

Application No : 19/04375/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 : C/O Agent

Description of Development:

Fenced Noise Monitor Compound located at the northern end of the runway
RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Noise Contours
Biggin Hill Public Safety Zone
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Major Development Sites
Open Space Deficiency
Sites of Interest for Nat. Conservation
Smoke Control SCA 24

Update

This application was deferred without prejudice by Members of the Plans Sub Committee 1 held on the 19th December 2019, in order to seek consideration of an alternative location outside of the Green Belt and assurances on noise minimisation.

The 'London Biggin Hill Airport Northern NMT Location Review' document prepared by Bickerdike Allen Partners was submitted by the applicants on the 11th September to address the above matters. An 'air 40 owners manual' and noise monitoring product specification sheet were also submitted on the 22nd October. This information is summarised and considered in the updated report below. Environmental Health Officers confirmed that the additional information is satisfactory from their perspective.

The contents of the original report are repeated below in the original format; amended/updated as necessary.

Proposal

Retrospective planning permission is sought for the erection of a fenced noise monitoring compound located to the north of the main runway at Biggin Hill Airport to the rear of houses on the southern side of Downe Road.

The noise monitoring equipment is required to obtain reliable sound information for both arriving and departing aircraft which:

- Allows the validation of the noise contour predictions used to demonstrate compliance with planning requirements;
- Assist in determining eligibility for the Residential Sound Insulation Scheme;
- And allows the noise from individual movements to be compared with the agreed Biggin Hill noise violation limits.

As such the location of the NMT needs to be in the vicinity of the routes flown by both arrivals and departures. The Northern NMT Location Review sets out the need for the NMT. The report in section 4 considers alternative locations for the NMT. The report concludes that the noise monitoring equipment at NMT1 is:

- Located in line with dialogue with the planning authority,
- Located in line with the latest standards for airport noise monitoring systems,
- Located in a safe, quiet area, with suitable access,
- Located near the nearest settlement to the north of Biggin Hill Airport.

The noise monitoring equipment at NMT1 has in the past 3 years provided the required technical information to:

- Validate the critical airport noise contours and allow checks against the Airport's new noise contour area limits;
- Determine any noise violations against the agreed noise violation limits.

The compound has a length of 3.984m and a width of 4.870m and contains a noise monitor mast, electrical control box and solar panels on a steel frame. The compound has a height of 2.9m and the noise monitoring mast and wind turbine have a maximum height of 7.0m. The compound has a chainlink surrounding fence and access gate.

The application is supported by a covering letter that outlines that the location of the noise monitor compound is determined by the flightpaths of arriving and departing aircraft, and with regard to the location of the local community it is measuring the impact of noise for and on behalf of. This is to ensure the Airport Operator works are within the tolerances set by the London Borough of Bromley in respect of the agreed Noise Action Plan.

Revised plans have been received dated 11/11/19 indicating the two proposed masts within the compound.

Location and Key Constraints

The site is located to the south of Downe Road and forms one of the outer fields to the north of Biggin Hill Airport. The area is an open field set within an agricultural area. The site is located within the Metropolitan Green Belt.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

Objections:

- The application states that the monitor is at the North end of the runway Biggin Hill Airport. It is in fact on Agricultural land.

- The Noise monitor that has now been built is not in the position shown on the plan/map, it is in fact directly behind the property Oaklands in the bottom corner of the field.
- The noise monitor is described in the application as being powered by solar panels but it also has a small wind turbine which of course is going 24 hours a day.
- The monitor is not 12 meters from the back of our property as stated and impacts on our property and also our environment and views.
- A more accurate reading could be obtained if the monitor was positioned closer to the end of runway.

Comments from Consultees

Environmental Health (Pollution) Officer: No objections raised. The additional information is considered satisfactory.

Civil Aviation Authority: No comments received.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of

policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

The London Plan (2016)

Policy 5.13 Sustainable Drainage
Policy 6.1 Strategic Approach
Policy 6.6 Aviation
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.16 Green Belt

Bromley Local Plan

Policy 37 General Design of Development
Policy 49 Green Belt
Policy 62 Agricultural Land
Policy 109 Airport Public Safety
Policy 115 Reducing Flood Risk
Policy 116 Sustainable Urban Drainage Systems (SUDS)
Policy 123 Sustainable Design and Construction

Other Guidance

SPG1 – General Design Principles

Planning History

Biggin Hill airport has a long planning history, however there is no recent and relevant planning history relating to this area of land to the north of the runway.

Considerations

The main issues to be considered in respect of this application are:

- Design
- Green Belt
- Neighbouring amenity
- Sustainability
- CIL

Design

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.

The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The compound is low in height and has a modest footprint. Although sited in an open position, the fencing has a chainlink appearance does not have a solid appearance. The design of the compound is such that the structure does not appear excessive in scale and is not clearly visible from public areas. In terms of general design alone, the proposal would not be objected to.

With regards to the specific siting, the 'London Biggin Hill Airport Northern NMT Location Review' document prepared by Bickerdike Allen Partners was submitted by the applicants to outline the reasoning for the chosen location.

It concludes that the site was chosen as the most suitable location for the following reasons;

- 1) It was within the area suitable for noise measurements.
- 2) Adjacent to the settlement which was likely to be most exposed to noise.
- 3) Situated on the runway side of the settlement to get a worst case reading.
- 4) It is on land controlled by the airport and easily accessible.
- 5) Located away from other noise generating areas, such as roads, so as not to affect the readings.

Having regard to the above, it is considered that the siting of the equipment is acceptable in principle for the purposes of noise monitoring at Biggin Hill Airport. Further consideration with regards to the impact on residents of this siting is set out within the neighbouring amenity section below.

Green Belt

Paragraphs 133 - 147 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes:

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

Paragraphs 143 – 147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraphs 145 states A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Bromley Development Plan Policies provide the same level of protection to Green Belt as the NPPF, including Policy 49 of the Bromley Local Plan.

As set out in para 143 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

Para 144 of the NPPF advises that LPAs should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

The proposal may be considered to comprise of local transport infrastructure which can demonstrate a requirement for a Green Belt location, as it consists of a noise monitoring compound to be used in association with the airport. It is accepted that the definition of 'local' is not clear within the policy and that there may be considered a local need for the facility in connection with Biggin Hill Airport. It is also accepted that an alternative provision outside of the Green Belt would not be practical given the intended use to monitor the flight path noise generation of departing and arriving aircraft. The proposal does not therefore constitute inappropriate development in the Green Belt as the provision of the compound is considered to fall within the NPPF and Local Plan definition of local transport infrastructure.

Along with the consideration of appropriateness of the development in the Green Belt, the impact on openness must also be assessed. Regardless of the appropriateness of the development, the exceptions for new buildings in the Green Belt must not have a greater impact on the openness of the Green Belt.

Openness can be defined as a lack of built form. Policy 49 states that development that meets the exception test should preserve openness and should not conflict with the purposes of including land within the Green Belt.

Concerning openness, the compound is sited on agricultural land where there is currently no development and therefore it has some impact on openness by definition. That said, the development is minor in its nature and sited towards the edge of the field rather than in an open position. The compound also has a low height and a relatively open appearance with a small footprint. It's siting and appearance when considered together result in a minimal impact on the openness of the Green Belt and it is considered that openness is preserved as a result.

Concerning the purposes of including land within the Green Belt, the land is currently in agricultural use and this will not change. Policy 62 of the Local Plan states that development that leads to the loss of the best and most versatile agricultural land should be designed to allow for the future economic re-use of the land for agricultural purposes. The land is considered to have a good prospect for agricultural use however it is noted that it is not classified as 'best and most versatile' agricultural land according to the Natural England Agricultural Land Classification. Regardless of the quality of the land for agricultural purposes, the compound is sited in the corner of the field and does not utilise a large area of the site. It is considered that the future use of the land for agricultural purposes would not be hampered by the development. The development would not therefore conflict with the purposes of retaining land within the Green Belt.

On balance therefore the proposal would, not constitute inappropriate development in the Green Belt and would not have a detrimental impact on the openness and visual amenity of the Green Belt or conflict with the purposes of retaining land within it.

Neighbouring amenity

Policy 37 of the Bromley 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 compound is sited with a generous separation to the neighbouring property to the north on Downe Road (approx. 70m) and is considerably isolated from any other residential properties.

The compound and its equipment does not emit any noise and this has been confirmed by the applicant. Additional supporting information was submitted to support this, including an 'air 40 owners' manual' and noise monitoring product specification sheet (submitted on the 22nd October). Environmental Health Officers confirmed that the additional information is satisfactory from their perspective and that it would not result in any unacceptable noise output.

It is therefore considered that the impact on the amenities of neighbouring properties is minimal.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Conclusion

Having regard to the above it is considered that the proposal is acceptable in that it does not result in a harmful impact on the openness and visual amenity of the Green Belt and does not impact on the amenities of neighbouring residential properties.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1. The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved.**

Reason: To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application in the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan