to meet the needs of existing and new communities (and) local planning authorities should take a proactive, positive and collaborative approach to meeting this requirements and to widen the choice in education. The proposed development provides education for school age young adults and, as such, the provision of school places at the LATC is relevant in policy terms.

The London Plan (2016) reiterates this support for the provision of education facilities in Policies 3.18: Education Facilities where the Mayor supports provision of secondary, further and higher education facilities adequate to meets the demands of a growing and changing population and to enable greater educational choices.

Policy 27 of the Local Plan (2019) sets out its commitment to choice in education to ensure that the provision of an appropriate range of education facilities cater for lifelong learning across the spectrum from early years to further and higher education, including specialist provision. New development should be sensitively designed to minimise the footprint of the building and impact on open space as well as securing, as far as possible, the privacy and amenities of any adjoining properties. Policy 28 relates specifically to education facilities and the Council supports proposals that meet local needs. Where new sites are required, proposals will be permitted unless there are demonstrably negative local impacts which substantially outweigh the need for education provision.

In terms of aviation and employment related policy, paragraphs 80, 81 and 82 of the NPPF supports economic growth and productivity, taking into account local business needs and wider opportunities for development. Planning policies should recognise and address the specific locational requirements of different sectors.

The London Plan identifies LBHA as a Strategic Outer London Development Centre (SOLDC) in Policy 2.16 and the Mayors Town Centres Supplementary Planning Guidance (SPG) elaborates on this designation, describing Biggin Hill as an area of sub-regional importance for the cluster of aviation related and high technology businesses. The SPG provides implementation guidelines for the

SOLDC which includes supporting partnership working with education and training providers related to aviation and high tech industry.

In the Local Plan Policy, 103 provides the strategic policy for the Biggin Hill SOLDC in which the Council supports the SOLDC including the associated business infrastructure and amenities, as an important sub-regional hub for aviation and related high-tech industry, achieving sustainable economic growth whilst minimising adverse impact on the environment and amenity of the surrounding communities.

Policy 106 relates specifically to South Camp where sites will be safeguarded for aviation related employment generating uses. Proposals for Class B2, B1(b), B1(c) and C1 uses will be permitted if it can be demonstrated that the proposed uses:

- a) reinforce the role of the SOLDC, and
- b) do not impede the effective operation of other aviation related employment generating uses in the SOLDC or reduce airside access or capacity.

The policy goes on to support redevelopment to increase the development potential of South Camp for aviation related employment generating uses. Also to ensure that there would not be an adverse impact on land identified as a SINC or on landscapes and residential areas in the vicinity of the SOLDC.

Policy 105 relates to West Camp which supports aviation related employment generating uses including proposals for Class C1, D1 (which would include education related uses) B1(a) and B1(b).

Policy 53 of the Local Plan requires that development abutting the Green Belt should ensure that it does not have a detrimental effect on the visual amenity, character and nature conservation value of the adjacent designated area.

- Consideration of the principle of development

The proposed college will be one of the campuses of the London South East Colleges (LSEC) who also operate Bromley and Orpington Colleges in the borough. These colleges specialise in vocational and higher education and LSEC also have strong links with the University of Greenwich and Kingston University. The LATC is a collaboration between LSEC and LBHA with principal funding from the GLA. The applicant advises that the College must be delivered in the 2020/2021 academic year.

The proposed college will be an industry standard centre of excellence for STEM (science, technology, engineering and mathematics) education, skills and training for students who wish to pursue a career in aeronautics. The college aims to accommodate 200 students primarily aged between 16 and 24 plus 25 staff on the site at any one time with a 50:50 split between full and part time study. This means that there will be 100 learners studying over 3 days per week (full time) and 100 learners attending 1 day a week for apprenticeships and short courses (part time). This will result in around 569 students benefitting from the new facility in any one year. This allows the LSEC to deliver responsive training mapped to industry needs.

From a policy point of view, it is necessary to consider the need for the proposed facility, the acceptability of locating the college on this site and whether the college building can be accommodated on the site without having an adverse impact on the adjoining Green Belt.

In terms of the principle of the need for the training facility at LBHA, the applicant advises, in their Planning Statement, that the project has been developed in direct response to an acute and extreme shortage of aerospace engineers and mechanics across the UK and in close partnership with employers to ensure that curriculum offer and teaching environments meet industry needs.

The LSEC already offers a range of engineering and aeronautical related courses at the Bromley Campus and the proposal is to continue to deliver its current curriculum by offering a range of BTEC courses.

The submitted documents stress the advantage of locating the specialist LATC at the LBHA to take advantage of working with existing employers situated at the airport. In addition the site will be able to accommodate an aircraft so that students have the benefit of a real aircraft to work on.

The Local Plan SOLDC designation and policy framework are informed by an evidence base comprised of several independent technical assessments, on matters relating to economic development, landscape, Green Belt principles and statutory planning. The initial focus of the evidence base was a peer review of proposals put forward by Biggin Hill Airport Ltd (BHAL) and the industry group LoCATE partnership. These proposals identified aviation-related businesses (primarily manufacturing, servicing and operating) as a key driver of early growth and South Camp as the "front door" for these businesses. The proposals also highlighted the development of an academy focusing on aviation related business and technical skills as a "key strategic initiative" and anticipated that such a development would rely on a critical mass of local aviation businesses to support course funding and provide tangible employment opportunities.

On this basis, the need and justification for the provision of a training facility within the SOLDC had been fully assessed as part of the Local Plan process. This process resulted in the inclusion of proposals for a Class D1 use in Policy 105 which relates to the West Camp part of the SOLDC as the West Camp area was identified as having significant potential non-airside capacity and as a potential location to accommodate a training facility.

However, the current application seeks to locate the college not in the West Camp but within the South Camp part area of the SOLDC. Policy 106: South Camp does not make provision for proposals for Class D1 development so the proposal would not be fully policy compliant. It is, therefore, necessary to consider the circumstances relating to this submission and the merits of its case to assess the acceptability of providing the LATC on land in South Camp and not in West Camp.

The applicant has submitted details of a Site Selection process to support the proposed location of the college in the South Camp which is summarised below:

"Airport safeguarding, impact of the building on neighbouring residents, openness of the surrounding Green Belt and accessibility of the proposed College were all important factors to consider in the site selection process. LSEC collaborated with LBHA in order to identify a suitable site which was available for development now. Given the restriction on timescales of this project, essentially driven by funding agreements, it is imperative for the future of the project that a site was immediately available for development. Site ownership was also a limiting factor in this process.

Sites at West Camp: This land is in third party ownership and therefore LBHA cannot put forward a site to the college in this location. Not only is there not a site available, having the college here would mean that students would not benefit from having an aircraft for them to work on. In addition, West Camp has a number of heritage assets which would need to be considered, which would not be an issue on other areas within LBHA's ownership.

Sites at East Camp: There are no sites available in the ownership of Biggin Hill airport in West Camp. This has precluded bringing forward a scheme in this area. East Camp is unsuitable due to its distance from the public road. Its position and access are also unsuitable for the public visiting the facility or student access.

Sites at South Camp: A number of sites were considered in and adjacent to South Camp. This is illustrated in more detail within the Design and Access Statement which forms part of this application. The initial proposal was to use Site A (shown below), however, this met with objection from London Borough of Bromley (LBB) and the GLA as the land was at that time within the Green Belt (subsequently removed in January 2019 when the LBB Local Plan was adopted). Concerns were also raised with South Camp Option A given the distance to the site from the Main Road and the improvement works that would be required to this access road. The first public consultation, related to this site, also raised concerns about the distance from the public transport and resultant access and security issues. In response to the public consultation, and further consultation with LBHA and other partners, Site B has been selected. Consider in relation to the part of the policy that reinforces the role of the SOLDC."

In addition the applicant advises that while Policy 106: South Camp does not specifically refer to Class D1 as being a permitted use in this part of the airport, the policy does not expressly restrict a Class D1 use.

The submitted Planning Statement goes on to advise that Policy 106 requires 'aviation related' uses to be provided on the site and the college will create the next generation of skilled aviation labour, addressing the current shortage of aerospace engineers and wider skill needs of the industry, and will work with the airport through apprenticeships. The proposal would comply with the objectives of the London Plan Town Centres SPG and Local Plan Policy 103 as the college will employ experts in the field of aviation on site and make provision of work placements for students. The location of the building close to airside is essential to the provision of small aircraft and aircraft parts and the desire of businesses to have personnel trained in operations using their specific parts.

In considering the supporting submissions set out above, there is also a requirement in the Local Plan education policies for the provision of school places and to recognise the place of specialist colleges where this is necessary. The college will provide school places for 16-18 year olds who will still be in full time education. As such, the college will contribute towards the demand for school places within the borough. The LSEC already operate established courses that would be transferred to the LATC resulting in a possible net gain of places for young people in this age range.

The applicant has placed significant weight on the benefits of locating the specialist aviation training college in close proximity to an operational airport in terms of its ability to provide access to practical operational experience within the college hanger facility and with placement and apprenticeship opportunities in the aviation industry itself. These are noted along with the employment contribution from teaching staff with specialist aviation related skills that will work at the college.

The submissions also refer to the current lack of availability of development land within the West Camp for the college. It is noted that a proposal for a college on West Camp would not be deliverable in the time window available for funding and delivery of the LATC, hence the need to investigate alternative sites elsewhere on the LBHA which can come forward.

The proposed development is not explicitly permitted under Policy 106, which safeguards the land for 'aviation-related employment generating use.' However the introduction of an aviation academy in the SOLDC will support the delivery of aviation-related employment generating uses and is consistent with the implementation guidelines for Biggin Hill SOLDC in Mayor's Town Centres SPG and the Local Plan. The proposal is located in a part of South Camp that minimises conflict with current and potential aviation-related employment uses and limits loss of capacity. The removal of this potential D1 use from the West Camp area would allow other aviation-related employment generating uses in that area to come forward in the later phases of the Plan when land does become available for development.

As previously mentioned the application site is outside the Green Belt but the northern boundary is adjacent to the Green Belt and Policy 53 seeks to protect the visual amenity, character and nature conservation value of the adjacent designated area.

Green Belt and Ecology

In terms of the impact on visual amenity of the Green Belt, the building is set back significantly from the northern boundary (approximately 80m) so that the structure is separated from the Green Belt by the proposed car park. The building will also be set within the context of the approved hotel on land to the east of the site and the much larger Bombardier building to the north east. The character of the Green Belt at this location is an open airstrip and the openness will not be significantly affected by the addition of the proposed LATC building.

In terms of the impact on nature conservation value, there is very limited existing nature conservation value associated with the airfield and the application site due to the need to maintain the safety of aircraft.

BLP Policy 79 requires the Council to enhance biodiversity across the borough, assist ecological restoration and address spatial deficiencies by using procedures in the Mayor's Biodiversity Strategy.

The nearest area of nature conservation to the site, which is also within the Green Belt, is a Site of Interest for Nature Conservation (SINC) on the opposite side of Main Road which is approximately 100m from the closest elevation of the proposed building. The SINC runs parallel to Main Road and starts beyond Sunningvale Avenue. The SINC is separated from the application site by Main Road and the houses at the top of Sunningvale Road. It is considered that the principal concern in this respect will be the impact of external lighting on the SINC. Due to the location of the site so close to the end of the runway, the site is part of the airport safeguarding strategy which places height restrictions of 2.1m on street furniture. The lighting shown in the External Lighting Assessment submitted with the application is limited to column and bollard lighting in the car park, service area and entrance road. This is unlikely to have an adverse impact on the SINC or commuter routes in the vicinity of the site, which will be limited due to the lack of vegetation associated with the airport.

On this basis it is considered that the proposed development would not have a significant impact of the abutting Green Belt and the development is acceptable in this respect.

In summary, and on the basis of the information provided above and the policy support for education facilities and the provision of a training facility at LBHA, it is considered that the proposed use falls within the strategic objectives set out in Policy 103 of the Local Plan and there are mitigating factors that prevent the development of the facility from going ahead at West Camp. Therefore, on balance, it is considered that this application for the LATC on land in the South Camp part of the airport is in line with the objectives of the SOLDC.

In order to safeguard the provision of an education facility that provides specialist training directly supporting the aviation related employment generating uses of the SOLDC, it is recommended that a condition is imposed limiting the development to use as an Aerospace and Technology College only.

- **Design including layout, scale, massing and appearance.**

Policy context

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy 37 of the Local Plan refers to general design of development and reiterates requirements in the London Plan and NPPF above, including the expectation that development would be to a high standard of design and layout.

Consideration of design aspects

The proposed building has been designed to take account of a range of constraints on development in such close proximity to an airport and, in particular, the airport runway. The constraints include air-side boundary and security issues, height and shape of flight path/safeguarding requirements, underground drainage and surface water services, need to provide emergency access to the airport through the site, access for large vehicles to the hangar teaching space, noise for the airport and road, existing trees, sun path and proximity to the Green Belt.

As a result the Design and Access Statement advises that the building is located on the only part of the site that a 2 storey building can be accommodated without impacting the safeguarding flight path regulations. This also means that the proposed and existing buildings form a cluster of buildings rather than spreading buildings across this part of the South Camp area.

In addition the depth of the site is restricted by the planning permission previously granted for a hotel and associated parking and landscaping under ref 17/05343. The hotel will remain in its permitted position but the landscaped area proposed in front of the hotel (also to be used for sustainable drainage for the hotel) will be the location of the new LATC building. A separate application under ref 17/05343/RECON for a minor material amendment has been submitted to amend the approved scheme to provide the hotel without access to this landscaped area. The desire to retain an extant permission to build the hotel is a further constraint on the location of the proposed LATC.

To support the application, a Townscape and Visual Appraisal of the proposed development has been provided by the applicant. Following a recognised methodology, the report provides an analysis of the potential townscape and visual effects arising from the proposed development.

In terms of the townscape effects the report concludes that there would be no harmful effects on the townscape character of the site or the surrounding area and there would be a major beneficial effect on the site itself. There would be a moderate beneficial effect on Churchill Way and a negligible effect on the Biggin Hill Airport and Sunningvale Avenue. The proposed use would be entirely compatible with the land use and characteristics of the built form of the buildings within South Camp.

In terms of the visual effects, the TVA concludes that there would be no visual effects on people in the surrounding area or on any important views. There would be changes in views in both directions approaching the junction of Main Road and Churchill Way. The proposal is well designed and would be a positive element in these views giving rise to minor or moderate beneficial effect. For longer distance views the college would be seen in the context of the existing hangers and

industrial buildings which currently form the skyline. These views are filtered by trees along Main Road resulting in a minor moderate effect in winter and a negligible effect in summer

In terms of the internal layout of the building, it will comprise hanger space, flexible space to be used for classroom/workshop/office, social and open learning areas and an atrium circulation space to link all the above spaces.

In terms of the acceptability of the proposed internal layout, the applicant has advised that:

"There are no prescriptive standards for FE colleges matching this curriculum.

However, the guidance used in setting space standards for the sector is 'Guidance for Further Education Colleges on the Management of Floor Space' published in May 2007 by the Learning and Skills Council). These space standards have been used as a back drop to the developing design and confirm the numbers that can be accommodated in the teaching spaces.

The brief for the LATC has been developed by the college and Richard Hopkinson Architects after liaison with industry partners. Several visits to similar facilities have been undertaken to examine best practice. The design has been through rigorous examination by the GLA and its Design Panel."

In terms of the height of the building, the submitted plans indicate that at the entrance it will be approximately 7m high rising to part 7m/part 9m high above finished floor levels at the southern elevation. The finished floor levels will be slightly lower (approximately 0.5m - 1m) than existing land levels on the site. The sections show that the proposed building is lower in height than the proposed hotel and the existing Bombardier building

The scale and bulk and mass of the building is dictated by the internal space requirements for the teaching and proposed hanger space and the external siting constraints as set out above.

Approaching the site from the north, the NW facing elevation accommodates the front elevation and this provides the main pedestrian entrance to the school with an external seating/amenity area in front of a double height glazed curtain walled cladding system leading in to the atrium area.

The western elevation will be sited between 1m and 5m from the back edge of the pavement to Main Road and the southern elevation will be approximately 35m to the back edge of pavement with Churchill Way with the service yard between the building and Churchill Way.

The proposed building will be much closer to Main Road than the approved hotel building and will be prominent in all views in the street scene when it is completed. The applicant has sought to mitigate the impact of the bulk and mass of the building by using a variety of different measures.

Most ambitiously is the proposal to add a perforated gold coloured metal 'wrap' along the north and western elevations. The 'wrap' will cover much of the western elevation and will then project over the front part of the roof pillar. projection. The applicant advises that the 'wrap' signifies the relationship with the airport and defines the entrance and has a form which reflects modern aeronautics.

This feature adds interest to the appearance of the building and helps to soften the utilitarian design of the principal building. There is space along the western elevation beyond the 'wrap' for tree planting to further soften the appearance of this end of the elevation. Whilst this does not reduce the bulk and mass of the building per se, it does make the building visually more interesting in these views.

The applicant has submitted proposed materials for the main building comprising silver coloured cladding for the west and part of the south elevation with profiled dark grey metal profiled metal cladding for part of the north, south and all of the west elevations. The west elevation will be punctuated with windows and a gold colour louvre system. The proposed 'wrap' will be gold colour perforated metallic cladding.

The proposed materials relate well to the proposed materials for the approved hotel to the west of the site and other buildings in this primarily commercial area. The use of contemporary materials is appropriate to the character of the area and to the street scene along this eastern side of Main Road and are considered acceptable, subject to the submission of samples of all materials before commencement of above ground works. A condition to this effect is recommended.

From the southern direction, the building will be clearly visible from the approach to the Main Road/Churchill Way roundabout. The building will be between 7m and 9m tall at this point. It will be set back from the Churchill Way boundary by approximately 35m and the finished floor level of the building will be approximately 1m below the existing ground level at the back edge of pavement in this area. This layout will help to mitigate the impact of the building in the street scene.

In addition there is an opportunity to undertake additional planting around the perimeter of the service yard which will provide some screening of the southern elevation. At present there isn't any existing tree planting or vegetation that would help to soften the appearance of the building. As a result of changing levels on the site, there will be a retaining wall around the service yard and the top level of the wall is approximately 1.5m above the finished floor level of the building and the service yard. The land level will be banked around the service yard wall at this point with shrub planting on top which will provide some screening for this prominent south facing elevation.

In addition to the building, the site accommodates a substantial car park for 71 vehicles which will serve the LATC and the Lookout Café. The majority of the car park is set back from the pavement and most of it will be below the existing level of the café building behind a security fence to enclose a dry detention basin. There is an existing car park for 50 vehicles on the site in a more prominent location so there is a precedent for car parking on the site.

Beyond the proposed car park, part of an existing airside hardstanding that is currently used for parking of airplanes will be developed to form a dry detention basin as part of the sustainable drainage scheme for the proposed LATC and the proposed hotel. This will be profiled and grassed and will remain as such to service the proposed buildings.

In conclusion, the proposed building will introduce a significant structure to this part of the airport site and the immediate locality. This is largely due to the significant constraints that apply to the site including aviation restrictions and the need to retain land for a hotel to the east of the site. As previously mentioned the proposed building will form part of a cluster of buildings in this area with open space around them. The building is located close to the boundary with Main Road.

It is considered that the building has been designed to provide the required internal layout for teaching and training as efficiently as possible in terms of the size of building that is needed. The design of the building is functional but the additional of the metal 'wrap, adds visual interest and a feature that will make the building unique. Landscaping features are also proposed to further soften the impact of the building and the location of the car park is not considered to be detrimental given the extent of the existing car park on the site.

As such, it is considered that the proposed development would bring visual interest to this part of the South Camp site without resulting in a building that would be over dominant or over bearing.

Impact on Neighbour Amenity

Policy 37 of the Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The primary impact on the amenity of neighbouring properties to the site will be from noise associated with the use of the site.

The applicant has submitted a Noise Assessment that considers the impact of 'noise break-out' from the site and assesses the impact of proposed plant that will be located behind a significant parapet wall on the southern part of the roof of the building.

The report advises that there are no detailed specifications for the plant items at this stage of the design so that noise limits are based on external noise surveys and expected Local Authority requirements. It is expected that it will not be difficult to comply with noise limits due to the barrier that the parapet wall provides. In addition the nearest residential properties are on the opposite side of the road to the site and set at a lower level to the road so benefitting from the screening properties of the parapet wall.

The Council's Environmental Health Officer has reviewed the submitted document and raises no objection subject to the imposition of a general condition restricting noise levels from proposed plant. A condition requiring the submission of details of the proposed plant will also allow further assessment of the actual machinery proposed to ensure that it meets the Environmental Health Officer's requirements in this respect.

In terms of daylight and sunlight the development is located on the opposite side of the road to the primary sensitive receptors and there will not be any loss of daylight and sunlight to these properties. In terms of overlooking there are no upper floor windows proposed and the side of the building is covered in the metallic wrap. For completeness a condition is recommended that requires the LPA approval to the insertion of any windows in this west elevation.

In terms of general noise and disturbance, there will be an increase in activity resulting from the proposed college. However the principle activity in this respect is likely to be around the use of the bus stops in the area. Students coming from the north by bus will alight directly outside the college. Students from the south or returning to the north will need to cross Main Road to access the local bus stop. The closest northern bus stops to the site are at the top of Saltbox Hill (north) and opposite Lunar Close (south) and activity associated with the bus stops is likely to be intermittent given the staggered operational hours of the college. On this basis it is unlikely that the proposed use would have a significant impact on local residents in this respect.

Highways and Traffic Matters (including Cycle Parking and Refuse)

In policy terms, the relevant Local Plan policies include 31 (relieving congestion) and 32 (road safety). LP Policy 30 sets out car parking standards for residential development and all other development is required to be provided at levels set out in London Plan Tables 6.2 and 6.3. London Plan policy 6.13 seeks provision for car parking and charging electric vehicles and policy 6.9 seeks suitable provision for cyclists.

These policies seek to ensure that the projected level of traffic generation will not have an adverse impact on the surrounding road network, that the level of proposed car parking is sufficient to minimise any impact on nearby streets from off-site parking, that the provision of cycle parking is sufficient to meet the London Plan and that the layout of the vehicle access provides safe access to and from the site.

The Transport Assessment (TA) advises that the site is between 1b and 2 for public transport accessibility (PTAL) where the highest score is 6b and the lowest is 1. In addition to the Transport Assessment the applicant has submitted additional information for consideration by emails dated 15.5.2019 and 21.6.2019. A draft Travel Plan has also been submitted.

Impact of the highway network (trip generation)

In calculating the trip generation and modal split for this development, the applicant advises that "The proposed education facility is not a typical education facility therefore using the TRICS database for comparison purposes is not possible. Therefore a first principles approach has been undertaken having worked closely with LSEC who has already considered class room and course teaching times in conjunction with the students travel needs."

There are 4 assumptions in the TA that are relied upon by the applicant to determine the trip generation and these are as follows:

- the development will be occupied by 200 pupils and 25 staff at any one time.
- arrival times for students will be staggered over 2 teaching periods (0815-1615, 0900-1700, 0945-1745)
- the student age range will be between 16-24 years with the majority of students being under 18 apprentices. This is important as this limits the number of students who have the ability and means to drive therefore the majority of students, given the location, will need to take either the shuttle bus or a London Bus to get to campus.

Students will be provided with a paid for shuttle bus service by London South East Colleges (LSEC) from Bromley College to the site at peak operational times of student travel.

The initial assessment of trip generation in the TA showed that the majority of the 200 students would travel to the college by shuttle bus from Bromley College (72%/144) with the remainder travelling by public bus (30%/40), by car (5%/10) and cycle (3%/6). It is anticipated that most staff will travel by car. It is estimated that there will be 6 shuttle bus trips in the morning and evening peaks with an average occupancy of 24 students per bus. It is estimated that a third of students will travel outside the peak hours. It is estimated that there will be 2-3 service vehicle trips per day and 1-2 refuse vehicle trips per week.

In terms of trip generation, the TA estimates 47 vehicle movements during the AM peak hour and 47 during the PM peak hour. On this basis the estimated % increase in traffic flow on Churchill Way will be between 10.4% and 11.4% for the peak hours. For Main Road the estimated % increase in traffic flow will be 3.2% and 3.3% for the peak hours. The applicant concludes that the college development will not have a significant impact in terms of vehicle impact on the local highway network.

The additional information set out in the Modal Split section below alters the information above, in particular, by increasing the number of likely car movements by students for 10 to approximately 25 per day. Even taking into account this increase it is considered that the development would not have a significantly adverse impact on trip generation from the development.

Modal Split

In terms of modal split, the Council's Highways Officer raised concerns about the basis on which the split was calculated in the TA. Additional information was provided by the applicant in relation to trip generation by mode of transport. The applicant has carried out a survey of 300 potential LATC students to assess their likely mode of travel to the new college. The results show the following potential travel pattern:

- 81% of existing students at LSEC come from neighbouring boroughs and 78% are on a main bus or train route.
- 50% would travel to LATC by bus
- 13% by car
- 6% by motorbike
- 19% by train
- 6% by cycle
- 6% walk

It should be noted that the applicant has advised that students were not told that there would be a shuttle bus survey at the time of the survey.

In assessing the impact of the modes of travel, the principle concern is to ensure that the use of the car by students is limited. The applicant has submitted details of mitigation measures to achieve this as follows:

- The promotion of the proposed paid for shuttle bus service to augment the local 320 public bus service,
- The restriction of the use of the 36 parking spaces to staff and students who need to travel to the college by car by the issue of parking permits (more details in the Car Parking section below),
- Discouraging students to travel by car through measures and information in the Travel Plan and a Car Park Management Plan,
- The majority of students will be aged 16-18 and they will have limited access and ability to drive,
- Provision of secure and covered cycle parking facilities,

In response the Council's Highways Officer advises that there is heavy reliance on the proposed shuttle bus service and it will be important to secure full details of the operation of the service and ensure that there is a commitment that the service will be provided in perpetuity. As such a condition requiring the submission and approval of a Shuttle Bus Strategy which will include details of the operation of the shuttle bus service is recommended.

In addition the measures submitted to moderate the use of cars by students set out above are solely limited to encouragement of students to use other forms of transport but this strategy makes no allowance for the need to mitigate against the worst case scenario where students do bring cars to the site. A more tangible and deliverable measure is needed to deal with this possibility.

On this basis the Council considers it is appropriate to secure a financial contribution of £5,000 to be used to assess the parking demand, post completion of the scheme, and to implement necessary measures, such as additional parking restrictions, if required to further deter off-site parking. The applicant has agreed to the signing of a legal agreement to secure this measure.

The submitted documents present an estimate of the likely modal split for travel to the college by students, but it is recognised that the college is a unique specialist college and the full extent of travel may not be fully known. The site is not in an area served by train so there will be heavy reliance on the shuttle bus service and the local 320 bus route. It is recognised that the applicant will take measures to encourage the use of public transport but it is likely that there will be more demand for car parking than the proposed car park can cater for so it is necessary to put in place measures to:

- Protect the car park from overspill car parking in spaces allocated for the college or the café (this is discussed in detail below), and
- Protect the surrounding road from overspill car parking that could be detrimental to the amenities of local residents.

Providing both of these measures and controls are in place, it is considered that the proposed development would not have such a significantly detrimental impact on the transport infrastructure.

Car parking

A total of 76 car parking spaces will be provided on the site. Car parking provision is required for the college and the existing Lookout Café that is located on the NE boundary of the site.

There are no parking standards for education uses in the Local Plan or the London Plan. The applicant has made parking provision for all staff and other college users who have a requirement for car parking and the TA makes an assumption that only 10 students will travel to the college by car and that these trips will generally be associated with disabled students. On this basis the applicant considers that 36 car parking spaces is sufficient for the LATC.

These 36 spaces will be allocated to the college including 3 disabled spaces. These will be solely for the use of staff (25 spaces) with 11 spaces for students with disabilities and other exceptional circumstances. These will be controlled through the issue of permits by the LATC and marking of car parking spaces to identify them for college use only.

The applicant advises that the car park will be used for some education related activities during the evening and at weekends and they expect that weekend and evening use will be low but they are not been able to provide details of the extent of this use at present as this will be developed over time. It is expected that the proposed car parking spaces will be sufficient to accommodate car borne traffic and learners will be encouraged to use public transport.

Turning to the car parking for the Lookout Café, there are 50 existing car parking spaces provided for the café at present. The submitted plan and TA show that 40 spaces will be allocated in the main car park for the café. These will be marked out to identify them as for the café only. The applicant advises that they haven't carried out any surveys regarding the current use patterns of the existing car park. However they have advised by email dated 21.6.19 that 'Biggin Hill Airport on behalf of the Café have also advised that the 40 car parking spaces is adequate to meet the future needs of the Café.' This email also advises that 'the café will need to monitor and manage their own car park to make sure that only patrons of the café use the designated spaces available for the café use. This is the same as the current situation where existing uses including the café are responsible for managing the existing car park.'

The applicant advises that the busiest time of the week for the café is during the weekends when there will be limited use of the college.

In terms of the management of the car park, the applicant advises that the spaces for the college and café uses will be identified by space marking and signage at the entrance of the car park for security purposes. An entrance barrier will be provided and remain up during the day and will then be closed at night once the café is closed. The TA advises that the management of the car park will be the responsibility of the LATC and the Café to ensure that car parking spaces are used in accordance with the space markings provided.

To fully assess and secure the measures needed to effectively manage the car parking on the site, the applicant agrees to a condition requiring a Car Park Management Plan to be agreed and implemented prior to occupation of the LATC.

However, despite the provision of some on-site car parking for the college, it is likely that students may wish to drive to college and the lack of parking could lead to off-site parking in local streets. This aspect is discussed in detail in the section relating to modal split above.

One further issue relating to the car parking provision is the proposal in the Flood Risk Assessment to allow part of the car park to flood in the event of a very extreme flood event. From the information submitted in the FRA it appears that approximately 25 spaces may become unavailable. The applicant cannot confirm how long the cars will be displaced for as this has not been formally calculated at this stage.

The applicant advises that the car park will only flood during a 1 in 100 year +40% climate change, which is a very unlikely event, and this will be the only event that will have a flood impact on the car park.

The impact of such an event is likely to be the displacement of cars from the site to surrounding streets for a temporary period of time. From the plan it is not clear if this will be parking allocated to the college or the café.

In the absence of any further detailed information, it is recommended that this aspect of the development should be included in the submissions to be considered

in the Car Park Management Plan and the Travel Plan to ensure that patrons of the café and staff at the college are encouraged to use alternative means of travelling to the site during a flood event.

Cycle parking

An enclosed cycle store will be provided on the northern boundary for 22 long stay spaces for students and staff. 24 short stay spaces will be provided along the access road resulting in a total of 46 cycle parking spaces for the college.

The London Plan requires 1 space per 4 staff + 1 space per 20 FTE students (long stay) and 1 space per 7 FTE students (short stay) for college uses. This equates to a requirements for 16 long stay spaces and 28 short stay spaces.

On the basis of the site provision indicated above, it is considered that the development meets the requirements in the London Plan for cycle parking spaces.

In addition 6 cycle parking spaces are provided adjacent to the car park to relocate the existing spaces for the café.

A condition requiring details of the methods to cover and secure the 24 spaces along the internal access road and the spaces for the Lookout Café is recommended.

Electric vehicle charging points

A condition is recommended requiring the fitting of 20% active and 20% passive electric vehicle charging points for the proposed car parking spaces for the college and the cafe.

Refuse and recycling and service and delivery

The principal bin store is located along the eastern boundary within the building envelope and this can be accessed directly from the internal access road or from the coach parking and turning area for collection. A swept path analysis has been submitted to show that refuse vehicles can turn in this area.

Service and delivery will take place from the proposed service yard located on the south side of the new building close to the main vehicle access. It is expected that there will be 1-2 deliveries per day and 1-2 refuse vehicles per week for recycling and general waste.

It is considered that these arrangements are acceptable for the operation of the college.

External Lighting of car park and access road

This document and additional plan sets out details of the external lighting of the car park, service yard and access road which will take the form of columns and bollards lights.

The lighting strategy has to comply with safeguarding requirements of Biggin Hill Airport which limits the height of columns to 2m high in the NW side of the car park. The remainder of the columns in the car park, service area and along the internal access road will be 4m high with some bollard lighting around the car park entrance and main entrance to the building.

The Council's Environmental Health Officer has reviewed the submitted documentation and has no comments.

On this basis, the proposed lighting strategy is considered acceptable and a condition requiring the development to be carried out in accordance with the submitted plans is recommended.

Trees and Landscaping

BLP Policy 73 requires new development to take particular account of existing trees on the site and on adjoining land which, in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.

BLP Policy 77 Landscape Quality and Character requires development proposals to seek to safeguard the quality and character of the local landscape

The applicant has submitted a suite of drawings relating to hard and soft landscaping, boundary treatment and assorted site furniture. The terrain of the site rises from the northern boundary towards Churchill Way by approximately 2.5m and from the west to the east boundary by approximately 2m.

There are 2 trees located within the red line boundary of the site; one oak and one ash. The landscaping plans show the removal of the ash tree which is on the kerbside and retention of the oak tree.

The Council's Tree Officer has advised that the removal of the ash is acceptable due to its deteriorating condition and future issues affecting the species. The retention of the oak is required as it is a semi-mature tree with a good retention space and is a prominent tree with the local street scene. If allowed to reach its full height the tree would be a landmark. The Tree Officer has recommended a condition requiring the submission of a Tree Protection Plan to ensure protection of the retained tree during construction works.

The submitted landscaping plans show the following details:

- Hard landscaping - the submitted plans show that the road, pathway and car park surfaces will be a mixture of light grey permeable tarmac and dark grey tarmac. The coach turning area, main entrance route and associated pathways will be grey modular concrete paving. The proposed materials are very light in colour which would be acceptable in this location.
- Soft Landscaping - the submitted plans show a mixture of tree, shrub, and ground cover planting around the perimeter of the building and in the

entrance frontage area. Tree planting is limited to species that will not compromise airport safety.

- The proposed planting scheme is considered acceptable.
- Boundaries - the part of the site around the college building will have very little boundary treatment - this is limited to a chain link gate and fencing to enclose the roadside boundary of the service yard. The dry detention basin and the northern boundary of the car park abut airside parts of the airport site and boundary treatment to BHA security standards are recommended.
- While the boundary treatment appears very utilitarian this is acceptable given its sensitive location adjacent to the airport airside boundary. The public facing elements of the development are largely unencumbered by boundaries. On this basis the boundary treatment proposed is acceptable.
- Landscape furniture - the principle furniture to consider is the enclosed cycle shelter which is located in the NE corner of the site. This is a substantial structure providing storage for 22 cycles but it is located some distance from the principle public views and as such it is considered to be acceptable

In terms of the landscaping the Council's Tree Officer advises that the proposals seems to be well laid out and will allow for low level soft landscaping. Due to the close proximity of the airport runway and taxiways, it is understood why medium to large trees have not been selected. The tree species selected for the site frontage are a good choice and will tolerate the local soil conditions and avoid clearance issues. The remaining aspects of the landscaping are to a satisfactory standard.

On the basis of the information above, proposals for tree removal and retention and landscaping of the site are considered acceptable.

Other Technical Matters

Air Quality

The scope of the report was to consider the impact of construction on air quality and dust, an assessment of exposure of the proposed users of the development and an air quality neutral assessment.

The need to undertake a detailed assessment of road traffic emissions associated with both the construction and the operation of the proposed development has been scoped out as the traffic generated by the development is not significant (less than 500 annual average daily traffic) and, as such, the impact of additional traffic on local air quality will be insignificant.

The energy for the development is to be provided via an electric solution with no energy combustion systems proposed on site. As such, there will be no assessment of the impact of these emissions required at this stage as there will be no emissions on site from the energy plant.

A risk assessment of the potential impacts of the construction phase of the proposed development has been undertaken to identify appropriate mitigation measures. Provided these are implemented, for example through a planning condition, the residual impacts are considered to be not significant.

A qualitative assessment of the impact of the proposed development to existing air quality has been undertaken with both nitrogen dioxide and particulate matter being reviewed. Concentrations at the façade of the proposed development are expected to be below the objectives in 2019 and also in the anticipated earliest years of opening (2020).

The proposed development is air quality neutral according to the Greater London Authority's (GLA) benchmarking assessment methodology.

The overall operational air quality impacts of the proposed development are judged to be not significant.

The Council's Environmental Health Officer has reviewed the submission and has no comments other than that the mitigation measures within the report should be followed. The Construction Management Plan contains a section dealing with environmental controls and the EHO advises that the measures proposed meet the requirements of the Air Quality Management Plan.

Sustainability and Energy

The applicant has submitted an Energy Statement which sets out measures to meet BLP Policy 124 and London Plan policies 5.2: Minimising carbon dioxide emissions and Policy 7.7: Renewable energy.

The report assesses the proposed development against the Building Regulations requirements and the Buildings Emissions Rate requirements.

In this instance the proposed passive and active construction methods have improved the energy performance against the baseline by 27% and emissions are below the Building Regulations Part L benchmark.

The area does not have a local district heat network and due to the small demand for heating and hot water a combine heat and power system would not be viable.

In terms of the use of renewable energy, the development has been assessed against numerous technologies and the report recommends the provision of 55 solar panels on the roof of the college and air source heat pumps. This further improves emissions to 37% when compared to the Target Emission Rate (TER).

On this basis the development meets policy requirements in terms of carbon emissions through the use of sustainable construction methods and the use of renewable energy and there is no requirement for a carbon offset contribution. A condition requiring details of the location and specification of the air source heat pumps is recommended.

Drainage and Sustainable Urban Drainage Systems

The site lies within Flood Zone 1 and Groundwater Source Protection Zone 3. The applicant has submitted a Flood Risk Assessment for consideration.

In terms of policy context the relevant BLP policies relating to drainage include Policy 115 Flood Risk, Policy 116 Sustainable Urban Drainage Systems (SUDS) and Policy 117 Water and Wastewater Infrastructure Capacity.

The submitted FRA deals with the requirements for flooding and surface water drainage for the catchment areas of both the LATC site and the hotel site to the east of the application site. The proposed strategy is similar to that already approved for the hotel site with a detention basin with deep bores to allow drainage of surface water into the aquifer below. Flows will be attenuated using permeable paving systems and the dry detention basin.

The principle drainage arrangements for this proposed development based on the drainage strategy for the approved hotel, which consists of a piped network discharging to a large detention basin which will be located on the northern most part of the LATC site. The system will provide surface water drainage for both the LATC and the proposed hotel under ref 17/05343/RECON.

The report advises that the drainage system will ensure that no flooding occurs externally for a 1 in 30 year event. Above this the main car park and some of the surrounding landscaped areas will be allowed to flood. The proposed and existing buildings will have a level of protection much higher than the 1 in 100 +40% design event. Top water levels in the drainage system are predicated to be 181.67OD which is more than 1.2m below proposed finished floor levels.

The flooding of the car park and surrounding landscaped areas on the college site will be in very extreme events (less than 3% annual probability) only. To ensure that the flood water in these very extreme events is held in the car park area, it will be sunk into the ground by 1.75m.

The recommended land levels for the hotel and LATC sites are carefully designed to ensure that the flood waters will be safely routed around the site and the proposed entrance site levels will prevent overland flows from Churchill Way coming into the site and causing flooding. The service yard will be profiled to fall away from the building to reduce the risk of flooding.

The Council's Drainage Officer advises that the submitted strategy based on the measures above is acceptable in principle. A condition requiring the submission of detailed design measures based on the principles set out in the report is recommended.

Thames Water advise that with regard to waste water network and waste water process infrastructure capacity, they would not have any objection to the above planning application, based on the information provided.

In terms of foul water sewerage, there is an existing sewer crossing the west of the site. The sewer will need to be diverted through the site to make way for the new building. The level and diameter of the diverted sewer will be subject to Thames Water approval.

In addition it should be noted that connections to new water and foul water sewers will be provided on this site to enable the proposed hotel to connect to them and conditions to secure the provision of and access to the drainage system on the LATC site for the hotel are recommended.

Contaminated Land

BLP Policy 118 requires the submission of desktop and detailed site investigation reports to include a proposed remediation strategy and closure report. Land should be remediated to a standard such that there is no appreciable risk to end users or other receptors once the development is complete.

London Plan Policy 5.21 reiterates the requirements of the Local Plan Policy 118.

A Phase I desk study and Phase II intrusive investigation by Geo Integrity has been completed and provides data relating to geological, environmental and historical information and assessment of the risk from unexploded ordnance on the site.

- Contamination

In terms of contamination, investigation of Made Ground on the southern part of the site shows that elevated levels of Polyaromatic Hydrocarbons (PAHs) have been found which could provide a risk to end users of the site. The report requires further testing to allow statistical analysis of the site. The report also advises that this is also appropriate for the northern area of the site, where sampling could not be undertaken due to its limitations with airport security.

Pending receipt of this information, mitigation measures are proposed including a cover system of 600mm for areas of the site that are not covered by hardstanding is recommended.

In addition more sample points are required for the full assessment of the Made Ground from a Human Health and Waste perspective to allow accurate statistical analysis, particularly on parts of the site unavailable for testing to date.

- Unexploded Ordnance

Due to the history of the site as a wartime airfield a separate desk top risk assessment by 1st Line Defence dated November 2017 was submitted in Appendix D of the Geo Integrity Report and this deals specifically with Unexploded Ordnance (UXO). This report was updated June 25th 2019 to fully cover the application site for the LATC.

The 1st Line Defence report concludes that there is a medium risk from Allied military ordnance and unexploded German aerial delivered ordnance on the application site.

To mitigate against this level of risk, the report recommends that a UXO expert is in attendance during groundworks at the site. A part UXO assessment has been undertaken and a full site should be undertaken prior to the commencement of development. Also CPT testing should be undertaken across the proposed building footprint area if greater surety of pile depths and carry capacity is required.

A watching brief should be undertaken and if undiscovered contamination is found then site management can be immediately informed and inspection can be undertaken by a suitably qualified person.

The Council's Environmental Health Officer has reviewed the submission and finds the site investigation works and the desk study submitted with the application are acceptable. Parts a and b of the standard condition PC23: Land Contamination Assessment have been complied with but the documents requiring a further site investigation report (part c of the standard condition) including a proposed remediation strategy and a quality assurance scheme are still required and the EHO advises that a condition requiring the submission of this information should be applied to the permission.

The Environment Agency have reviewed the submitted documents and found that they do not reveal any concentrations of contaminants that would represent a significant risk to Controlled Waters. They raise no objection to the development subject to the imposition of planning conditions controlling any future infiltration or contamination from piling or other foundation methods using penetrative methods.

On the basis of the information submitted, it is considered that the necessary steps have been taken to deal with unforeseen

Secured by Design

The proposal should incorporate Secured by Design principles (as required by BLP4) to take account of crime prevention and community safety.

The Metropolitan Police Designing Out Crime Officer has reviewed that submission and is of the view that the proposed development should be able to achieve the security requirements of Secured by Design. A condition is recommended to secure the relevant submissions.

Community Infrastructure Levy

The Council does not have its own CIL.

The development may be liable for the payment of the Mayoral CIL.

Screening Opinion for an Environmental Impact Assessment

The proposed development is Schedule 2 development (under paragraph 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2018 being an 'urban development project' with a site area of more than 1 hectare and which is not dwellinghouse development, does not involve more than 150

dwellings and does not exceed an overall area of 5ha. Whether an EIA is required is considered in relation to Schedule 3 of the Regulations, by virtue of factors such as its characteristics, location and the characteristics of potential impact. The site is not within a sensitive area as defined by the Regulations.

The Council issued a Screening Opinion on 12.6.2019 pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 in respect of this application. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Conclusion

The proposed development consists of a college that will provide specialist aviation related training for students aged 16-24 on the site of the London Biggin Hill Airport. This is a unique development that is expected to contribute to the shortage of skilled workforce that is designed to meet industry needs.

The site for the college is on the South Camp area which is one of 5 growth sites within the Biggin Hill Strategic Outer London Growth Area (SOLDC) recently approved by the Local Plan. In policy terms the Local Plan supports the growth of aviation related employment opportunities around the airport, and on this site in particular. In addition the Council supports a flexible approach in considering potential uses that are not directly aviation related but can demonstrate consistency with the role of the SOLDC.

The proposed education use is not proposed for the West Camp area where Policy 105 specifically favours a D1 use. It is proposed for the South Camp area where land for the development of a college is available to match the timing of funding for the project. Policy 106 allows for a more flexible approach and it is considered that the proposed use would meet the role of the SOLDC.

The appearance of the building has been designed to complement the prevailing industrial character of this area and the introduction of the gold design feature to highlight the presence of the college ties the building to the airport uses around the site.

In terms of car parking provision there is some uncertainty about the likely demand for car parking for students travelling to and from the site. A variety of measures to discourage students from using a car to access the site, including the provision of a shuttle bus service between Bromley College and the LATC, are proposed and it is considered that these will help limit car use. However the applicant has agreed to pay a financial contribution to review on-street parking and implement waiting restrictions deemed necessary by the Council to address parking issues that may arise in the vicinity of the development once the college is in use. On this basis it is considered that the travel arrangements of students to and from the site will not have a significantly adverse impact on the amenities of local businesses and residents.

The application also provides a new drainage strategy for the site which will provide foul water sewers and surface water drainage to the adjoining site along the west boundary. It is critical that the LATC site provides a connection to the eastward site to the new drainage system and a condition requiring the provision of a connection between the 2 sites is recommended.

Taking other factors relating to air quality, energy, contaminated land and trees and landscaping into account, it is considered that the proposed college will make a contribution to the future operation of the SOLDC in Biggin Hill Airport and, as such, it is recommended that planning permission is granted for this application subject to the signing of a legal agreement.

Background papers referred to during the production of this report comprise all correspondence on file ref: 19/01012/FULL1, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and documents listed in this condition unless otherwise agreed in writing by the Local Planning Authority:**

Plans

**101 PL-001 Rev A - Site Location Plan
101 PL002 Rev A - Existing Site Layout
101 PL003 Rev A - Proposed Ground Floor Plan
101 PL101 Rev A - Proposed First Floor Plan
101 PL103 Rev A - Proposed Roof Plan
101 PL400 Rev A - Proposed East and South Elevations
101 PL401 Rev A - Proposed West and North Elevations
101 PL402 Rev A - Proposed North-West Elevations
101 PL403 Rev A - Proposed Site Context Plan
101 PL500 Rev A - Proposed Sections A-A & B-B
101 PL 503 Rev A - Proposed Bay Elevations A (Entrance)
101 PL 503 Rev A - Proposed Bay Elevations A (Entrance)
101 PL 504 Rev A - Proposed Bay Elevations B (Typical Classroom)
HED.13153 100 Rev B - Landscape Layout Plan
HED.13153 101 Rev B - Landscape Level and Drainage Strategy
HED.13153 102 Rev B - Boundary Treatment
HED.13153 103 Rev B - Hard Landscape Strategy
HED.13153 104 Rev B - Soft Landscape Strategy
HED.13153 105 Rev B - Planting Palette**

Documents

- Air Quality Assessment by Hoare Lea dated 14.3.2019 Version 3
- Design and Access Statement by Richard Hopkinson Architects dated March 2019
- Energy Strategy Statement dated 14.3.2019 by Furness Green Partnership
- External Lighting Assessment dated 13.3 2019 by Furness Green Partnership with additional undated plan layout received 20.6.2019
- Noise Assessment by Adrian James Acoustics 12156 Rev B dated 14.3.19
- Ground Investigation Report by Geo Integrity ref 19-01-02 dated March 2019 (for the purposes of the requirements for a desk study of the site and a site investigation, including relevant soil, soil gas, surface water and groundwater sampling only)
- Planning Statement and Statement of Community Involvement by Lichfields dated March 2019
- Statement of Community Involvement by London South East Colleges received on 19.3.2019
- Townscape and Visual Appraisal by Lichfields dated March 2019
- Transport Assessment by rps JYN9773-01a V2 dated 14.3.2019 (as amended)
- Detailed Unexploded Ordnance (UXO) Risk Assessment by 1st Line Defence ref DA9126-00 dated 25.6.2019 (supersedes document in Appendix D of Ground Investigation Report by Geo Integrity ref 19-01-02 dated March 2019)
- Agent email 15.5.2019 - LATC Highway Comments (NLP-DMS.FID492800)
- Agent email 15.5.2019 - Biggin Hill LATC (NLP-DMS.FID492800)
- Agent email 21.6.2019 - Biggin Hill LATC and Hotel applications (NLP-DMS.FID492800)
- Agent email 3.7.2019 - LATC Biggin Hill (NLP-DMS.FID492800)

Reason: To accord with the terms of the application.

- 3** Prior to the commencement of the development hereby permitted, including demolition or removal of site material, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site, measures to secure provisions of on-site delivery, off-loading, turning and parking of construction and operatives vehicles, identifying efficiency and sustainability measures to be undertaken during site construction and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build

programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies 30, 31, 32 and 119 of the Bromley Local Plan of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 4 (i) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management

(ii) The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policies 37 and 73 of

the Local Plan and pursuant to Section 197 of the Town and Country Planning Act 1990.

5 (i) Prior to the commencement of development hereby the detailed design of the measures in the surface water drainage scheme for the site based on sustainable drainage principles set out in the "Flood Risk Assessment & Drainage Strategy Report" carried out by Price & Myers with Job No. 27166 Version 4 dated March 2019 and the "Drainage Strategy Addendum Report" carried out by Price & Myers Consulting with Job No. 27166 Version 2 Dated April 2019 shall be submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan. The approved scheme shall be implemented prior to the first occupation of the proposed development and permanently retained thereafter.

(ii) Prior to first occupation of the LATC development, the proposed connection mechanism to the foul and surface water drainage on the LATC site for future occupiers of land to the east of the site identified in the FRA shall be installed. These drainage works shall be completed and retained in perpetuity in order to allow connection to the drainage works located on the LATC site for the adjoining site.

(iii) Once works on the LATC site has been completed a Drainage Verification Report, including the location of the connection, shall be submitted to and approved by the Local Planning Authority to confirm these works have been undertaken in accordance with the approved details.

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan

6 (i) The proposed site investigation report and remedial strategy required in paragraph c) below shall be carried out in accordance with approved details relating to paragraphs a) and b) as set out in the Ground Investigation Report by Geo Integrity ref 19-01-02 dated March 2019 (as amended). Paras a) and b) state:

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing.

The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.

(ii) Prior to the commencement of development hereby permitted (including demolition) to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

Reason: Required prior to any commencement in order to prevent harm to human health and pollution of the environment and comply with Policy 118 of the Bromley Local Plan.

- 7 Prior to the commencement of development details of the outstanding recommendations in the 1st Line Defence report dated 25.6.2019 contained in the Ground Investigation Report by Geo Integrity ref 19-01-02 dated March 2019 in respect of unexploded ordnance shall be submitted to and approved by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: Required prior to any commencement in order to prevent harm to human health and pollution of the environment and comply with Policy 118 of the Bromley Local Plan.

- 8 Prior to the commencement of above ground works details and sample boards of all external materials to be used for the permanent development, including roof cladding, wall facing materials and cladding, windows and door frames, decorative features, and rainwater goods, where appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy 37 of the Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 9 Prior to the commencement of above ground works, details of a scheme showing the location, specification and acoustic performance of the external plant and equipment associated with the development shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details prior to the first occupation of the development.

Reason: Required prior to commencement in order to ensure that satisfactory arrangements can be secured in the interest of protecting residential amenity for adjacent properties and to comply with Policy 119 of the Bromley Local Plan.

- 10 On completion of the works, a Drainage Verification Report shall be submitted to the Local Planning Authority to confirm these works have been undertaken in accordance with the approved details and that the connections referred to in (i) above have been installed and made available for connection.

Reason: In order to comply with the requirements of Policies 116 and 117 of the Local Plan and Policy 5.13 of the London Plan and to ensure that a satisfactory and sustainable means of drainage, to reduce the risk of flooding can be achieved before development intensifies on the application site and the the adjoining site under ref 17/05343/FULL (and subsequent permissions)

- 11 (i) At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS4142:2014. Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

(ii) Prior to the commencement of above ground works, details of a scheme showing the location, specification and acoustic performance of the external plant and equipment associated with the development shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details prior to the first occupation of the development.

(iii) Following installation, but before the new plant comes into operation, measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with Policy 119 of the Local Plan and to protect the amenity of the occupants of nearby properties.

- 12 Prior to the first occupation of the LATC the coach parking shall be implemented in accordance with the approved plan 101 PL 003 Rev A and

the Transport Assessment by rps dated 14.3.2019 and permanently retained thereafter. The coach parking area shall be permanently made available for the future users of land to the east of the site currently identified on the site plan for planning application ref 17/05343/RECON (and subsequent permissions) prior to the first occupation of any development of this land.

Reason: In order to comply with Policies 30, 31 and 37 of the Local Plan and to avoid development without adequate parking provision for the LATC and public cafe, which is likely to lead to parking that is inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 13 Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include (but not be limited to) measures to promote and encourage the use of alternative modes of transport to the car, staggered start times, appointment of a Travel Plan Co-Ordinator and a senior member of staff to a Travel Plan Steering Group and other measures to reduce the impact of the development on local bus services. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management and mitigation of transport implications of the development and to accord with Policy 32 of the Local Plan

- 14 Prior to the first occupation of the development details of a scheme for the management of the car park spaces and the internal access road, including details of the marking out of allocated car parking spaces, measures to minimise the impact of displaced cars from the car park in the event of a flood event, operation of any access gates (both during college times and for out of hours use), compliance signage for users of the car park, shall be submitted to and approved in writing by the Local Planning Authority and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

Reason: In order to comply with Policies 30, 31 and 37 of the Local Plan and to avoid development without adequate parking provision for the LATC and public cafe, which is likely to lead to parking that is inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 15 Prior to the first occupation of the development details of a shuttle bus management strategy to secure the provision of a shuttle bus service to and from the site shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved documents and permanently retained unless otherwise agreed with the local planning authority.

Reason: In order to comply with Policies 30, 31 and 37 of the Local Plan and to avoid development without adequate parking provision, which is

likely to lead to parking that is inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety

- 16 Prior to the first occupation of the development details of a service and delivery plan relating to the operation of the college shall be submitted to and approved in writing by the Local Planning Authority and service and delivery activities shall take place in accordance with the approved Plan at all times unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policies 30, 31 and 37 of the Local Plan and to avoid development without adequate parking provision, which is likely to lead to parking that is inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety

- 17 Prior to first occupation of the LATC a minimum of 20% of car parking spaces shall be provided with active electric vehicle charging points and a minimum of 20% car parking spaces shall be provided with passive electric vehicle charging points and these shall be permanently retained thereafter. Details of the location of the spaces fitted with EVCPs shall be submitted to and approved prior to the installation of the EVCP units.

Reason: To minimise the effect of the development on local air quality in the vicinity of an Air Quality Management Area and to accord with Policies 6.13 and 7.14 of the London Plan 2015.

- 18 (i) The development shall be carried out in accordance with the details in the Energy Strategy Statement by Furness Green dated 14.3.2019 prior to the first occupation of the development. The approved measures shall be permanently retained and maintained in an efficient working manner.

(ii) Prior to the installation of the proposed air source heat pumps details of the location and technical specification shall be submitted to and approved by the Local Planning Authority prior to their installation and permanently retained and maintained in an efficient working manner.

Reason: In order to seek to achieve compliance with the Mayor of London's Climate Change Mitigation and Energy Strategy and to comply with Policies 5.2, 5.3 and 5.7 of the London Plan

- 19 (i) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. No above ground works shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority.

(ii) The approved measures shall be implemented before the development is occupied and the security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies 4 and 37 of the Bromley Local Plan

20 (i) Prior to first occupation of the development, the number of cycle parking spaces shown on plan HED.1353.106 Rev B shall be provided on the site and the bicycle parking/storage facilities shall be permanently retained thereafter.

(ii) Cycle parking spaces for the café shown on plan HED.1353.106 Rev B shall be provided prior to first occupation of the LATC and permanently retained for the sole use of patrons of the Café.

(iii) Details of the means of providing secure, accessible and covered cycle parking spaces for the cycle parking adjacent to the east facing elevation of the building shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved documents prior to the first occupation of the LATC and permanently retained thereafter.

Reason: In order to comply with Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

21 The development shall be used only as an Aerospace and Technology College and for no other purpose including for community use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless otherwise agreed by the Local Planning Authority. There shall be no change of use whether allowed by the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting this Order.

Reason: To ensure that any change in the use of the site can be properly assessed with regard in particular to Local Plan.

22 The college hereby permitted shall only be occupied by a maximum of 200 pupils at any one time unless otherwise agreed in writing by the Local Planning Authority

Reason: To accord with the terms of the application and in order to prevent intensification or a change in the nature of the use of the site, with particular regard to transport and travel characteristics, and to comply with Policies 32 and 37 of the Local Plan and in the interest of amenity and highway safety.

23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings or extensions shall be constructed within the school site hereby permitted without approval in writing of the Local Planning Authority.

Reason: In order to prevent intensification of the site and to comply with Policies 32 and 37 of the Local Plan and in the interest of amenity and highway safety.

24 Notwithstanding the provisions of Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order

amending, revoking and re-enacting this Order) no development by a telecommunications code system operator shall be erected or made within the site without the prior approval in writing of the Local Planning Authority.

Reason: In order that the Local Planning Authority can consider the impact of any additional telecommunications development at this site in accordance with Policies 37 and 176 of the Local Plan and in the interest of the visual amenities of the area.

- 25** The development shall be carried out in accordance with the Air Quality Assessment by Hoare Lea dated 14.3.2019 Version 3 hereby approved by the Local Planning Authority.

Reason: to ensure that the measures to improve air quality are implemented and to accord with Policy 120 of the Local Plan.

- 26** The development shall be carried out strictly in accordance with the slab levels shown on plan HED.1353.101 Rev B and HED.1353.107 Rev B.

Reason: In order to comply with Policy 37 of the Local Plan and in the interests of the visual and residential amenities of the area.

- 27** The development shall be carried out in accordance with the soft landscaping and planting details set out in plans HED.1353.104 Rev B and HED.1353.105 Rev B prior to the first occupation of development and permanently retained thereafter. The landscaping scheme as shown on the approved drawings shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted. Furthermore any boundary treatments shall be retained in perpetuity.

Reason: To accord with Policy 37 of the Local Plan and to protect the amenity of occupants of adjacent residential properties.

- 28** The development shall be implemented in accordance with the hard landscaping details set out on plan HED.1353.103 rev B prior to the first occupation of development and permanently retained thereafter.

Reason: To accord with Policy 37 of the Local Plan and to protect the amenity of occupants of adjacent residential properties.

- 29** The development shall be implemented in accordance with the boundary treatment details set out in plan HED.1353.102 Rev B prior to the first occupation of development and permanently retained thereafter.

Reason: To accord with Policy 37 of the Local Plan and to protect the amenity of occupants of adjacent residential properties.

30 The development shall be implemented in accordance with the landscape street furniture details set out on plan HED.1353.106 Rev B prior to the first occupation of development and permanently retained thereafter.

Reason: To accord with Policy 37 of the Local Plan and to protect the amenity of occupants of adjacent residential properties.

31 No windows or doors shall be inserted in the western elevation of the development hereby permitted at any time.

Reason: To comply with Policy 37 of the Local Plan and in the interests of the protection of the amenity of neighbours.

32 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to satisfy the Local Planning Authority that the trees to be retained will protect and enhance the appearance and character of the site and locality, in accordance with Policies 37 and 73 of the Local Plan and pursuant to Section 197 of the Town and Country Planning Act 1990.

33 The internal access road and car parking spaces shall not be used for the pick-up and drop-off of pupils, except in the case of emergencies.

Reason: In order to comply with Policy 32 of the Local Plan and in the interest of pedestrian and vehicular safety.

34 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy 32 of the Local Plan.

35 The development shall be implemented in accordance with the details for refuse and recycling shown in the Design and Access Statement and submitted plans prior to first occupation of the LATC and permanently retained thereafter.

Reason: In order to comply with Policy 37 of the Local Plan and in order to provide adequate refuse storage that is acceptable from the residential and visual amenity aspects

36 The external lighting for the development set out in the External Lighting Assessment by Furness Green Partnership dated 13.3.2019 and OS extract submitted by email dated 20.6.2019 shall be carried out in accordance with the approved details before the first occupation of the site. The approved scheme shall be permanently maintained in an efficient working manner

and no further external lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policies 37 and 122 of the Local Plan and in the interest of the residential and visual amenities of the area.

- 37 If, during development, contamination not previously identified is found to be present at the site then 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 Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters the site is located above a Principal Aquifer and within Source Protection Zone 3).

- 38 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted 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. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater

- 39 Piling or any other foundation designs using penetrative methods shall not be permitted 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 40 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the junctions of the proposed accesses with Churchill Way and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility

shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such, together with the stopping up of the existing access road (known as Maitland View) and provision of a new public footway in this location.

REASON: In order to comply with Policy 32 of the Local Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

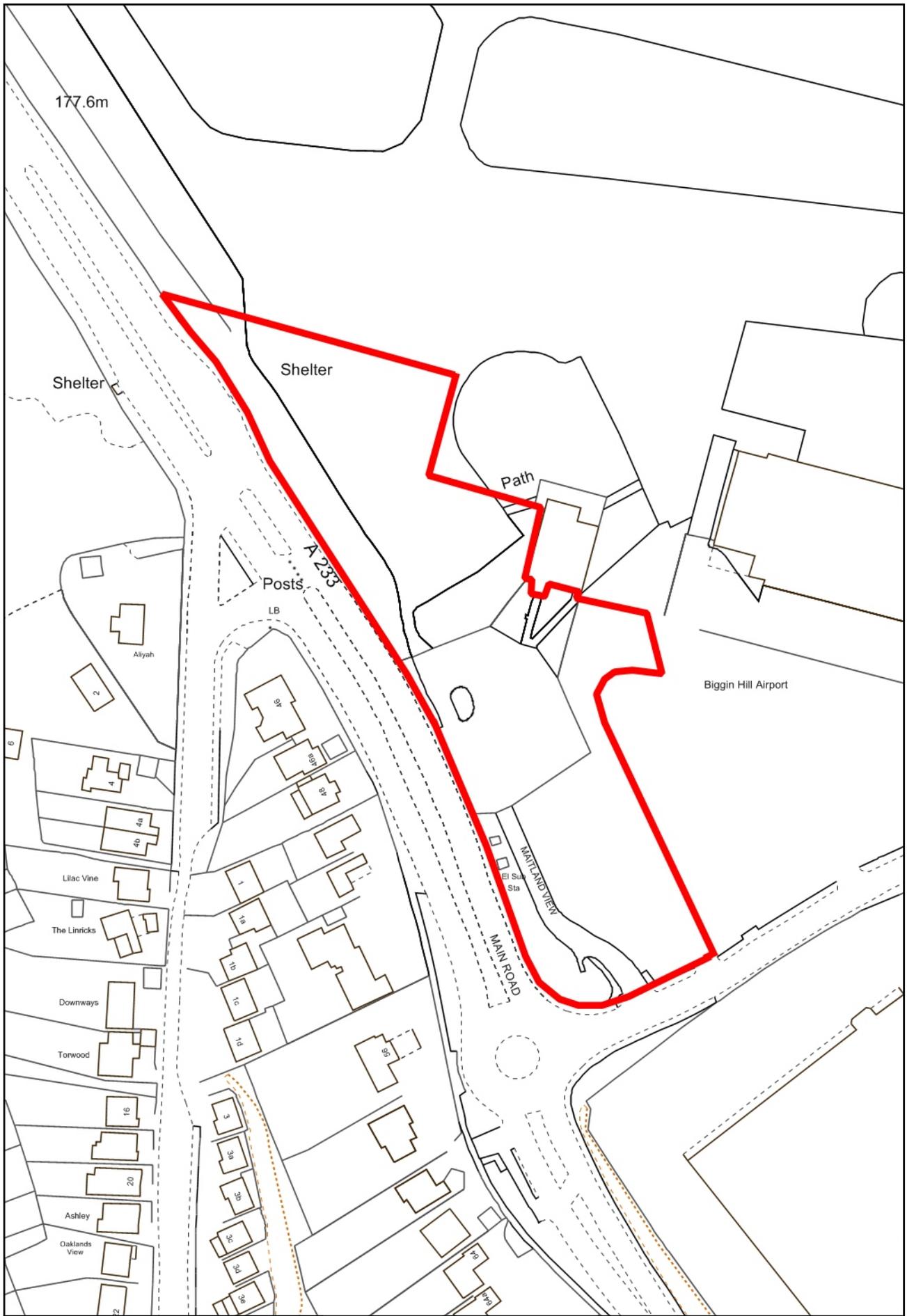
You are further informed that :

- 1 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 2 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 3 It should be noted that the information in the document entitled Ground Investigation Report by Geo Integrity ref 19-01-02 dated March 2019 is satisfactory to meet the requirements for a desk study of the site and a site investigation, including relevant soil, soil gas, surface water and groundwater sampling.
- 4 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and/or person(s) who have a material interest in the relevant land to pay the Levy (defined in Part2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on this site and/or take action to recover the debt.

Further information about the Levy can be found on the attached information note and the Bromley website www.bromley.gov.uk/CIL.

- 5 You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email address.management@bromley.gov.uk regarding Street Naming and Numbering.



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19/01012/FULL1 - Biggin Hill Airport
 Ltd, Churchill Way


Monday, July 15,
 2019

1:1500



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Application No : 17/05343/RECON

Ward:
Biggin Hill

Address : Biggin Hill Airport Ltd Churchill Way
Biggin Hill TN16 3BN

Objections: Yes

OS Grid Ref: E: 541744 N: 160173

Applicant : Biggin Hill Airport

Description of Development:

Variation of Condition 2: Approved Documents and Condition 21: Lighting Scheme of permission 17/05343/FULL (as amended by 17/05343/AMD) for hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas), lounge, gymnasium and associated access road together with service area and car parking and a sub-station to realign the vehicle entrance, adjustments to the car parking layout and coach parking area, alterations to the landscaping treatment to the west of the hotel, removal of the approved substation, amendment to approved light fixings and alterations to the drainage strategy.

Key designations:

Biggin Hill Noise Contours
Biggin Hill Noise Contours
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 24
South Camp

Proposal

In 2017, planning permission was granted for a 56 bed hotel and associated facilities including a new access road from Churchill Way under ref 17/05343/FULL. The site extends south from the south east corner of the Bombardier building and the Lookout Cafe towards Main Road and Churchill Way and its western boundary runs along the edge of the existing access road, known as Maitland View. The site is currently an area of hardstanding and open space and accommodates a car park.

An application for a non-material amendment (ref 17/05343/AMD) was granted on 11.5.2018 to allow changes to the wording of the approved conditions.

The current application seeks to make minor material amendments to conditions 2: plans and documents and 21: external lighting scheme relating to the existing permission to facilitate the reduction in land needed for the hotel scheme. This will make land available for the provision of the Biggin Hill London Aerospace Technology College (LATC) that is the subject of a separate application (ref 19/01012) which appears elsewhere on this agenda.

The amendments to the approved hotel scheme are as follows:

- Reduction of the built area (but not the red line) for the hotel development to allow the release of land along the western side of the approved car parking area on the western side of the hotel.
- The approved vehicle access to Churchill Way will remain but the internal access point to the hotel car park will be closer to Churchill Way than at present. This will result in changes to the layout of the hotel car park.
- The 2017 permission includes an area for coach parking/turning adjacent to the approved hotel car park. Coach parking/turning for the hotel will no longer be provided within the hotel application site but on land within the site of the proposed LATC. In addition, submitted plans demonstrate that there is sufficient space at the rear of the east car parking area (behind the hotel) for a coach to enter the site and turn within the hotel service area.
- This shared coach parking/turning area is shown on plan number PL003 Rev A which forms part of application 19/01012.
- Removal of the approved landscape area to the west of the hotel. A reduced area for landscaping is shown on the submitted plans.
- Relocation of an approved sub-station. This is now shown in the service courtyard of the new LATC and will have capacity to serve the LATC and the hotel.
- Amendments to the approved drainage strategy which involves the relocation of a dry detention basin from the west side of the hotel car park to an airside area that is currently used for the parking planes.

No changes to the appearance of the hotel, number of bedrooms, bulk, massing, height or siting of the approved building are proposed as part of this application. The location of the new vehicle access points will remain and the number of car parking spaces proposed will remain at 42 including 5 disabled parking bays.

The following documents have been submitted by the applicant to support the application:

Technical Note: Amendment to Biggin Hill Planning Application by rps group

This Highways Technical Note considers whether the proposed alterations to the approved hotel development will have an adverse impact on the approved highway network and operation of the site.

The Note concludes that there are no relevant transport or safety implications arising from the proposed changes.

External Lighting Assessment by Furness Green Partnership

The report assesses the impact of proposed changes to the external lighting strategy previously approved and advises that the proposed changes accord with relevant standards and take account of the need to create a safe environment for college staff and students.

Summary of Amendments to Planning Permission 17/05343/FULL (as amended by 17/05343/AMD)

This document provides drawings to show the changes between the consented and proposed plans.

Drainage Strategy Addendum Report to Flood Risk Assessment and Drainage Strategy Report by Price and Myers

A report entitled Flood Risk Assessment and Drainage Strategy Report by Price and Myers has been submitted as part of the LATC application (ref 19/01012) for consideration. It is proposed that the LATC and hotel will share drainage infrastructure.

A Drainage Strategy Addendum Report (including the principal FRA as an Appendix) has been submitted with the current application to set out changes to the hotel site that are needed to accommodate the LATC.

The proposal is to provide a dry detention basin on land within the red line of the LATC but outside the red line for the approved hotel scheme. This replaces the approved detention areas to the front of the hotel. In addition permeable paving systems are proposed. These measures are designed to deal with extreme rainfall events. However in very extreme events the strategy allows for the flooding of low lying areas including the main car park on the college site only.

For foul sewerage, the existing foul sewer, to which the hotel would be connected under the existing permission, must be diverted to accommodate the proposed LATC building so a new route has been allowed through the LATC site which includes a connector within the LATC site to allow the hotel to connect to the new sewer in due course.

Location and Key Constraints

The application site is located within the south western corner of the London Biggin Hill Airport within the designated 'South Camp' area which forms part of the Biggin Hill Strategic Outer London Development Centre (SOLDC). The site lies within Flood Zone 1 and within Groundwater Source Protection Zone 3 (SPZ).

A Site of Interest for Nature Conservation (SINC) is located to the north west of the site on the opposite side of Main Road.

There are no other constraints affecting the site.

Existing vehicle access to the site is via Churchill Way and Maitland View from the roundabout with Main Road, which is a London Distributor Road (A233). The Public Transport Accessibility Levels (PTAL) rating for the site is between 1b and 2 (where 6a is the highest and 1 is the lowest)

The site currently comprises hardstanding areas and open grassed areas. There is one tree on the southern boundary of the site which fronts Churchill Way. To the east of the application site is a hangar for Bombardier which was constructed in 2009. To the north of the application site is the Lookout Cafe and a car park.

To the south east of the site are buildings that form part of the Biggin Hill Business Park and there are residential buildings on the opposite side of Main Road to the west of the site.

Consultations

Comments from Local Residents

Nearby properties were notified and 1 representation objecting to the proposal has been received at the time of writing this report. The comments received are summarised below:

- Proposed car parking for hotel and proposed LATC is inadequate.
- Potential damage from hotel related parking in the unmade Sunningvale Avenue.
- Multiple water leaks, sinkholes over last 12 months associated with the site and Main Road should be resolved.

Comments from Consultees

- LBB Highways

The hotel was permitted in March 2018. An application has been submitted for a Technical College on the adjacent site which would mean that revisions are required to the hotel layout.

A Transport Technical Note (TN) was submitted with the application. The access to the main parking area is being amended, which I would have no issue with, and the number of parking spaces is remaining the same.

A coach turning area was provided with previous application which is now part of the college site. The TN says the college and hotel will share the coach turn around area, will this need to be conditioned? Also coaches can park to the north of the hotel staff parking area indicated on the plan in App B of the TN.

One of the issues that arose during the consideration of the planning application for the hotel was the parking provision.

The application indicated that the hotel was to be primarily aimed at pilots and crew who have flown into the airport, private aircraft travellers seeking accommodation

before an onward trip to London or customers doing business with companies located on the airport. This was then used to justify the lower level of car parking proposed. However, if it became a more commercial concern with a wider clientele more parking may be required. A condition was applied (no. 16) that a survey should be carried out 18 months after first occupation to ensure there was sufficient parking and if there was not further parking should be provided. The reduction in size of the hotel site reduces the options for additional parking.

I do not think a construction management plan has yet been submitted for the hotel but it will need to take account of the possibility of the hotel and college being built at the same time.

I assume that the same conditions will apply as with the previously consented scheme and I would have no objection to the application.

- LBB Drainage

I note the amendments include:

- Realignment of the entrance into the hotel main car park.
- Removal of landscaping to the west of the hotel due to the college location.
- Relocation of the new substation.
- Changes to the drainage strategy. The strategy relates to a detention basin for the hotel and the proposed college.

The submitted "Drainage Strategy Addendum Report" carried out by Price & Myers Consulting with Job No. 27166 Version 2 Dated April 2019 to incorporate detention basin situated north-west of the site, permeable paving and deep borehole soakaways to attenuate for surface water run-off are acceptable.

The Drainage Officer further advises that the report does not include detailed design information which should be secured by a pre-commencement conditions.

- LBB Environmental Health

I have considered the information submitted and have no objections to the variation (relating to external lighting).

- LBB Trees

The variations do not change the position on tree constraints. The landscaping is yet to be satisfactory. More advanced tree planting is required.

The area to the west of the proposed developed section of the site offers itself to soft landscaping. Low level trees should be selected to make best use of the space from an amenity viewpoint. I totally understand the avoidance of large tree selection here. This is a concept I have agreed with on the neighbouring site that is much closer to the airport runway/taxiways. The airport building height is a good point of comparison. The selection of species that do not exceed 10m is achievable.

I would expect to see a degree of small tree/shrub selection in this part of the site to meet the Council policy on landscaping.

I would recommend the following conditions are applied to achieve landscaping to a satisfactory standard:

- details of tree protection during construction
- the submission of a detailed landscaping scheme are recommended
- no storage of construction related materials and equipment under the tree canopy.

Environment Agency (EA)

We have reviewed the submitted information in support of this application and have no objection to the variation of condition 2 and condition 21 respectively.

Thames Water (TW)

Thames Water confirms the foul water condition referenced, can be discharged based on the information submitted. The application was only relating to drainage, therefore there are no water comments to make.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in for this proposal includes the Bromley Local Plan (2019) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

Policy Context

The list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

1. Local Plan

Current Policies relevant to this application include

30: Parking

31: Relieving Congestion

34: Highway Infrastructure Provision

37: General Design of Development

53: Land Adjoining Green Belt or Metropolitan Open Land

88: Hotels
103: Biggin Hill Strategic Outer London Development Centre (SOLDC)
106: South Camp
110: Noise Sensitive Development in Biggin Hill
113: Waste Management
115: Reducing Flood Risk
116: Sustainable Urban Drainage Systems
1119: Noise Pollution
120: Air Quality
121: Ventilation and Odour Control
122: Light Pollution
123: Sustainable Design and Pollution
124: Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy.

2. In strategic terms the most relevant London Plan 2015 policies include:

2.6: Outer London: Vision and Strategy;
2.8: Outer London: Transport;
2.16: Strategic Outer London Development Centres;
4.5: London's Visitor Infrastructure;
5.1: Climate Change Mitigation;
5.2: Minimising Carbon Dioxide Emissions;
5.3: Sustainable Design and Construction;
5.6: Decentralised Energy in Development Proposals;
5.7: Renewable Energy;
5.13: Sustainable Drainage;
6.3: Assessing Effects of Development on Transport Capacity;
6.9: Cycling;
6.10: Walking;
6.12: Road Network Capacity;
6.13: Parking;
7.1: Lifetime Neighbourhoods;
7.2: An Inclusive Environment;
7.3: Designing Out Crime;
7.4: Local Character;
7.5: Public Realm;
7.6: Architecture;
7.14: Improving Air Quality;
7.15: Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes; and
8.3: Community Infrastructure Levy.

Please note that the Draft London Plan has been issued for consultation and the policies have been subject to examination. The weight attached to the draft policies increases as the Local Plan process advances as set out in the NPPF

3. National Policy

The National Planning Policy Framework 2019 (NPPF) and the NPPG are also relevant.

Planning History

The relevant planning history relating to the application site is summarised as follows

09/01194/FULL1 - Hotel comprising 76 bedrooms with restaurant, viewing terrace, meeting/ training rooms, administration area, gym/ sauna, function room, pilots lounge and associated facilities together with car parking and service area, and new access road. Approved 14.8.2018

11/02816/EXTEND - Extension of time limit for implementation of permission ref. 09/01194 granted for hotel comprising 76 bedrooms with restaurant, viewing terrace, meeting/ training rooms, administration area, gym/ sauna, function room, pilots lounge and associated facilities together with car parking and service area, and new access road. Approved 18.1.2012

17/05343/FULL1 - Hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas), lounge, gymnasium and associated access road together with service area and car parking and a sub-station. Approved 13.3.2018

17/05343/AMD - Amendment to application 17/05343/FULL1: Hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas), lounge, gymnasium and associated access road together with service area and car parking and sub-station to allow for changes to the approved conditions. Approved 11.5.2018.

On the adjoining site the following application is awaiting determination and appears elsewhere on this agenda:

19/01012/FULL - Erection of a new College facility (Class D1), creation of a new access and car and cycle parking, 3 substations, servicing, new public realm, hard and soft landscaping and other works.

Planning Considerations

It is considered that the main planning issues relating to the proposed scheme are as follows:

- Principle of Development
- Highways and Traffic Matters
- Drainage and Sustainable Urban Drainage Systems
- External Lighting
- Landscaping

Principle of Development

The NPPF Paragraph 11 identifies the presumption in favour of sustainable development and that planning permission should be granted if it is in accordance with the development plan. Paragraph 38 of the NPPF states that decision makers should seek to approve applications for sustainable development where possible.

As previously mentioned the purpose of this application is to amend the extent of built development for a proposed hotel on the application site. The applicant advises that the changes are required to facilitate the development of the Biggin Hill LATC which will be sited on land that forms part of the approved scheme for the hotel.

The acceptability of the principle of development of the site for a hotel was established as part of the consideration of the planning application ref 17/05343/FULL which was approved in November 2017. The principle as to whether a hotel is acceptable on this site is not changed by the minor material amendment application and, as such, remains acceptable.

The current matter for consideration is whether the provision of a hotel on a reduced site area is acceptable. The proposed changes that are set out in the Proposals Section above will be considered in more detail in the following sections of the report.

Highways and Traffic Matters

In policy terms, the relevant BLP policies include 31 (relieving congestion) and 32 (road safety). BLP Policy 30 sets out car parking standards for residential development and all other development is required to be provided at levels set out in London Plan Tables 6.2 and 6.3. One in 5 spaces should have provision (both active and passive) for electric vehicle charging points.

A Highways Technical Note has been submitted with this application which considers the impact of the changes proposed as follows:

- Proposals for vehicle access to the site via 2 new access points (west and east of the hotel) from Churchill Way and the closure of the existing access remain unchanged.
- The west entrance will provide access to the hotel but also to the proposed LATC.
- On entry to the site, via the west access, the proposed plans show a new internal layout whereby entry to the principal hotel car park will be immediately after leaving Churchill Way. The Highways Officer advises that the position of this access point to Churchill Way is acceptable.
- To facilitate this repositioned entry point, the internal car parking layout has been amended but the number of parking spaces has not been altered. The Highways Officer advises that the new car parking layout is acceptable.

- During the consideration of the 2017 application, concerns were raised regarding the proposed level of car parking to be provided for the hotel. To address this concern a condition was added to the permission which requires a traffic survey of the vehicle entrances to be undertaken 18 months after the first occupation of the hotel to ascertain the parking accumulation of the hotels car park. If the number of vehicles exceeds the parking capacity by more than 5% on more than 3 days during the survey period, the developer shall provide details showing the provision of additional parking on the site to the LPA. This condition will be repeated.
- Should the need for space for additional car parking arise as a result of the parking survey above, there is capacity within the smaller site to provide additional spaces.
- On the approved drawings the proposed hotel coach parking/turning area was in front of the hotel but the land previously allocated for this function is to be removed to accommodate the proposed LATC. The RPS Technical Note and covering letter submitted with the application advises that the coach parking/turning area for the hotel will now be provided on land to the north of the drop-off area for the hotel which is outside the site boundary of the hotel permission but currently within the ownership London Biggin Hill Airport.

The submitted plans show that coaches for the hotel will access the site via the new west access and will follow the internal access road to the parking/turning area on the LATC site. Appendix B of the Technical Note provides plans showing the swept path of a 12m coach and the Highways Officer advises that there is sufficient space for coach parking and turning in this area.

To avoid clashes in demand for the use of this space, the availability of this space for the use by the hotel is considered in the Technical Note. The Note advises that the college is likely to use the space for shuttle buses which will operate to a specific timetable to bring students to and from the site. This will be made clear to the hotel. In the event of a clash the hotel will be able to use space within its own site at the northern end of the east car park for parking and turning coaches. The swept path plans show that a 12m coach can be accommodated in this area.

A condition is recommended which restricts the occupation of the hotel until details for the provision of coach parking in accordance with the submitted RPS Technical Note and Lichfields covering letter have been approved. This will ensure that the hotel development cannot operate until there is an acceptable provision for coach parking for the hotel use.

It should be noted that highway related conditions from 17/05343/AMD will be repeated with the addition of a condition requiring the provision of electric vehicle charging points .

In order for the proposed hotel development to secure access to coach parking that will be provided on the LATC site, a condition has been recommended for the

LATC application ref 19/01012 requiring that the development of the site is implemented in accordance with full approved details and the proposed coach parking is made available for the land to be occupied by the hotel in perpetuity prior to the first occupation of the LATC.

In conclusion, it is considered that the changes above in relation to coach parking and the potential need for additional car parking on the site in the future will not have a significantly adverse impact on the operation of the proposed hotel or the amenity of nearby residents subject to the compliance with the recommended conditions.

Drainage and Sustainable Urban Drainage Systems

In terms of policy context, the relevant Local Plan policies relating to drainage include Policy 115 Flood Risk, Policy 116 Sustainable Urban Drainage Systems (SUDS) and Policy 117 Water and Wastewater Infrastructure Capacity.

Under the previous permission for the hotel, a drainage strategy by Hoare Lea was submitted and assessed for the hotel site only. The strategy was approved subject to a condition requiring the submission of full details of the surface water drainage scheme. To date, this condition has not been discharged.

A Flood Risk Assessment and Drainage Strategy Report by Price Myers has been submitted for the LATC application which advises that the foul and surface water drainage for the LATC and hotel sites are to be provided as part of a joint strategy for the 2 sites. For the current hotel application an Addendum to the FRA, with the FRA attached as an Appendix, has been submitted to assess the changes in the drainage for the hotel site in particular.

The principal change is the relocation of the dry detention basin from the front of the hotel to land to the north of the proposed college car park, land which is currently used for airside purposes. This land is included in the red line for the LATC 19/01012 application but not within the red line for the hotel application. The basin will be part of a strategy which includes permeable parking to parking bays, convenience swales and 2 deep bore soakaways which will enable water to be discharged to the chalk stratum underlying the site. Flows from extreme rainfall events will be attenuated through this system. However during very extreme events (less than 3% annual probability) some of the low lying areas including the main car park for the college site will be allowed to flood. It is not anticipated that there will be any flooding of the hotel car park.

In terms of foul water drainage, the existing sewer that the hotel would have connected to will be diverted to accommodate the LATC. This diversion will be undertaken on the LATC site and the hotel will need to connect to this sewer. The final route of the sewer is not confirmed and will need to be agreed with Thames Water.

In order for the proposed hotel development to secure access to the joint drainage scheme, that will be principally implemented on the LATC site, a condition has been recommended for the LATC application ref 19/01012 requiring that the

development of the site is implemented in accordance with full approved details and the proposed connections made available for the land to be occupied by the hotel in perpetuity prior to the first occupation of the LATC development.

In terms of the acceptability of the Addendum Report the Council's Drainage Officer advises that the proposed strategy is acceptable. He has also commented that the proposed Drainage Strategy report submitted with the LATC application is acceptable in principle, For both applications further submission of the design details of the strategy is required prior to the commencement of development.

In conclusion, it is considered that the drainage strategy for the hotel site is acceptable subject to the submission of further design details and compliance with recommended conditions in terms of connectivity between the hotel and LATC sites.

External Lighting

The Local Plan Policy 122 relates to light pollution and requires that lighting should, not have an adverse impact on residential amenity, road safety, landscape and nature conservation not be visible from a wider area.

Under permission 17/05343/AMD, condition 21 required the submitted lighting scheme to be implemented in accordance with the approved details prior to first occupation for the development.

The update report for this application advises that the proposed changes relate to the relocation of the car park entrance road off the internal access road. The lighting to the visitor car park and the hotel entrance will be unchanged. Lighting to the rest of the internal access road and the coach turning area has been omitted in this application as this aspect of lighting will be delivered as part of the application for the LATC.

The Council's Environmental Health Officer has reviewed the submitted documents and advises that there are no objections to the submitted proposals. As such condition 21 of the AMD will be amended to refer to the current amendment report

Landscaping

As a result of the proposed amendments, the area that will be available for landscaping directly relating to the hotel will be significantly reduced.

Submitted indicative landscape plans show that there will be opportunities to provide hard and soft landscaping on the site which would result in an attractive, landscaped setting for the hotel. The Council's Tree Officer advises that the proposed landscaping scheme is acceptable in principle and further detail of the scheme and planting are required for approval. A condition to this effect is proposed.

Conclusion

The principle of the development of this site for a hotel has been established under reference 17/05343/FULL in 2018. The reason for the proposed changes in this application is the opportunity to provide an aerospace and technology college which will be placed between the approved location of the hotel building and Main Road. This proposal is the subject of a separate planning application which appears elsewhere on the agenda under ref 19/01012.

It should be noted that the new college building will provide an interesting contemporary building that will complement the local character of the area and bring aviation related employment opportunities and training and education opportunities to the Biggin Hill Strategic Outer London Development Centre (SOLDC) as set out in Local Plan policy for the area.

There are two principal changes to the operational activity on the hotel site resulting from this application, namely alterations to the drainage scheme previously submitted and access to coach parking facilities.

There is significant reliance on the joint working between the LATC and the existing and future owners of the application site in respect of drainage and coach parking to ensure that an approved scheme for the hotel can be delivered. The submitted documents confirm this desire. However it is necessary to recommend conditions for both sites to ensure implementation of the details of works on the LATC site and then ensure their availability at the point of implementation of the hotel development in the future. The conditions relating to the provision of the drainage and coach parking and measures to ensure their delivery prior to the occupation of the LATC are recommended on application 19/01012 which appears elsewhere on this agenda. Conditions requiring the delivery of the drainage and coach parking on this site prior to the occupation of a future hotel development are recommended in this application.

In addition, it is considered that the amendments will not have an adverse impact on the character of the area, the appearance of the street scene and amenity of local residents.

On this basis the proposed application to amend the approved scheme for a hotel on this site is acceptable.

Background papers referred to during the production of this report comprise all correspondence on file ref: 17/05343/RECON, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than 13.3.2021.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans and documents as follows:**

Plans and drawings

- o 1903_001 Rev P5 - Site Location Plan**
- o 101A 002 Rev B - Proposed Site Block Plan**
- o 101A 005 Rev B - Site Plan As Proposed**
- o 101A 010 Rev A - Ground Floor Layout As Proposed**
- o 1903_011 Rev P15 - First Floor Layout As Proposed**
- o 1903_012 Rev P14 - Second Floor Layout As Proposed**
- o 1903_013 Rev P2 - Roof Layout As Proposed**
- o 1903_020 Rev P11 - Elevations As Proposed**
- o 1903_021 Rev P10 - Longitudinal and Cross Sections**
- o 101A 010 Rev A - Proposed Site Elevations**
- o 1903_030 Rev P3 - Detail Typical Elevations**
- o 1903_031 Rev P1 - Detail Typical Cross Section**
- o 1903_050 Rev P2 - Bin Store Details**
- o 1903_101 Rev P1 - Accessible Bedroom Layout**
- o 1903_201 Rev P2 - Bedroom Detailed Layout**
- o 1903_205 Rev P1 - Bedroom Detailed Section AA**
- o 1903_206 Rev P1 - Bedroom Detailed Section BB**
- o 1903_207 Rev P1 - Bedroom Detailed Cross Section**

Supporting Documents

- o Design and Access Statement - HMY (October 2017)**
- o Planning Statement - Lichfields (November 2017)**
- o Market Assessment and Statement of Need - GVA (October 2017)**
- o Transport Statement - Motion (October 2017) and Technical Note by RPS dated 02.04.2019**
- o Desk Study Report - GEA (October 2017)**
- o Sustainability Statement - Hoare Lea (October 2017)**
- o Energy Strategy - Hoare Lea (October 2017)**
- o Ventilation and Extraction Statement - Hoare Lea (October 2017)**
- o Air Quality Assessment - Hoare Lea (October 2017)**
- o External Lighting Assessment - Furness Green dated 3.4.2018**
- o Noise Assessment - Bickerdike Allen Partners LLP (October 2017)**
- o Statement of Community Involvement - Forty Shillings (October 2017)**
- o Covering letter by Lichfields dated 8.4.2019**

o Summary of Amendments to Planning Permission 17/05343/FULL by Richard Hopkinson Architects (as emended by DC/17/05343/AMD dated March 2019

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with Policy 37 of the Local Plan

- 3 Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development above ground level. The development shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy 37 of the Local Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of proposed hard and soft landscaping. This shall include indications of all proposed and existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection (if necessary), in the course of development.**

The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species.

REASON: In order to comply with Policy 37 of the Local Plan and to secure a visually satisfactory setting for the development.

- 5 No building materials, equipment, vehicles, plant, oil or other petroleum products shall be stored or allowed to stand within the branch spread of the trees to be retained on site, with the exception of the driveway and existing hard surfaces.**

Reason: To ensure that the trees to be retained are adequately protected, in the interests of visual amenity and to comply with Policy 73 of the Local Plan.

- 6 Prior to the commencement of development hereby permitted the detailed design of the measures in the surface water drainage scheme for the site based on sustainable drainage principles set out in the "Drainage Strategy Addendum Report" carried out by Price & Myers Consulting with Job No. 27166 Version 2 Dated April 2019 which includes the Flood Risk Assessment & Drainage Strategy Report" carried out by Price & Myers with Job No. 27166 Version 4 dated March 2019 shall be submitted to and approved by the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves**

reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

(ii) the drainage scheme shall be carried out in accordance with the approved details prior to the first occupation of the development and permanently retained thereafter.

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan

7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on the Desk Study Report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

REASON: For the protection of Controlled Waters. The site is located over a Principal Aquifer and within SPZ3 and it is understood that the site may be affected by historic contamination.

8 If, during development, contamination not previously identified is found to be present at the site then 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 Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

REASON: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

- 9 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

REASON: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- 10 Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted 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. The development shall be carried out in accordance with the approval details.

REASON: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 11 Piling or any other foundation designs using penetrative methods shall not be permitted 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 groundwater. The development shall be carried out in accordance with the approved details.

REASON: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 12 Before the use commences details of all fixed plant shall be submitted to the LPA to confirm that the criteria of the Bickerdike Allen Partners LLP report ref A11128-R01A-NW have been met. Any plant shall be installed in accordance with the approved details and permanently maintained in accordance thereafter.

REASON: To ensure that there are no adverse impacts in respect of noise and to comply with London Plan Policy 7.15.

- 13 Before the use of the hotel first commences details of the kitchen extract system shall be submitted to and approved by the Local Planning Authority. The kitchen extract system shall be installed in accordance with the approved details and shall be permanently maintained thereafter.

REASON: To ensure adequate means of ventilation for the kitchen and to comply with Local Plan Policy 121

- 14 Prior to the first occupation of the building hereby permitted parking spaces and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land.

REASON: In order to comply with Policy 30 of the Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 15 After 18 months from the first occupation of the hotel by guests a traffic survey should be undertaken at both vehicular entrances to the parking areas to ascertain the parking accumulation of the hotels car park. The surveys should be undertaken over a minimum 7 day period and should clearly show vehicle movements in and out of the car parks during the period. The results shall be provided to the Local Planning Authority for approval. If the number of vehicles is shown to exceed the parking capacity by more than 5% on more than 3 days during the survey period, the developer shall prepare details showing the provision of additional parking on the site to the Local Planning Authority. The additional parking shall be provided within 6 months following agreement in writing by the Local Planning Authority and permanently retained thereafter.

REASON: To enable an assessment of the future parking demand associated with the hotel and secure the provision of additional parking if required, to comply with Policies 31 and 32 of the Local Plan.

- 16 Details of the layout of the access roads and turning areas including the junctions with Churchill Way together with the reinstatement of the redundant section of the existing access road and its junction with Churchill Way shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works. These access arrangements shall be substantially completed in accordance with the approved details before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

REASON: In order to comply with Policy 30 of the Local Plan and in the interest of pedestrian and vehicular safety.

- 17 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the junctions of the proposed accesses with Churchill Way and with the exception of trees

selected by or the Local Planning Authority no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.

REASON: In order to comply with Policy 30 of the Local Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.

- 18 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

REASON: In the interest of pedestrian and vehicular safety and in order to comply with Policy 30 of the Local Plan.

- 19 The car parking area hereby permitted shall be used only by customers and employees of the premises at the application site and for servicing of the said premises hereby permitted.

REASON: Development without adequate parking or garage provision is likely to lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety and would not comply with Policy 30 of the Local Plan.

- 20 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

REASON: In order to comply with Policy 30 of the Local Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 21 The lighting scheme shall be implemented in accordance with the details set out in the External Lighting Assessment by Furness Green Partnership ref 769/25/1/4 Rev 00 dated 3.4.2019 before the first occupation of the development hereby permitted, and shall be permanently retained in accordance with these details thereafter.

REASON: In order to comply with Policy 37 of the Local Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 22 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

REASON: In order to comply with Policy 30,31 and 32 of the Local Plan and in the interest of the amenities of the adjacent properties.

- 23 Prior to the commencement of development above ground level, full details of the sustainability measures as set out in the Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the approved details prior to the first use of the hotel and permanently retained in working order thereafter.

REASON: To comply with London Plan Policy 5.2. and Policy 124 of the Local Plan.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the building(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

REASON: To prevent an overdevelopment of the site and to protect the amenity of future adjoining residents and the character and amenity of the area in accordance with Policy 37 of the Local Plan.

- 25 Prior to the first occupation of the proposed development details of the location and extent of coach parking for the development based on the details set out in the RPS Technical Note ref JYN9773-03 dated 2.4.2019 and covering letter by Lichfields dated 8.04.2019 shall be shall be implemented in accordance with the approved details and permanently retained thereafter.

Reason: In order to comply with Policies 30, 31 and 32 of the Local Plan and development without coach parking is likely to lead to parking incovenient to other road users and be detrimental to amenities and prejudicial to road safety.

- 26 (i) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the

areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

h) A specification for scaffolding and ground protection within tree protection zones.

i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Arboricultural supervision and inspection by a suitably qualified tree specialist

n) Reporting of inspection and supervision

o) Methods to improve the rooting environment for retained and proposed trees and landscaping

p) Veteran and ancient tree protection and management

(ii) The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy 37, 73 and 74 of the Bromley Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990

27 Prior to first occupation of the development a minimum of 20% of car parking spaces will be provided with active electric vehicle charging points and a minimum of 20% car parking spaces will be provided with passive electric vehicle charging points and these shall be permanently retained thereafter. Details of the location of the spaces fitted with EVCP shall be submitted to and approved prior to the installation of the EVCP units.

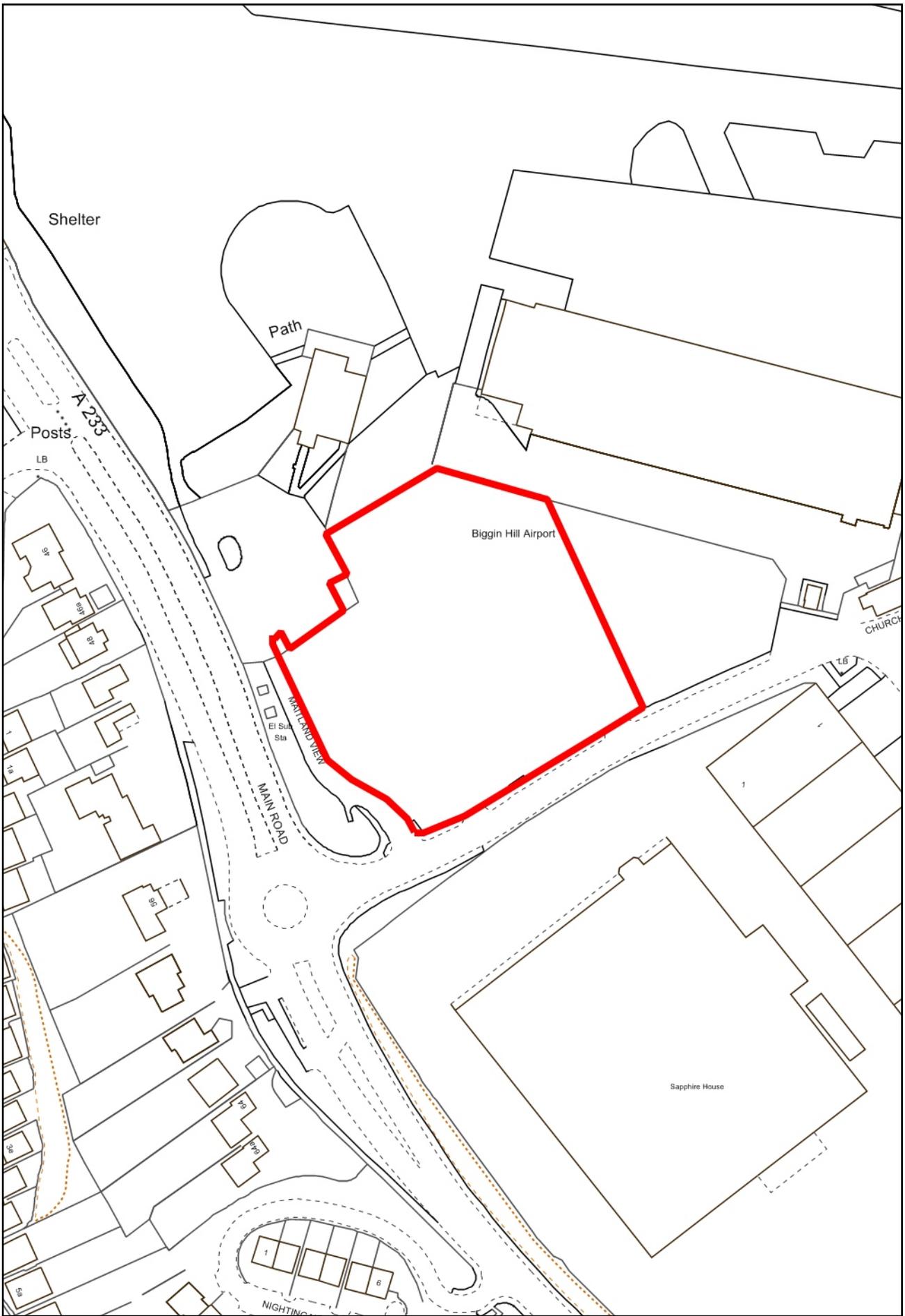
Reason: To minimise the effect of the development on local air quality in the vicinity of an Air Quality Management Area and to accord with Policies 6.13 and 7.14 of the London Plan 2015.

28 Notwithstanding the provisions of Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no development by a telecommunications code system operator shall be erected or made within the site without the prior approval in writing of the Local Planning Authority.

Reason: In order that the Local Planning Authority can consider the impact of any additional telecommunications development at this site in accordance with Policies 37 and 89 of the Local Plan and in the interest of the visual amenities of the area.

You are further informed that :

- 1 Please be aware that the development hereby permitted must remain landside of the airport and available for use by the general public.**



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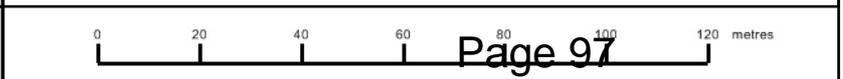


17/05343/RECON - Biggin Hill Airport
Ltd, Churchill Way



Monday, July 15,
2019

1:1500



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Report No.
DRR00000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 23 July 2019

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

Title: ARTICLE 4 DIRECTION - THE DRIFT, KESTON

Contact Officer: Tim Horsman, Planning Development Control Manager
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Bromley Common and Keston

1. Reason for report

To seek agreement to confirm the Article 4 Direction for The Drift, Keston.

2. **RECOMMENDATION**

Members are requested to recommend to the Portfolio Holder the issuing of the Direction.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

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

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications:
-

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: Direction was originally requested by Ward Councillor

3. COMMENTARY

- 3.1 An Article 4 Direction for The Drift in Keston was previously authorised in 2015. The Direction was not made at that time but was authorised by the Portfolio Holder for Renewal and Recreation in June 2018. Following the one year period and consultation, this report seeks approval to proceed with the previous decision. The original report is appended.
- 3.2 Representations have been received against the making of the Direction on behalf of the landowner. These state that it is not expedient to make an Article 4 Direction in this location and that the Council is not exercising its powers reasonably or in the public interest. Concerns are raised about the delay in pursuing the Direction so long after it was originally proposed, and that there is no evidence which supports the Council's case for a Direction. Representations are available for Members to view.
- 3.3 The agent on behalf of the owner also asked the Secretary of State to intervene to decline to allow the Council to make a Direction, however the Secretary of State has confirmed he does not wish to intervene in the matter.
- 3.4 There has been no substantive change to the potential threat from various forms of permitted development which were set out in the original report justifying the Direction, and it is recommended that the Direction be completed.

4. POLICY IMPLICATIONS

- 4.1 In accordance with development plan policies seeking to protect the Green Belt from development which harms its openness and character.

5. FINANCIAL IMPLICATIONS

- 5.1 The 12 month period during which compensation can be claimed in the event of planning permission being refused for development which would otherwise not require permission has now passed and there is no further right to compensation in respect of the Direction.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN; PERSONNEL IMPLICATIONS; LEGAL IMPLICATIONS; PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	Previous committee reports Representations on behalf of landowner Confirmation of non-intervention from Secretary of State

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Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 9 June 2015

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

Title: LAND ADJACENT TO THE DRIFT, KESTON BR2 8HL

Contact Officer: Tim Horsman, Planning Development Control Manager
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Bromley Common and Keston;

1. Reason for report

An area of land adjacent to The Drift and fronting Croydon Road in Keston has been identified as being a sensitive area of Green Belt and vulnerable to development that may be carried out under permitted development and could harm the openness and character of the area.

2. **RECOMMENDATION(S)**

Members are asked to agree that the Portfolio Holder authorise an Article 4 Direction for land adjacent to The Drift to remove permitted development rights for the following classes of development in the Town and Country Planning (General Permitted Development) Order 2015:

- (i) erection or construction of gates, fences, walls or other means of enclosure (Class A of Part 2);
- (ii) formation, laying out and construction of means of access. (Class B of Part 2);
- (iii) provision of temporary buildings, etc. (Class A of Part 4);
- (iv) temporary uses of land for any purpose for not more than 28 days per year (Class B of Part 4);
- (v) use of land as a caravan site (Class A of Part 5)

and that the Direction be made with immediate effect for the classes of development specified in (i) to (iv) as the Council considers that development be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

Corporate Policy

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

Financial

1. Cost of proposal: Cannot be quantified at this time
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £2.144m
 5. Source of funding: Existing revenue budget 2015/16
-

Staff

1. Number of staff (current and additional): 65.22 FTEs
 2. If from existing staff resources, number of staff hours: 5
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not quantifiable
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Request for Direction from Ward Councillor

3. COMMENTARY

- 3.1 The land adjacent to The Drift in Keston is a sensitively located area of open land of approximately 1.8 hectares which provides an important visual break in the locality and is designated Green Belt due to its openness and character. Given its location it is land which is vulnerable to a number of forms of potential development which would be permitted under the Town and Country Planning (General Permitted Development) Order 2015 (referred to as the GPDO), but would have potential to harm the openness and landscape character of this land.
- 3.2 In particular the subdivision of the land into smaller plots by the erection of fencing, structures, temporary uses of land and other forms of development which would be permitted development under the General Permitted Development Order, over which the Council would otherwise have no control. It is therefore on that basis expedient to issue an Article 4 direction.
- 3.3 The specified classes of permitted development for which it would be appropriate to bring within planning control at this location are considered to be:
- (i) Erection or construction of gates, fences walls or other means of enclosure (Class A of Part 2);
 - (ii) Formation, laying out and construction of a means of access ... (Class B of Part 2);
 - (iii) Provision of temporary buildings, etc. (Class A of Part 4);
 - (iv) Use of land for any purpose for not more than 28 days per year (Class B of Part 4);
 - (v) Use of land as a caravan site ... (Class A of Part 5).
- 3.4 Development which would normally be permitted under Part 6 (“agricultural permitted development”) may also potentially threaten the protection of the land. This would include the erection of agricultural buildings, engineering operations, excavations and provision of hard surfaces for the purposes of agriculture. However, as the lawful use of the land remains agriculture which is an appropriate Green Belt use, it is considered that the provisions for prior notification for agricultural buildings and related development provide sufficient control, which include a requirement for such development to be for a legitimate agricultural business.

Compensation

- 3.5 Local Planning authorities are liable to pay compensation to landowners who would have been able to develop under the PD rights that an Article 4 Direction withdraws, if they:
- Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
 - Grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 Direction being in place.
- 3.6 Compensation may be claimed for *abortive expenditure* or other loss or damage *directly* attributable to the withdrawal of PD rights.
- 3.7 ‘Abortive expenditure’ includes works carried out under the PD rights before they were removed, as well as the preparation of plans for the purposes of any work. The amounts involved under this may be modest but could accumulate over time and become burdensome

- 3.8 Loss or damage directly attributable to the withdrawal of permitted development rights would include the depreciation in the value of land or a building(s), when its value with the permitted development right is compared to its value without the right.
- 3.9 In this case, the immediate withdrawal of permitted development rights could attract claims. The risk of numerous claims is not assessed as high, based on the minimal amount of development to date. The Direction with immediate effect is recommended so as to prevent damage to the landscape and Green Belt objectives. It is difficult to be precise about the scale of possible compensation but it is in proportion to the type of Permitted Development rights that are withdrawn. In this instance, these are the rights set out in paragraph 3.3 above, which we can indicate are relatively low in value when compared with other forms of development. This risk should also be considered against the possible damage to the planning objectives for the landscape and Green Belt.

4. POLICY IMPLICATIONS

The strategic objectives of the UDP, adopted in July 2006, include: “To protect, promote, enhance and actively manage the natural environment, landscape and biodiversity of the Borough. Also: “To protect the Green Belt, ... from inappropriate development ...”. The making of an Article 4(1) direction is consistent with those objectives and with the objectives of the National Planning Policy Framework 2012.

5. FINANCIAL IMPLICATIONS

- 5.1 As referred to above, the withdrawal of permitted development rights for certain classes of development as a result of issuing an immediate Article 4 Direction, may give rise to claims for compensation by land owners in certain circumstances, for example in the event of planning permission being refused for development which would otherwise not require permission. To attract a claim for compensation the application for permission must be made before the end of 12 months beginning with the date on which the Direction takes effect.
- 5.2 At this moment in time, it is not possible to quantify the number or value of claims that may be submitted for compensation, however planning officers consider there to be a low risk of numerous claims being submitted based on the minimal amount of development to date. Also, the rights being withdrawn are relatively low in value when compared with other forms of development.
- 5.3 It is possible to avoid a claim for compensation by giving the prescribed notice of not less than 12 months of the withdrawal of the permitted development rights.

6. LEGAL IMPLICATIONS

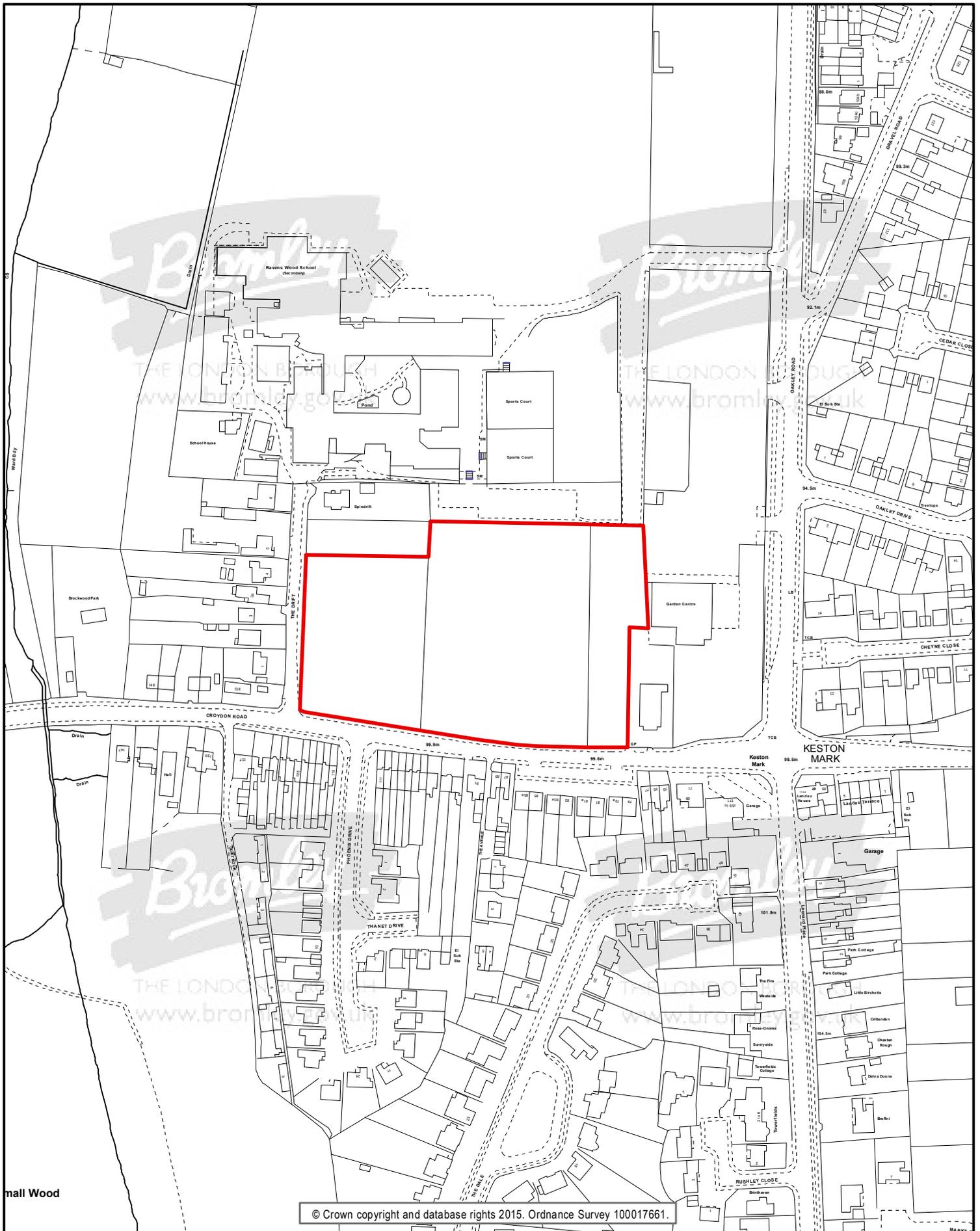
- 6.1 There are two categories of Article 4 directions which are relevant in this case.
- 6.2 The first category is for directions which are able to take effect from the time they are made by the local planning authority but which lapse after six months if not confirmed by the Council. This category extends to directions relating only to development permitted by certain Parts of the GPDO if the local planning authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. Therefore this direction only relates to para 3.3 (i) – (iv).
- 6.3 The second relevant Article 4 category is for directions which can only take effect after notice has been given of the making of the direction and the Council has considered any representations received.. This direction relates to para 3.3 (v)

7. PERSONNEL IMPLICATIONS

No significant implications given the size of the land concerned.

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	Town and Country Planning (General Permitted Development) Order 2015

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TOWN PLANNING

**ARTICLE 4 DIRECTION
CONCERNING
THE DRIFT,
KESTON.**



JIM KEHOE
CHIEF PLANNER,
CIVIC CENTRE, STOCKWELL CLOSE,
BROMLEY, KENT,
BR1 3UH.
Tel: 020 8464 3333

Scale 1:2,500



29/05/15
Page 109

Plan No. 5704

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Report No.
DRR19/042

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 23 July 2019

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

Title: LAND AT NEW YEARS LANE, KNOCKHOLT - PROPOSED ARTICLE 4 DIRECTION

Contact Officer: Gill Slater, Planner (Planning Strategy Team)
Tel: 020 8313 4492 E-mail: Gill.Slater@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Chelsfield and Pratts Bottom

1. Reason for report

- 1.1 A Member has requested that the possibility of an Article 4 Direction in respect of an area of land at New Years Lane, Knockholt, be investigated after having been advised by a local resident that it has recently been advertised for sale on the internet (ebay). A check of the web using the address provided shows this to be the case, the land in question is shown as 92 separate parcels, served by an internal road system with access from New Years Lane. There has been no physical sub-division of the site by means of walls or fencing, neither have any accesses to the site nor access roads to these plots been constructed, however the advertisement could lead readers to the assumption that such actions had been taken.
- 1.2 Although the land is considered to have no development potential in the foreseeable future, especially in view of the recent adoption of a new Local Plan who's designations and policies mitigate against development on this scale in the countryside. However, there is concern that the fragmentation resulting from the sale of the separate plots would result in the loss of the areas rural character by uncontrolled development which would normally not require planning permission under the General Permitted Development Order.
- 1.3 It is therefore considered expedient to make an Article 4 Direction to remove certain classes of 'permitted development' as there is concern that sub-division of the land into small plots could undermine the open character and visual amenities of the area due to indiscriminate development including fencing, structures, temporary uses of land, and stationing of caravans.
-

2. RECOMMENDATION(S)

2.1 To the Portfolio Holder that Article 4 Directions be made on land at New Years Lane as indicated on the attached plan (Appendix 1) to remove permitted development rights for the following classes of development:

- (i) erection or construction of gates, fences, walls or other means of enclosure (Class A of Part 2);
- (ii) formation, laying out and construction of means of access ... (Class B of Part 2);
- (iii) provision of temporary buildings, etc. (Class A of Part 4);
- (iv) temporary uses of land for any purpose for not more than 28 days per year (Class B of Part 4);
- (v) use of land as a caravan site (Class A of Part 5)

For (i) and (iv) above, this would be a direction with immediate effect and for (v) the earliest possible effect (as explained further in section 7 of the report).

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

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

Financial

1. Cost of proposal: Cannot be quantified at this time
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 67.2ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Applicable Not Applicable: Further Details
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 40 householders in surrounding area
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: A Direction should be made to protect the open land

3. COMMENTARY

3.1 The land at New Years Lane is located on the south east boundary of the borough adjoining Sevenoaks District Council and comprises 3.26 hectares of agricultural land as indicated on the attached plan (Appendix 1). The Local Plan, designates it as Green Belt and part of a larger Site of Importance for Nature Conservation (Metropolitan) in addition, the surrounding woodland is subject to a Tree Preservation Order (TPO) and parts of the plots on the South Eastern side of the site are included in this TPO. The TPO'd trees on the North East and South west sides of the site are Ancient Woodland. The character of the surrounding area is essentially woodland open countryside predominantly in agricultural use.

3.2 The land has been offered for sale in 90+ lots. Given the location within the Green Belt and the general presumption against inappropriate development there is very little prospect of the land being released for development in the medium to long term, especially as we have a newly adopted Local Plan and both National Guidance and the London Plan continue to emphasise the importance of protecting the Green Belt and the Natural Environment.

3.3 As the land has very limited potential for new development there are concerns that plots may be used for a variety of inappropriate uses or forms of development which do not require planning permission. In other parts of the Borough where similar threats have arisen – such as Snag Lane, Shire Lane and Keston Fruit Farm - Directions have been made under Article 4 of the GPDO to remove permitted development rights for certain classes of development which would otherwise not require permission but could erode the rural character and openness of the countryside. Article 4 Directions have also been in place at Walden's Farm and Layhams Road for many years and have had some positive impact in preventing the erosion of amenity.

3.4 Sub-division into plots threatens to undermine the character and appearance of the landscape by the erection of fencing, structures, temporary uses of land and other forms of development which would be permitted development under the General Permitted Development Order, over which the Council would otherwise have no control.

3.5 The land makes a significant contribution to the openness of the Green Belt its appearance and character could be materially harmed by unrestricted development which would normally fall beyond the scope of planning control. There are no proposals to release this Green Belt land for development.

3.7 The specified classes of permitted development for which it would be appropriate to bring within planning control at New Years Lane are considered to be:

- (i) Erection or construction of gates, fences walls or other means of enclosure (Class A of Part 2);
- (ii) Formation, laying out and construction of a means of access ... (Class B of Part 2);
- (iii) Provision of temporary buildings, etc. (Class A of Part 4);
- (iv) Use of land for any purpose for not more than 28 days per year (Class B of Part 4);
- (v) Use of land as a caravan site ... (Class A of Part 5).

3.8 Development which would normally be permitted under Part 6 ("agricultural permitted development") may also potentially threaten the protection of the land. This would include the erection of agricultural buildings, engineering operations, excavations and provision of hard surfaces for the purposes of agriculture. However, as the lawful use of the land remains agriculture which is an appropriate Green Belt use, it is considered that the provisions for prior notification for agricultural buildings and related development provide sufficient control, which include a requirement for such development to be for a legitimate agricultural business.

COMPENSATION

3.9 Local Planning authorities are liable to pay compensation to landowners who would have been able to develop under the PD rights that an Article 4 Direction withdraws, if they:

- Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
- Grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 Direction being in place.

3.10 Compensation may be claimed for *abortive expenditure* or other loss or damage *directly* attributable to the withdrawal of PD rights.

3.11 'Abortive expenditure' includes works carried out under the PD rights before they were removed, as well as the preparation of plans for the purposes of any work. The amounts involved under this may be modest but could accumulate over time and become burdensome

3.12 Loss or damage directly attributable to the withdrawal of permitted development rights would include the depreciation in the value of land or a building(s), when its value with the permitted development right is compared to its value without the right.

3.13 In this case, the immediate withdrawal of permitted development rights could attract claims. The risk of numerous claims is not assessed as high, based on the minimal amount of development to date. The Direction with immediate effect is recommended so as to prevent damage to the landscape and Green Belt objectives, in response to the advertising of plots on the internet. It is difficult to be precise about the scale of possible compensation but it is in proportion to the type of Permitted Development rights that are withdrawn. In this instance, these are the rights set out in paragraph 3.7 above, which we can indicate are relatively low in value when compared with other forms of development. This risk should also be considered against the possible damage to the planning objectives for the landscape and Green Belt.

4. POLICY IMPLICATIONS

4.1 The Local Plan (adopted in January 2019) Objectives for Open Space and the Natural Environment are as follows:

- Manage, protect and enhance natural environments.
- Encourage the protection and enhancement of biodiversity.
- Protect and enhance the Green Belt so that it continues to fulfil its functions.
- Improve the quality of open space and encourage provision in areas of deficiency and in any new development.

4.2 Also one of the points as part of the Focus for the Spatial Strategy of the Plan is to "Protect and enhance the Borough's varied open spaces and natural environment".

4.3 The making of an Article 4(1) direction is consistent with the above.

5. FINANCIAL IMPLICATIONS

5.1 As referred to above, the withdrawal of permitted development rights for certain classes of development as a result of issuing an immediate Article 4 Direction, may give rise to claims for compensation by land owners in certain circumstances, for example in the event of planning permission being refused for development which would otherwise not require permission. To attract a claim for compensation the application for permission must be made before the end of

12 months beginning with the date on which the Direction takes effect.

- 5.2 It is not possible to quantify the number or value of claims that may be submitted for compensation, however planning officers consider there to be a low risk of numerous claims being submitted. Also, the rights being withdrawn are relatively low in value when compared with other forms of development.
- 5.3 It is possible to avoid a claim for compensation by giving the prescribed notice of not less than 12 months of the withdrawal of the permitted development rights.

6. PERSONNEL IMPLICATIONS

6.1 Making an Article 4 Direction is likely to give rise to the submission of additional planning applications and appeals, having regard to the potential number of plots and the way in which they are marketed. The workload implications are difficult to predict but it is anticipated that the additional work involved may amount to 2-3 additional applications and 1-2 appeals per year which could be accommodated within existing staffing levels.

7. LEGAL IMPLICATIONS

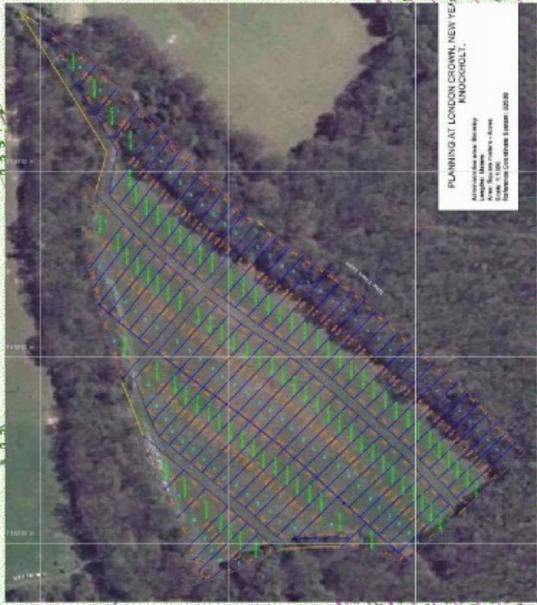
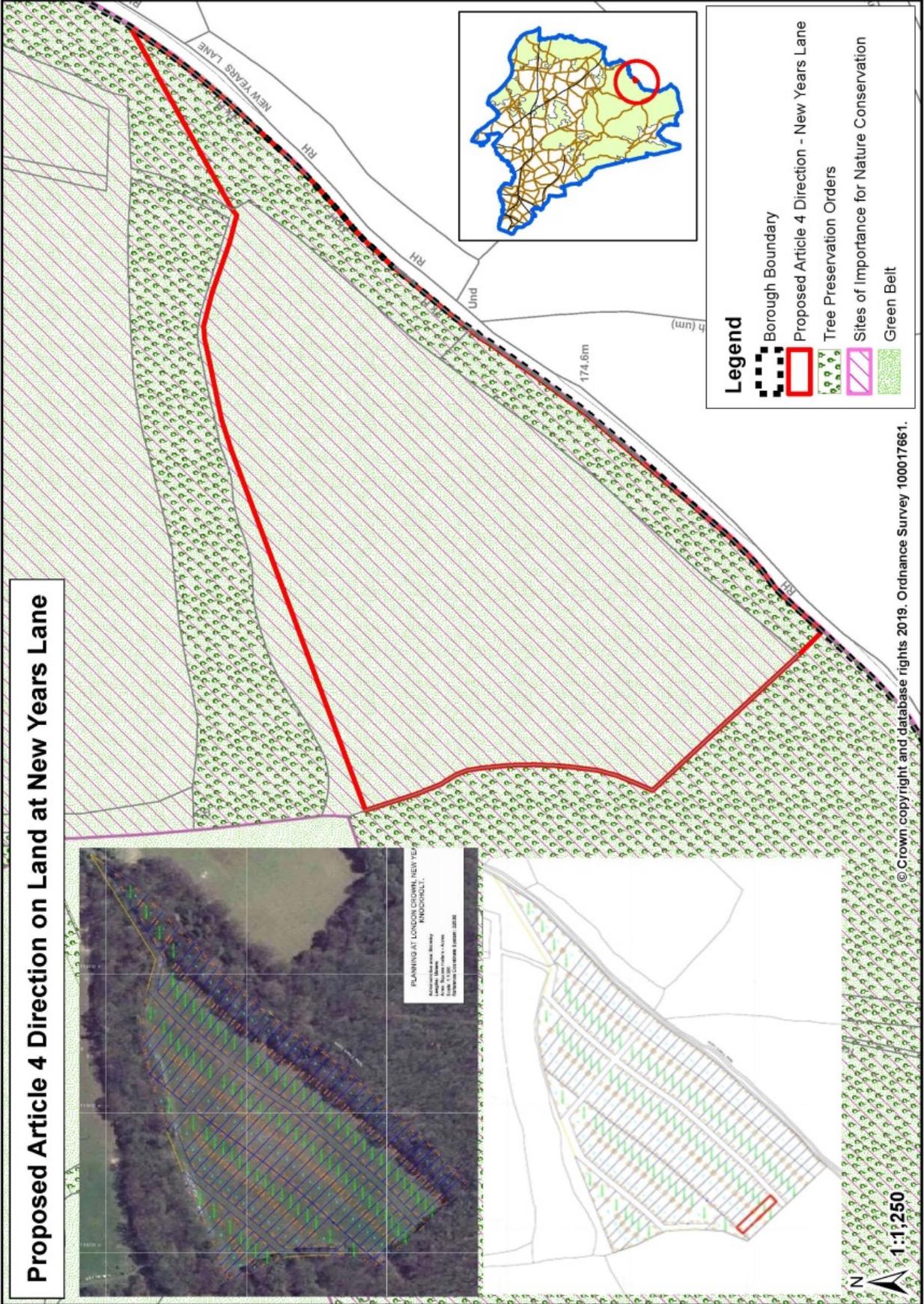
7.1 There are two categories of Article 4 directions which are relevant in this case.

7.2 The first category is for directions which are able to take effect from the time they are made by the local planning authority but which lapse after six months if not confirmed by the Council. This category extends to directions relating only to development permitted by any of Parts 1 to 4 or Part 31 of Schedule 2, if the local planning authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. Therefore this direction only relates to para 3.7 (i) – (iv).

7.3 The second relevant Article 4 category is for directions which can only take effect after notice has been given of the making of the direction and the Council has considered any representations received. This direction relates to para 3.7 (v)

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	

Proposed Article 4 Direction on Land at New Years Lane



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Report No.
DRR19/043

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 23 July 2019**

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

Title: **DRAFT LONDON PLAN UPDATE**

Contact Officer: Gill Slater, Joint Acting Head of Planning Policy
Tel: 020 8313 4492 E-mail: Gill.Slater@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

1.1 This report is provided for information to inform members of the progress of the Examination into the Draft New London Plan

2. **RECOMMENDATION(S)**

That Development Control Committee:

2.1 **Note the involvement of Bromley Council officers in the London Plan Examination in Public hearings.**

2.2 **Note that the Panel anticipate providing their report on to the Mayor in September and that the Mayor is then required to make the report available for inspection and send a copy to the Council within 8 weeks of receipt.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
-

Corporate Policy

1. Policy Status: New Policy. The new London Plan when adopted will form part of the statutory Development Plan for the Borough, along with the Bromley Local Plan 2019
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 67.2ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: None
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents in the Borough as well as those making planning applications for development in the Borough.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Mayor of London published his New Draft London Plan for public consultation at the beginning of December 2017. As with the current London Plan, this is a Spatial Development Strategy which has been produced in accordance with the Greater London Authority Act 1999 (as amended). When adopted, it will replace the current London Plan which was originally published in 2011 and amended through a number of formal alterations up until March 2016. It will be the overall strategic plan for London, setting out an integrated economic, environmental, transport, and social framework for the development of the Capital for the next 20 to 25 years.
- 3.2 Following Executive on 7th February 2018, the Chief Planner was authorised, in consultation with the Leader, to prepare and submit the Council's response for 2nd March 2018. Bromley raised strong objections to a number of issues in its representation which related primarily to the increased housing target (including large 'small site' allocation), affordable housing and parking standards.
- 3.3 The Mayor published 'Minor Suggested Changes' to the draft London Plan (13th August 2018).

The Examination In Public (EIP)

- 3.4 Secretary of State appointed a Panel of three independent Planning Inspectors to conduct the EIP of the draft London Plan comprising Roisin Barrett, William Fieldhouse and David Smith.
- 3.5 The Panel identified 94 separate matters to be considered at hearing sessions and posed a series of questions on each for the hearings to address, and the hearings commenced Tuesday 15th January 2019, the same day as the Special Development Control Committee's consideration of Bromley's Local Plan, which was adopted on 16th January 2019 at a special Council meeting.
- 3.6 Bromley submitted 26 hearing statements to the Panel at set stages between December 2018 and March 2019. These statements supplemented the initial representations endorsed by Development Control Committee and Executive in February and responded to questions set by the Panel for discussion.
- 3.7 Further suggested changes were made to the draft London Plan throughout the course of the hearing sessions, sometimes at very short notice. Bromley Council witnesses engaged directly in 9 hearing sessions, which enabled responses to these further changes to be reflected in the discussions. Notably, Bromley's witnesses were involved in hearings relating to the overall strategy of the draft London Plan, housing supply and targets, small sites, density, green infrastructure and open space. The hearing sessions finished 21st May, although the Examination remains open.
- 3.8 Without prejudice to the findings of the Panel the Mayor will compile a comprehensive set of all of his suggested changes to the Plan, and a consolidated version of the full draft Plan incorporating all of the suggested changes. This consolidated version should be available mid July.

The Panel Report

- 3.9 The Panel anticipate sending their report, setting out their findings recommendations, to the Mayor in September 2019. The Mayor is required to make our report available for inspection and send a copy to the Council for each London Borough within 8 weeks of receipt.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications at this stage.
- 4.2 There will be implications upon adoption of the new London Plan (see Policy Implications below)

5. POLICY IMPLICATIONS

- 5.1 When adopted, the new Draft London Plan will replace the current London Plan (2016) and will form part of Bromley’s Development Plan. It will therefore be used for decision making on planning applications alongside the Local Plan (2019) and the Bromley Town Centre Area Action Plan.
- 5.2 The new London Plan will also influence any new planning policy documents produced by Bromley (such as a reviewed Area Action Plan or a revised Local Plan) as these are required to be “in general conformity” with it.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN POLICY IMPLICATIONS, FINANCIAL IMPLICATIONS PERSONNEL IMPLICATIONS, PROCUREMENT IMPLICATIONS, LEGAL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Draft London Plan Update (Development Control Committee 11 th September 2019) The London Plan (2016) https://www.london.gov.uk/what-we-do/planning/londonplan/ current-london-plan The London Plan – Draft for Public Consultation (December 2017) https://www.london.gov.uk/what-we-do/planning/londonplan/ new-london-plan Examination in Public for the Draft New London Plan https://www.london.gov.uk/what-we-do/planning/london- plan/new-london-plan/examination-public-draft-new-london- plan

Report No.
DRR000000

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 23 July 2019**

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

Title: **PLANNING COMMITTEE IMPROVEMENTS**

Contact Officer: Tim Horsman, Planning Development Control Manager
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

Following a light touch review of planning committee processes by the Planning Advisory Service, a number of recommendations are put forward by Officers for Members to consider. These recommendations are set out in the report, along with suggestions as to how these might be taken forward.

2. **RECOMMENDATION(S)**

Members are asked to agree the recommended actions in the report below. The committee is asked to agree that the resolution be taken forward by Officers in consultation with the Chairman and Vice Chairman, and progress be reported back to committee as soon as practicable, but in any event before the end of 2019.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 67.2ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Council requested that the Planning Advisory Service (PAS) carry out a review of the Council's planning committees in order to inform potential service improvements and to assist with sound decision making.
- 3.2 Officers have subsequently drawn up a number of recommendations to help take forward improvements to the planning service and in particular the operation of planning committees and this report seeks committee agreement to suggested actions following on from these recommendations.
- 3.3 The recommendations are set out below with suggested actions to be taken forward by Officers and / or Councillors:

PAS Recommendation	Proposed Action
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach
13. Where motion goes against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken	Councillors to note and action
14. Deferral of items where there is a	This is potentially too onerous and would create

risk of losing appeal and / or costs	unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report
19. Effective compulsory training should be provided for all committee members including substitutes and a list of trained Members retained	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.
20. Regular reports on performance of planning and appeals team	Quarterly reports to DCC

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage. Better decision making may result in a reduction of costs awarded against the Council at appeal.

5. LEGAL IMPLICATIONS

- 5.1 Suggested measures should reduce the likelihood of legal challenge against planning decisions

Non-Applicable Sections:	PERSONNEL IMPLICATIONS POLICY IMPLICATIONS IMPACT ON VULNERABLE ADULTS AND CHILDREN PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) 2013

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Report No.
DRR19/031

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 23 July 2019**

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

Title: **PLANNING APPEALS - COSTS 2018-2019**

Contact Officer: John Stephenson, Development Control Manager, Appeals and Planning Investigation. Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards)

1. Reason for report

This report provides an update on the award of costs from planning appeals made in the financial year 2017/2018. **17** applications claiming for costs were made in the period April 2018 to March 2019 of which **6** have been allowed and **11** refused (published as Appendix 1 in the Part 2 confidential section of the agenda).

The report also provides an update on cost claims that were paid in 2018/2019. The total of planning appeal cost claims paid in 2018/2019 is **£38,150** (published as Appendix 2 in the Part 2 confidential section of the agenda).

The Council have actively been applying for an award of costs against the appellant where the Council believe they have acted unreasonably. One such case has been applied for within this financial year which is currently being processed.

2. **RECOMMENDATION(S)**

Members note the report

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

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

Financial

1. Cost of proposal: n/a as reporting on actual spend
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Central contingency
 4. Total current budget for this head: £60k
 5. Source of funding: Central contingency for 2018/19
-

Personnel

1. Number of staff (current and additional): 53.86ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: None directly from this report
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In planning and enforcement appeals the main parties are normally expected to meet their own expenses irrespective of the outcome. Costs may be awarded on the grounds of 'unreasonable behaviour' resulting in unnecessary wasted expense. Policy guidance concerning the costs procedure was provided in the Costs Circular (CLG Circular 03/09). On 6 March 2014 Circular 03/09 was superseded by National Planning Practice Policy Guidance (NPPG) concerning Appeals.
- 3.2 Section 4 of the NPPG Appeals guidance sets out the circumstances when an award of costs may be applied for. The award of costs supports an effective and timely planning system in which all parties are required to behave reasonably. In order to support this aim further, it is stated that Inspectors will now use their existing legal powers to make an award of costs where they have found unreasonable behaviour, including cases where no application has been made by either party, applying the same guidance when deciding an application for an award of costs, or making an award at their own initiative. Costs may be awarded at the initiative of the Inspector in relation to planning appeals received on or after 1 October 2013.
- 3.3 Costs awards may also be made against statutory consultees as there is a clear expectation that a statutory consultee will substantiate its advice at appeal.
- 3.4 In Local Planning Authorities with a high appeals workload such as Bromley, the number of claims against the Council can be significant. Bromley consistently has one of the highest number of planning appeals in the UK. The volume of appeals is reflected in the relatively high number of claims for costs.
- 3.5 The number of cost claims against the Council has increased this financial year to 17 compared to 2017/2018 where 12 claims were received. However the amounts claimed can vary significantly depending on the type of case. It is not sufficient for the appellant to claim costs on the grounds that the Council has made an incorrect decision. It is necessary to demonstrate that the Council has acted unreasonably, for example if it is unable to produce convincing evidence in support of its reasons to refuse permission.
- 3.6 Members have requested to be advised of the some of the main factors which have resulted in the Planning Inspectorate to award costs against the Council in 2018/2019 for unreasonable behaviour. The reasons have included:
1. Lack of evidence to substantiate its reasons for refusal.
 2. Grounds of refusal contrary to technical and or officer advice which includes statutory consultees.
 3. Unnecessary use of side space Policy 8 of the Bromley Local Plan states that the Council will normally require 1 metre side space the word normally adds an element of discretion within the policy to consider the specific circumstances of each proposal.
 4. Previous Planning Inspectors decision the Council failed to take account of the Inspectors recent decision, a significant material consideration.
- 3.7 This report principally provides an update on the award of costs in planning appeals that were received by the Planning Inspectorate in the financial year 2018/2019. **17** applications claiming for costs were made in the period April 2018 to March 2019 of which **6** have been allowed and **11** refused.
- 3.8 The report also provides an update on cost claims that were paid in 2018/2019 arising from planning appeals made in previous years totalling **£4,550**. The total of planning appeal cost claims paid in 2018/2019 is **£ 38,150, including the £4,550**.
- 3.9 Two claims against appeal decisions made in 2018/2019 are awaiting submission and one is pending submission.
- 3.10 Members are notified of all cost decisions together with all appeal decisions on a weekly basis. A list of all cost applications received and their decision in 2018/2019 is attached. **(Appendix 1)**. A list of all cost claims paid in 2018/2019 is also attached. This includes payments arising from planning appeals in previous years **(Appendix 2)**.

- 3.11 In some cases the decisions made at committee may be contrary to officer's recommendations. Whilst the Council is not bound to accept the advice given by officers, on appeal it will be required to show that there are reasonable planning grounds for doing so, and that the relevant evidence is provided to justify its decision.
- 3.12 The Council have applied for an award of costs against the appellant where the Council believe they have acted unreasonably. One such case has been applied for within this financial year and award to the Council, payment has been received.

4. FINANCIAL IMPLICATIONS

- 4.1 A total of **£38.2k** has been paid during 2018/2019 in settlement of planning appeal cost claims received. This includes a previous outstanding claim from 2016/2017. This additional cost has been contained within the overall planning budget.
- 4.2 The latest budget monitoring report includes an estimated £50k projection for appeal costs, which includes an estimated substantial cost for Westmoreland Road.
- 4.3 Other claims of £3.3k have been received in relation to 2018/19 lost appeals and will be paid in 2019/20.
- 4.3 It should be noted that amounts totalling £15.2k were received in 2018/19 in relation to cost claims submitted by the Council.

Non-Applicable Sections:	Policy, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A

Report No.
DRR19/032

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 23 July 2019**

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

Title: **PLANNING APPEALS MONITORING REPORT - APRIL 2018 TO MARCH 2019**

Contact Officer: John Stephenson, Development Control Manager (Appeals and Planning Investigation)
Tel: 0208 313 4687 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards)

1. Reason for report

The report provides an update on planning appeals received and decided for the year 2018/2019.

2. **RECOMMENDATION(S)**

Members to consider the report

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Central Contingency
 4. Total current budget for this head: £60k
 5. Source of funding: Central Contingency for 2018/19
-

Personnel

1. Number of staff (current and additional): 53.86ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: n/a
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

- 3.1 This report provides an overview of appeals activity for the period 1 April 2018 to 31 March 2019 which gives Members a comprehensive view of planning appeals, especially those where a recommendation for permission had been overturned by Members and their appeal outcome.
- 3.2 This full listing would comprise of the appeal site location/address and which Ward the appeal was situated in. The report would also have a breakdown of whether the planning applications were refused at Committee or under delegation and if refuse by Committee, whether the item had been recommended for permission or refusal.
- 3.3 The report would provide the final decision/outcome of the Appeal and should also include whether there had been an award of costs granted, together with whether a claim for costs were applied for (and obtained).
- 3.4 This report gives Members a comprehensive view of planning appeals, especially those where a recommendation for permission had been overturned by Members and what was the appeal outcome.
- 3.5 319 appeal decisions were made by the Planning Inspectorate within the actual reporting financial year, of which 180 were dismissed, 132 were allowed and 7 were part allowed/part dismissed.

	Fastrack	Written	Hearing	Inquiry	Total
No. of appeals allowed	79	49	1	3	132
No. of appeals dismissed	62	116	0	2	180
No. of appeals part allowed/dismissed	2	3	0	2	7
Total appeals decided	143	168	1	7	319
% appeals allowed	55%	29%	100%	43%	41%
National comparison*	38%	29%	42%	47%	39%

*Source: Planning Inspectorate statistical report (figures provisional)

- 3.6 A detailed analysis of the 319 decided cases are shown in the following graph and Table Two. For brevity, references to Planning Sub Committees include Development Control Committee.

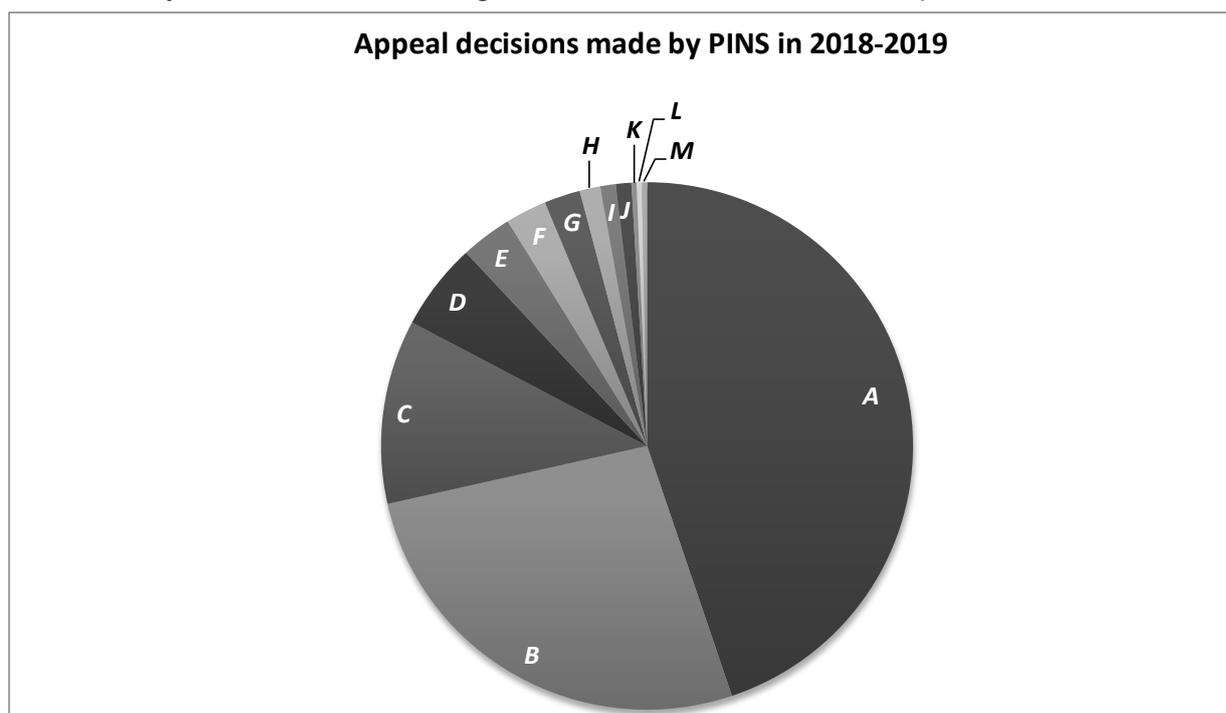
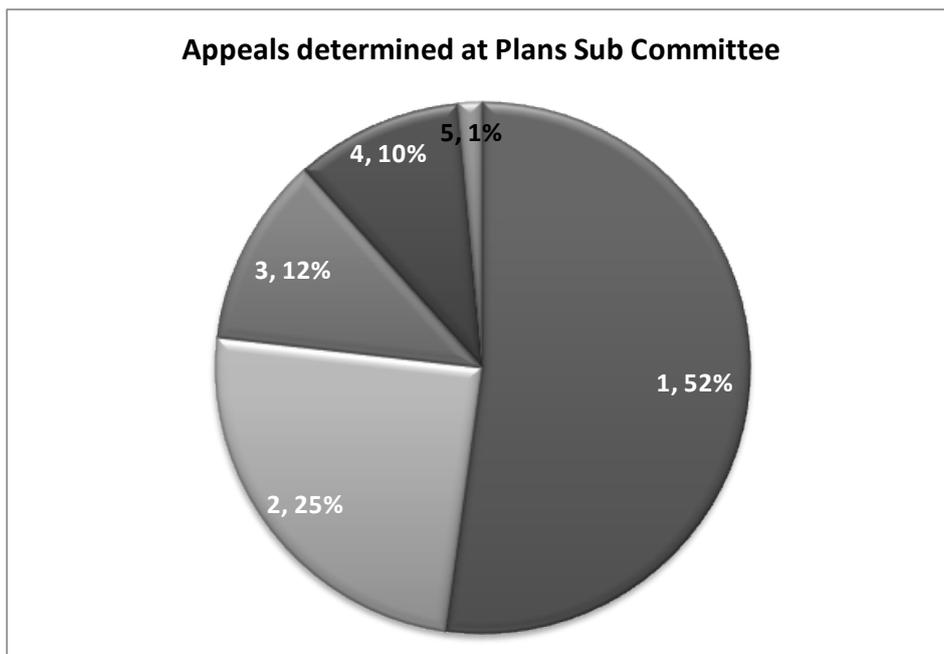


Table two: Appeal decisions made by PINS in 2018/2019 classified by Council Delegated or Committee cases in numerical rank order	Label	%	No. of decisions received
Dele rec. for refusal - appeal dismissed	A	45%	143
Dele rec. for refusal - appeal allowed	B	27%	85
PSC rec. for permission - appeal allowed	C	11%	36
PSC ref. for refusal - appeal dismissed	D	5%	17
ENF - appeal dismissed	E	3%	10
PSC rec. for permission - appeal dismissed	F	3%	8
PSC rec. for refusal - appeal allowed	G	2%	7
non determination	H	1%	4
dele rec for permission - appeal part allowed	I	1%	3
ENF -appeal part allowed	J	1%	3
PSC ref refusal - appeal part allowed	K	0%	1
dele rec. for permission - appeal allowed	L	0%	1
ENF - appeal allowed	M	0%	1
	Total	100%	319

3.7 69 planning appeals relating to applications determined at Plans Sub Committee are detailed in the table and graph below:



Key Breakdown	Label	%	Number of decisions made
PSC P - Plans Sub Committee recommended for permission - appeal allowed	1	52%	36
PSC R - Plans Sub Committee recommended for refusal - appeal dismissed	2	25%	17
PSC P - Plans Sub Committee recommended for permission - appeal dismissed	3	12%	8
PSC R - Plans Sub Committee recommended for refusal - appeal allowed	4	10%	7
PSC R - Plans Sub Committee recommended for refusal - appeal part allowed	5	1%	1
			69

- 3.8 The full breakdown by Ward of the 319 appeal decisions received within the 2018-2019 financial year is shown as Appendix 1 published in the confidential section of the agenda.
- 3.9 Details of planning applications recommended for permission are shown at 2 published in the confidential section of the agenda .
- 3.10 Details of enforcement appeals are shown at Appendix 3 published in the confidential section of the agenda.
- 3.11 Details of cost claims received are shown at Appendix 4 published in the confidential section of the agenda.
- 3.12 For Members information the list of weekly appeals decisions made includes the Ward in which the appeal relates to.
- 3.13 In s78 appeals, members of the Development Control Committee requested to see comparison figures of appeal decisions made by PINS between the periods April 2018 to March 2019 with other London Boroughs. Table Four shows comparison figures with neighbouring Local Planning Authorities.

**Table Four : Decisions by local planning authority - S78 planning appeals
England - April 2018-March 2019**

Local Planning Authority	No. Decided	Number allowed	Split decisions	% allowed
Bexley	29	5	0	17%
Bromley	153	47	1	31%
Croydon	84	23	0	27%
Greenwich	85	21	0	25%
Lewisham	93	18	1	19%
Southwark	56	12	1	21%
London (Total)	2602	776	24	
England (Total)	10175	2939	79	

Implications to consider

- 3.14 In Local Planning Authorities with a high appeals workload such as Bromley, the number of claims against the Council can be significant. Bromley consistently has one of the highest number of planning appeals in the UK. The volume of appeals is reflected in the relatively high number of claims for costs. Cost may be awarded on the grounds of “Unreasonable Behaviour” by any of the parties involved resulting in unnecessary wasted expense.
- 3.15 The number of costs claims against the Council has increased this financial year to 17 compared to 2017/2018 where 12 claims were received. However the amounts claimed can vary

significantly depending on the type of case. It is not sufficient for the appellant to claim costs on the grounds that the Council has made an incorrect decision. It is necessary to demonstrate that the Council has acted unreasonably, for example if it is unable to produce convincing evidence in support of its reasons to refuse permission.

- 3.16 Members have requested to be advised of the some of the main factors which have resulted in the Planning Inspectorate to award costs against the Council in 2018/2019 for unreasonable behaviour. The reasons have included:
1. Lack of evidence to substantiate its reasons for refusal.
 2. Grounds of refusal contrary to technical and or officer advice which includes statutory consultees.
 3. Unnecessary use of side space Policy 8 of the Bromley Local Plan states that the Council will normally require 1 metre side space the word normally adds an element of discretion within the policy to consider the specific circumstances of each proposal.
 4. Previous Planning Inspectors decision the Council failed to take account of the Inspectors recent decision, a significant material consideration.
- 3.17 On all appeal cases the Council will be required to show that there are reasonable planning grounds for the reasons for refusal which stand up to scrutiny, and that the relevant evidence is provided to justify its decision. Previous inspector's decisions needs to be considered to avoid unnecessary cost awards.

4. FINANCIAL IMPLICATIONS

- 4.1 The Planning Appeals Costs 2018-2019 is also being reported to this committee together with Renewal, Recreation and Housing Policy Development and Scrutiny Committee.
- 4.2 A total of **£38.2k** has been paid during 2018/2019 in settlement of planning appeal cost claims received. This includes a previous outstanding claim from 2016/2017. This additional cost has been contained within the overall planning budget.
- 4.3 Two claims against appeal decisions made in 2018/2019 are awaiting submission and one is pending submission.
- 4.4 The latest budget monitoring report for 2019/20 includes an estimated £50k for potential appeal costs, which includes the Westmoreland Road claim.
- 4.5 Other claims of £3.3k have been received in relation to 2018/19 lost appeals and will be paid in 2019/20.
- 4.6 It should be noted that amounts totalling £15.2k were received in 2018/19 in relation to cost claims submitted by the Council.

Non-Applicable Sections:	Policy, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	National Planning Practice Guidance Planning appeals monitoring report – April 2017 to March 2018 – update DCC 6 November 2018

Report No.
DRR19/033

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 23 July 2019

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

Title: PLANNING ENFORCEMENT PROGRESS AND MONITORING
REPORT 2018-2019

Contact Officer: John Stephenson, Development Control Manager, Appeals and Planning
Investigation]
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update on the progress of the current cases under investigation / pending consideration, cases which are currently at appeal, cases which are also waiting compliance period, cases where enforcement action has been instigated, cases awaiting prosecution action. Enforcement action authorised, cases that are currently with our legal department awaiting further action, cases where direct action has been authorised, cases which have now been closed together with a full breakdown on the range of current complaints.

2. **RECOMMENDATION(S)**

Members to consider the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning (excluding Building Control & Land Charges)
 4. Total current budget for this head: £724k
 5. Source of funding: Existing revenue budget for 2018/2019
-

Personnel

1. Number of staff (current and additional): 53.86 ftes
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: None directly from this report
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Planning Enforcement team investigates allegations of breaches of planning control across the whole of the Borough, as set out in the Council's Planning Enforcement Policy. This policy was approved by Members in order to provide some guidance on any actions the Council may wish to consider when enforcement action could be taken. This includes where building work requiring planning permission is undertaken without such permission and where conditions are attached to an approved scheme and the conditions are not complied with. The team investigates the condition of land or property or where the use of a building or land is changed without the benefit of planning permission. The team investigates alleged unauthorised advertisements, which may not have express consent.
- 3.2 Based on the information provided above I can confirm that progress has been achieved in reaching our projected target as set out in our portfolio Plan 2018/2019
- 3.3 The Planning investigations team is currently made up of five investigating officers, 3 full time permanent planning investigating officers and in November 2017 the team had been given two additional temporary full time investigating officers in order to be able to meet the demands on our current service delivery. As a result from the additional resources in staffing albeit temporary the current levels of enquiries although it has exceeded the projected figures, we are able to keep our current outstanding cases to within targets. We are being more proactive in our approach to investigating breaches of planning control.
- 3.4 The Council has a statutory duty to investigate planning enforcement enquires/complaints, but they are given discretionary powers as to whether/ when to instigate formal enforcement action in each individual case. In each and every individual case expediency test/assessment is carried out before considering instigating any formal enforcement action.
- 3.5 We liaise very closely with our legal department to get clear advice as part of the expediency test in order that we can be satisfied that we are taking the appropriate actions on all enforcement matters at any given time as we may leave the Council open to an award of costs if at appeal the Planning Inspectorate allows an appeal and if the Council may have been unreasonable.
- 3.6 We have had seen a steady increase over the last couple of years in the amount of enquiries received where the condition of land or property is causing an adverse effect on the amenities under Section 215 of the Planning Act 1990 (as amended). In some instances where voluntary compliance cannot be achieved the Council may consider taking direct action to remedy the breach of planning control. In the last year **97** which amounts to 11%, cases have been reported for further investigation **57** of the 97 cases have now been closed as compliance has been achieved and no further action is required.
- 3.7 Direct action will always involve a cost, and as a result quotes will be obtained in order for the Council to carry out the works in default of the notice. These cases will be presented to a Committee with a recommendation for Members to consider. It is for Members to make a decision to agree to authorise direct action, as this type of action may involve some considerable financial cost to the Council. A charge on the property/land can be considered by the Council in order to recover the Council's initial cost together with the appropriate interest rate charged until the bill is paid.
- 3.8 In June 2018 a report was presented to committee of the 370 open enforcement cases which were currently under investigation or pending consideration. Since the report to members last June 2018 we have received an additional 390 new cases. As it currently stands a total of **450** open enforcement cases are currently under investigation or pending consideration this

includes 122 new cases registered from the 1/04/2019. A list of these cases is attached as Appendix 1 in the Part 2 confidential section of the agenda.

3.9 In the financial year 2018-2019 a total number of **863** cases were received, the table below lists the type and total number of enquiries received.

Range of enquiries 2018-2019	No. of enquiries	% of enquiries
Operational Development	219	25%
Plans - not built according to	102	12%
Untidy Sites (S215)	97	11%
Change of Use	97	11%
Breach of condition	95	11%
Trees	72	8%
General	55	6%
Commercial Activity	43	5%
Boundary treatment	32	4%
Adverts	32	4%
Access	7	1%
Shop shutters	6	1%
Commercial vehicle - parking of	5	1%
Satellite Dishes	1	0%
Total	863	

3.10 **34** enforcement cases are currently held in abeyance pending the outcome of an appeal with the Planning Inspectorate against the enforcement notices served or are the subject of an appeal against a S78 refused planning decisions. This number also includes cases where a compliance date is pending.

3.11 **26** of these cases has as a result of the planning investigation/enforcement action have now submitted a planning application for material consideration in an attempt to remedy the breach of planning control, further enforcement action is currently on hold pending the outcome/decision of these planning applications.

3.12 In terms of enforcement activity, **60** Enforcement Notices have been served in connection with breaches of planning control in the period April 2018 to March 2019, in other case, successful negotiation led to matters being resolved before formal enforcement notices were issued. This activity is summarised in the table below.

Type of Notice	Number of Notices issued 2018/19
Operational Development	19
Change of Use	15
S215	6
Breach of Condition Notice	10
Planning Contravention Notice	8
Stop Notice	0
Failure to comply with Conditions	2
TOTAL	60

- 3.13 A total of **781** Cases which have been closed within the last financial year 01/04/2018 to 01/03/2019.
- 3.14 In some cases where an enforcement notice has been effective and has not been complied with, the Council may exercise its powers by taking prosecution action. The council is currently in the process of prosecuting on the following cases:
- A property in Babbacombe Road – located in the Plaistow and Sundridge Ward.
 - A property in Market Meadow – located in the Cray Valley East Ward.
 - A property in Boyland Road – located in the Plaistow and Sundridge Ward.
 - A site in Beaverwood Road – located in the Chislehurst Ward.
 - A premises in Croydon Road – located in the Kelsey and Eden Park Ward.
 - A premises in Copers Cope Road – located in the Copers Cope Ward.
 - A property in Midfield Way- located in the Cray Valley West Ward.
 - A property in Queens Road- located in the Clock House Ward.
 - A site in Green Street Green – located in the Chelsfield and Pratts Bottom Ward.
 - A premises in Old Homesdale Road – located in the Bromley Town Ward.
- 3.15 A list of all cases where delegated authority action has been approved is attached as Appendix 2.
- 3.16 Our next Planning Enforcement Progress and Monitoring Report are due to be presented to Public Protection and Enforcement Policy Development and Scrutiny Committee and Development Control Committee.

Non-Applicable Sections:	Policy, Legal, Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	Planning enforcement progress and monitoring report – RR&HSG PDS committee 26 June 2018

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List of Enforcement Notices issued 2018\2019

	ENF Ref	Complaint	Site	Ward	Recommendation	Decision date
1	17/00598	Flytipped waste material	Land east side of Blackbrook Lane	Bickley	Prosecution	17/04/2018
2	17/00583, 17/00588, 17/00589, 17/00590, 17/00592	Flytipped waste material	Land east side of Blackbrook Lane	Bickley	Prosecution	17/04/2018
3	17/00641/OPDEV	Enforcement notice to secure the removal of the unauthorised decking/platform	Serviden Drive, Bromley, BR1 2UB	Bickley	Enforcement Notice	18/05/2018
4	17/00759/OPDEV	Breach of condition notice	Station Yard, Bickley Railway Station Yard, Southborough Road, BR1 2EB	Bickley	Breach of condition notice	23.10.18
5	17/00699/CHANGE	Unauthorised change of use of the land from car sales to a small commercial car wash for use by the public	Homesdale Road, Bromley, Kent, BR1 2QL	Bickley	Prosecution	13.03.19
6	17/00593/UNTIDY	Flytipped waste material	Blackbrook Lane, Bickley	Bickley	Prosecution action	26.07.2018
7	17/00595/UNTIDY & 17/00599/UNTIDY	Flytipped waste material	Blackbrook Lane, Bickley	Bickley	Prosecution action	26.07.2018
8	17/00594/UNTIDY	Flytipped waste material	Blackbrook Lane, Bickley	Bickley	Prosecution action	26.07.2018
9	17/00597/UNTIDY	Flytipped waste material	Blackbrook Lane, Bickley	Bickley	Prosecution action	26.07.2018
10	18/00038/UNTIDY	Flytipped waste material	Blackbrook Lane, Bickley	Bickley	Prosecution action	26.07.2018
11	17/00585	Untidy site - Land Reg SGL269044 Plot 8	Land east side Blackbrook Lane, Bickley	Bickley	Untidy Site Notice	28.8.18
12	18/00221/COMMER	Business being operated, work materials on grass verge	Timbertop Road, Biggin Hill, TN16 3QR	Biggin Hill	COMMER	22/05/2018
13	18/00386/CHANGE	Unauthorised change of use of land for storage of caravan, and also waste materials stored on the land	Highfield Road, Biggin Hill	Biggin Hill	Material change of use enforcement notice	03.07.2018
14	18/00198/OPDEV	Roof alterations, conservatory, raised platform and balustrade	Sutherland Road, Biggin Hill, TN16 3HG	Biggin Hill	Enforcement Notice	05.11.18
15	15/00466/GENERA	Alleged unauthorised fence structure and enclosure of public land	Greenoak Rise, Biggin Hill, TN16 3RL	Biggin Hill	Enforcement Notice	20.11.18
16	14/00494/UNTIDY	Untidy site	Lower Gravel Road, Bromley	Bromley Common and Keston	Prosecution	12.10.18
17	17/00357/COMMER	Unauthorised change of use to a gym	Compass Lane, Bromley, BR1 1ST	Bromley Town	Material Change of use Enforcement Notice requiring cessation of the unauthorised use.	26/04/2018
18	14/00058/BRCOND	Breach of conditions 3 and 5 of application 12/03353, namely the unauthorised changes to the bin store, cycle parking and creation by subdivision, of an additional flat	Martins Road, Bromley, BR2 0EF	Bromley Town	Breach of Condition	01.06.2018
19	17/00381/OPDEV	Alleged unauthorised car port in the front garden	Downs Hill Road, Beckenham, BR3 5HB	Bromley Town	Enforcement Notice	14.09.18
20	18/00256/OPDEV	Unauthorised engineering alterations and the erection of new gates and pillars without planning permission	Warren Road Junction on the East side of chelsfield lane	Chelsfield & Pratts Bottom	Enforcement Notice	18/05/2018
21	15/00129/OPDEV	Failing to respond to the PCN within the required time	New Years Lane, Knockholt, Sevenoaks	Chelsfield & Pratts Bottom	Prosecution action	24.07.2018
22	17/00136/PLANS	Breach of condition regarding insertion of window	Homestead Road, Orpington	Chelsfield & Pratts Bottom	Prosecution action	07.09.18
23	18/00651/OPDEV	Unauthorised structure	Land adjacent to Knockholt Railway Station North Side, Sevenoaks Road, Halstead	Chelsfield And Pratts Bottom	Enforcement Notice	04.10.18
24	18/00655/OPDEV	Removal of a bank of soils, new fencing and increase of height of sleepers	Land opposite Knockholt Station House, Sevenoaks Road, Halstead	Chelsfield And Pratts Bottom	Enforcement Notice	12.10.18
25	15/00129/OPDEV	Possible unauthorised dwelling erected within the site	Knockhold Farm, New Years Lane, Knockholt, Sevenoaks	Chelsfield And Pratts Bottom	Enforcement Notice	12.10.18
26	15/00398/CHANGE	unauthorised change of use of building to a holiday let property	Windsor Drive, Orpington, Kent, BR6 6EY	Chelsfield And Pratts Bottom	Breach of condition notice	30.10.18
27	18/00589/OPDEV	Unauthorised creation of a hardstanding and storage of shipping containers	Land junction with Sevenoaks Road and Wheatsheaf Hill Halstead, Sevenoaks	Chelsfield And Pratts Bottom	Enforcement Notice	14.11.18
28	14/00475/OPEDV	Outbuilding and barn conversion	Skeet Hill Lane, Orpington, BR5 4HB	Chelsfield And Pratts Bottom	Enforcement Notice	15.11.18
29	18/00812/BRCOND	Aleged breach of condition in relation to 17/02441/full6 condition 5. Pre Occupation condition. Requiring amended plans.	Elmstead Lane, Chislehurst, BR7 5EQ	Chislehurst	Breach of Condition Notice	22.11.18
30	15/00286/UNAUTH	Unauthorised retention of temporary building	Beaverwood Road	Chislehurst	Prosecution action	26.07.2018
31	18/00698/CHANGE	Alleged unauthorised change of use to lap dancing club	Flamingo Park club, Sidcup by Pass, Chislehurst, BR7 6HL	Chislehurst	Enforcement Notice	17.10.18
32	18/00698/CHANGE	Alleged unauthorised change of use to lap dancing club	Sidcup by Pass, Chislehurst, BR7 6HL	Chislehurst	PCN	18.10.18
33	18/00408/BRCOND	Balcony screening and windows not in accordance with plans as required by condition 11 of permission 14/04167	White Horse Hill, Chislehurst, BR7 6DG	Chislehurst	Breach of condition notice	23.10.18
34	18/00014/CHANGE	Storage building being used as a self-contained residential unit	High Street, Chislehurst, Kent, BR7 5AG	Chislehurst	Enforcement Notice	29.10.18
35	16/00373/UNAUTH	Enforcement Notice	Croydon Road, Beckenham BR3 4HR	Clock House	Enforcement Notice	24/04/2018

List of Enforcement Notices issued 2018\2019

36	18/00202/CHANGE	Alleged unauthorised sub-division of property into two self-contained flats	birkbeck Road, Beckenham, Kent, BR3 4SP	Clock House	planning contravention notice to be served	28.2.19
37	18/00249/UNTIDY	Fly tipping on dwelling subject of planning appeal	The Avenue, Beckenham Kent, BR3 5EE	Copers Cope	Untidy Site Notice	06.07.2018
38	18/00663/BRCOND	Untidy site	Repton Court Road, The Avenue, Beckenham, BR3 5EN	Copers Cope	Untidy Site Notice	03.10.18
39	18/00410/CHANGE	Unauthorised change of use of land for storage of a caravan, and damage to ancient hedgerow	East Hall Road, Orpington	Cray Valley East	Material change of use Enforcement Notice for removal of caravan	17.07.2018
40	15/00035/OPDEV	Unauthorised alterations to dwelling house	Trunks Alley, Swanley, BR8 7QL	Cray Valley East	Enforcement Notice	10.10.18
41	17/00374/OPDEV	Alleged unauthorised parapet wall and unauthorised part one/two storey side/rear extension and external staircase	Star Lane, Orpington, BR5 3LJ	Cray Valley East	Enforcement Notice	18.10.18
42	18/00675/OPDEV	Alleged unauthorised development taking place on land	Star Lane, Orpington, BR5 3LW	Cray Valley East	PCN	23.10.18
43	18/00672/CHANGE	Creation of hardstanding and caravan placed on site	Land junction with A20 South East Side Cookham Road, Swanley	Cray Valley East	Enforcement Notice, A stop notice and an injunction	09.11.18
44	18/00786/CHANGE	Alleged unauthorised change of use from a retail shop (Class A1) to studio Flat (Class C3)	Chelsfield Road, Orpington, BR5 4DN	Cray Valley East	Enforcement notice	18.3.19
45	17/00230	Alleged Unauthorised change of use as Headquarters for Air Conditioning Business.	Kedleston Drive, Orpington, BR5 2DR	Cray Valley West	Enforcement Notice	18/04/2018
46	17/00608	Out Building erected partly on amenity land.	Midfield Way, Orpington, BR5 2QW	Cray Valley West	Enforcement Notice	18/04/2018
47	18/00162/BRCOND	Front gate has not been set back at least 5m from the footpath in accordance with plans	Chislehurst Road, Orpington, BR5 1NR	Cray Valley West	Breach of Condition	21/05/2018
48	17/00499/BOUND	Gate over 1M high adj to highway A224	Brook Villas, Sevenoaks Way, Orpington, BR5 3JD	Cray Valley West	Enforcement notice	20.2.19
49	17/00182/CHANGE	Alleged unauthorised change of use to a child minding business, and also an unauthorised construction of a wooden shed in front garden	Seymour Villas, Penge, SE20 8TU	Crystal Palace	Material change of use enforcement notice requiring cessation of the unauthorised use as a child minding business	02/05/2018
50	18/00228/BRCOND	Breach of condition notice	Sevenoaks Road, Pratts Bottom, BR5 7LP	Darwin	Breach of Condition	18/04/2018
51	18/00340/COMMER	Material change of use Enforcement Notice to secure the cessation of unauthorised business use.	Highams Court, Layhams Road	Darwin	Material change of use	20.07.2018
52	18/00074/CHANGE	Unauthorised change of use of the land to storage of a coach	Blackness Lane, Keston	Darwin	Material Change of use Enforcement Notice	16.8.18
53	18/00364/UNTIDY	Untidy site/overheight boundary	Hazelwood Road, Cudham	Darwin	S215 Untidy Notice	06.09.18
54	18/00039/CHANGE	Stationing of a mobile home	Renniks Stud, Buckhurst Road, Westerham, TN16 2HS	Darwin	Material Change Of Use Enforcement Notice	11.10.18
55	16/00329/OPDEV	Alleged unauthorised building works	Burlington Close, Orpington BR6 8PP	Farnborough & Crofton	Enforcement Notice	04.06.2018
56	17/00102/BRCOND	Breach of conditions 10 - car parking spaces	PRU, Farnborough Common, Orpington	Farnborough & Crofton	Breach of conditions	20.06.2018
57	16/00329	Unauthorised single storey flat roof rear extension	Burlington Close, Orpington, BR6 8PP	Farnborough and Crofton	Prosecution	14.2.19
58	18/00587/PLANS	Shed and fence built not shown on plans	Crofton Road, Orpington	Farnborough and Crofton	Enforcement notice	22.3.19
59	17/00468/OPDEV	Alleged loft conversion	Hayes wood Avenue Hayes	Hayes & Coney Hall	Enforcement Notice	05/04/2018
60	16/00570/OPDEV	Unauthorised side and rear dormers with loft conversion	Birch Tree Avenue, West Wickham, BR4 9EL	Hayes and Coney Hall	Enforcement Notice	12.11.18
61	18/00192/BRCOND	Breach of condition notice in relation to DC/14/04503/FULL1	Upper Elmers End Road, Beckenham, BR3 3QY	Kelsey	Breach of Condition	05/04/2018
62	18/00015/UNTIDY	Overgrown Vegetation	Barts Close, Beckenham, BR3 3LY	Kelsey and Eden Park	Untidy	21/05/2018
63	16/00501/BRCOND	Unauthorised extraction unit at the rear of the property	Croydon Road, Beckenham, BR3 3RA	Kelsey and Eden Park	Breach of condition notice	16.8.18
64	18/00668/LISTED	Unauthorised metal hoarding	Wickham Road, Beckenham	Kelsey and Eden Park	Enforcement Notice	24.09.18
65	16/00501	Breach of condition 1 -details of ventilation duct	Croydon Road, Beckenham, BR3 3RA	Kelsey and Eden Park	Prosecution	20.2.19
66	17/00204/CHANGE	Operational development - unauthorised single storey rear extension 16/05507/HHPA	Langley Road, Beckenham, BR3 4AE	Kelsey and Eden Park	Enforcement notice	28.2.19
67	17/00204/CHANGE	Change of use - unauthorised HMO alterations from 1 self-contained unit to 2 self-contained units on the ground floor	Langley Road, Beckenham, BR3 4AE	Kelsey and Eden Park	Enforcement notice	28.2.19
68	18/00737/UNTIDY	Untidy land	Dunkery Road, Mottingham, SE9 4LP	Mottingham and Chislehurst north	Untidy site notice	04.2.19
69	16/00268/UNTIDY	Untidy site	Vinson Close, Orpington, BR6 0EG	Orpington	Untidy Site Notice	17.10.18
70	18/00031/CHANGE	Unauthorised change of use from storage building to a 3 bedroom residential dwelling	Southey Street, Penge, London, SE20 7JD	Penge & Cator	Material change of use enforcement notice	16.07.2018
71	18/00531/OPDEV	8ft metal fence erected around front perimeter	Avenue Road SE20 7RZ	Penge and Cator	Enforcement Notice	14.11.18
72	16/00302/CHANGE	Unauthorised conversion of office on first floor to flats	High Street, Penge, SE20 7DS	Penge and Cator	Prosecution	22.11.18
73	17/00157/OPDEV	Construction of structure on forecourt together with the alteration to the shop front	Petts wood Road, Petts wood, Orpington, BR5 1LG	Petts wood and Knoll	Enforcement Notice	05/04/2018
74	18/00720/OPDEV	Unauthorised roof light on front roof elevation	Petts Wood, Orpington, BR6 0BU	Petts Wood and Knoll	Enforcement Notice	02.11.18

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75	18/00637/OPDEV	Unauthorised garden structures - PD rights removed under 14/03673	Irene Road, Orpington, BR6 0HA	Petts Wood and Knoll	Enforcement notice	20.2.19
76	17/00144/BOUND	Overheight boundary walls	Burnt Ash Lane, Bromley, BR1 5DL	Plaistow & Sundridge	Enforcement Notice	28.08.18
77	17/00419	Conversion of detached garage & shed to studio flat for rent	Oak Tree Gardens, Bromley, BR1 5BG	Plaistow and Sundridge	PCN	18/04/2018
78	18/00476/COMMER	Unauthorised car repairs	Thornton Road, Bromley, BR1 5AP	Plaistow and Sundridge	PCN	06.09.18
79	18/00748/BRCOND	Stationing of mobile home cond. 1 of 15/01518/FULL6 exceeding time	Park Avenue, Bromley, BR1 4EG	Plaistow and Sundridge	Breach of condition notice	13.11.18
80	18/00830/OPDEV	Additional boundary fence erected adjacent to existing boundary fence	Park Avenue, Bromley, BR1 4EG	Plaistow and Sundridge	Enforcement Notice	03.12.18
81	14/00532/CHANGE	Alleged unauthorised change from A1 (retail) to C3 (dwellinghouse) no prior approval	College Road, Bromley, BR1 3PE	Plaistow and sundridge	Enforcement notice	14.1.19
82	15/00274/CHANGE	Alleged unauthorised sub-division of property into two self-contained flats	Boylard Road, Bromley, Kent, BR1 4QF	Plaistow and sundridge	Prosecution	28.2.19
83	16/00482/OPDEV	Unauthorised roof terrace on garage	Briar Lane, West Wickham	West Wickham	Enforcement Notice	06.07.2018
84	16/00358/CHANGE	Unauthorised creation of two flats within a single dwelling	Ravenswood Avenue, West Wickham, BR4 0PN	West Wickham	Enforcement Notice	24/04/2018

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