



THE LONDON BOROUGH
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DATE: 11 September 2012

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard, Katy Boughey,
Lydia Buttinger, Nicky Dykes, Simon Fawthrop, Peter Fookes, John Ince,
Russell Jackson, Mrs Anne Manning, Russell Mellor, Tom Papworth,
Richard Scoates and Harry Stranger

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **THURSDAY 20 SEPTEMBER 2012 AT 7.30 PM**

MARK BOWEN
Director of Resources

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 26 JULY 2012**
(Pages 1-12)

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council’s Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5 pm on Friday 14 September 2012.

5 PLANNING REPORTS

ITEM NO.	APPLICATION NUMBER AND ADDRESS OF DEVELOPMENT	PAGE NO.	WARD
5.1	(12/01388/OUT) - Land adjacent to 6 Home Farm Cottages, Sandy Lane, St Paul’s Cray	13-50	Cray Valley East
5.2	(12/02027/FULL1) - The Walnuts Shopping Centre, High Street, Orpington	51-64	Orpington

6 PLANNING POLICY CHANGES

(Report to follow)

7 REPORTS TO NOTE

7.1 SECTION 106 AGREEMENTS: UPDATE (Pages 65-76)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 26 July 2012

Present:

Councillor Peter Dean (Chairman)
Councillor Alexa Michael (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard,
Katy Boughey, Lydia Buttinger, Nicky Dykes, Simon Fawthrop,
Peter Fookes, John Ince, Mrs Anne Manning, Russell Mellor,
Tom Papworth, Richard Scoates and Harry Stranger

Also Present:

Councillors Julian Benington

11 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Russell Jackson.

12 DECLARATIONS OF INTEREST

Councillor Simon Fawthrop declared a personal interest in Item 5 as an employee of British Telecom.

13 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 28 JUNE 2012

As a matter arising from the Minutes, the Chief Planner referred to Item 7b (page 10) - Options Paper for Gypsies & Travellers and Travelling Showpeople. He reported that as requested by Members, a letter had been sent from the Chairman to local MPs and the Secretary of State outlining their views with regard to the provision of sites for gypsies, travellers and travelling showmen and the protection of Green Belt land.

RESOLVED that the Minutes of the meeting held on 28 June 2012 be confirmed and signed as a true record.

14 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

15 PLANNING REPORTS

The Committee considered the Chief Planner's reports on the following planning applications:-

Item No.	Ward	Description of Application
5.1 (page 15)	Kelsey and Eden Park	(12/00976/OUT) - Demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to 1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/sports club/library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FULL PART OUTLINE at GlaxoSmithKline, Langley Court, South Eden Park Road, Beckenham.

Oral representations in support of the application were received from Mr Martin Bellinger, agent on behalf of the applicant.

Mr Bellinger raised the following points:-

- In-depth consultation had been undertaken with the local community incorporating community planning days, feedback from consultees, one-to-one meetings and the use of social media and dedicated web sites.
- The applicant's aim was to create a high quality development which complimented the surrounding area.

Referring to concerns raised by Members at the site visit on 14 July 2012, Mr Bellinger reported the following:-

- Subsequent to the visit, the applicant's architects had examined the layout of the parking provision and were confident that further parking spaces could be provided which would have no impact on the current scheme.
- The anticipated off-site housing contribution in the form of a S106 Agreement had been negotiated with officers and an amicable solution had been reached.

- A further financial contribution could be made to the Local Authority to facilitate finding alternative employment sites within the Borough.

Members were informed that an average of 2 personal parking bays would be allocated to each property within the southern apartments and 1 parking space (the minimum required by the Local Authority) allocated to each of the smaller affordable housing units. Councillor Fawthrop was pleased to note that parking issues had been resolved.

Having received confirmation that the applicant would be agreeable to the removal of permitted development rights for the site, Councillor Fawthrop moved and Members agreed, that a condition in this regard be added to the existing conditions if the application were to be granted.

Mr Bellinger confirmed to Members that a significant number of trees on the site would be retained with the removal of just two Category C trees. A full survey had been undertaken with which the Tree Officer had agreed. The layout of the development included a significant amount of landscaping including the provision of replacement trees.

Referring to the high-tech culture of present times, Councillor Fawthrop asked if provision would be made for the installation of fibre optic broadband. Mr Bellinger replied that such facilities were usually guaranteed in locations such as this.

Mr Bellinger hoped to increase the amount of car parking spaces allocated to the GP's surgery.

Members were informed that as badgers were a protected species, strict requirements would be adhered to by the applicant when closing off the badger sett.

Oral representations from visiting Member, Councillor Julian Benington were received at the meeting. Councillor Benington raised the following points:-

- With regard to the assessment on saved policy EMP5 criteria (page 20), although DTZ consultants were employed by the Council, they had not carried out an independent valuation.
- As major industrial land, the Council had received a final business rate income of £436,500; this was significantly higher than the approximate £300,000 which would be received by way of Council Tax if the application were to be granted.
- As employment land, the site should be protected. Referring to page 28 (paragraph 2), it was noted that the DVA report had been completed before the sale of the land and therefore, the comments set out within the report raised some issues.
- There appeared to have been limited marketing of the site since 1999.

- Although DTZ consultants had identified the loss of employment land, there were no alternative sites of the same size within the Borough suitable for employment use.

The following was reported by the Chief Planner:-

- The application was amended by documents received on 11 June 2012.
- Comments had been received from the GLA who were satisfied with the assurances regarding Metropolitan Open Land and encouraged the Local Authority to address certain issues by way of conditions.
- Comments had been received from the Environment Agency who suggested the insertion of a buffer zone scheme condition.
- Unicorn School had requested that problems of demolition must be adequately dealt with and requested assurances that the applicant would pay an education contribution.
- Comments from the Head of Housing Development and Strategy had been circulated to Members.

Referring to the employment land advice from DTZ, the Chief Planner read Policy EMP5 and reported that initially a strong view had been taken by the Council on not permitting a change of employment use. Realistically however, the wider interests needed to be taken into account and a more balanced view taken. DTZ had reviewed the details submitted by the applicant and had then reviewed the policy before submitting their own comments.

Marketing of the site had been undertaken by JLL in 2008 prior to GlaxoSmithKline vacating the site. DTZ were satisfied that due to the lack of interest with regard to employment use, the Local Authority would not have a case for refusal on Policy EMP5 alone. The best way to protect employment land was via a contribution from the applicant; therefore, if the application was granted, the employment conditions would need to be amended.

The Chairman thanked Essential Land for the work undertaken by them during the consultation process and made the following comments:-

- The loss of commercial land - There had been no success in marketing the land. The applicant was aware when buying the site that it was solely employment land however, for the purpose of the application, sufficient evidence had been provided to support a change of use. Agreement for a contribution to the Local Authority to facilitate finding alternative employment sites had been reached. It was, therefore, inappropriate for Members to refuse the application solely on the grounds of loss of commercial land.
- It would also be difficult to refuse the application on development grounds because the proposed parking facilities matched the required standards, there was a generous level of amenity space, the buildings were aesthetically pleasing to the eye and a large amount of Metropolitan Open Land would be retained for leisure use.

- A traffic assessment had concluded there would be less road use.
- Local schools would benefit from the S106 education contribution.

The Chairman and Members agreed that, if the application was approved, an informative should be added suggesting that the number of GPs at the proposed surgery be increased from 2.5 to 3.

The Chairman and his fellow Ward Members all supported the application and the Chairman moved that the application be granted.

During consideration of the application, Councillors Auld, Arthur, Michael, Ince and Mellor agreed with the inappropriateness of refusing solely on the grounds of loss of employment use.

Councillor Fawthrop seconded the motion for permission subject to the following:-

- a further condition should be included to restrict permitted development across the entire site; and
- an informative be added suggesting that methods to facilitate the installation of fibre optic broadband be made available to residents of the properties.

Councillor Michael submitted the following comments:-

- The scheme was imaginative and attractive.
- The S.106 contribution for social housing was good.
- Parking was adequate.
- None of the development would be built on Metropolitan Open Land.

Councillor Michael commended the applicant on its involvement with the local community during the consultation period.

Councillor Mrs Manning was pleased to note the inclusion of a condition with regard to a buffer zone scheme for back gardens.

Councillor Mellor made the following comments:-

- There would be no current loss of jobs;
- The site had failed to be marketed;
- The spatial standard of the homes was very good and would enhance the area;
- The employment contribution paid via a S106 Agreement be ringfenced towards finding future industrial sites elsewhere in the Borough.

Following a unanimous vote of 17-0, Members **RESOLVED that PERMISSION BE GRANTED as recommended, subject to the prior completion of a legal agreement and subject to the conditions and**

informatives set out in the report together with the following amendments and additions:-

1) Conditions 6 and 9 (concerning trees), to be deleted.

2) The following conditions to be incorporated:-

- i) Prior to the commencement of each Reserved Matters area of the development (excluding demolition) hereby permitted a scheme for the provision and management of a buffer zone alongside the watercourses within each reserved matters area, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme should be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. Where the masterplan incorporates features such as fencing and domestic gardens into the buffer zone, they should be designed so as not to impact the watercourse. The scheme shall include:-**
- plans showing the extent and layout of the buffer zone;**
 - details of any proposed planting scheme (for example, native species);**
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term, including adequate financial provision and named body responsible for management plus production of detailed management plan;**
 - details of any proposed footpaths, lighting etc;**
 - details of any proposed fencing. Fencing should be situated as far as possible from the top of the bank where it forms the boundaries to gardens to avoid future issues with bank stabilisation and to protect the watercourse.**

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value, for example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

- (ii) No development (excluding demolition) shall commence until details of a play strategy have been submitted to and approved by the local planning authority. The play space shall be provided in accordance with the approved details and shall be retained permanently thereafter.**

Reason: In order to comply with Policy 3.6 of the London Plan.

- (iii) No development (excluding demolition) shall commence until details of an inclusive access strategy for the development have been submitted to and approved by the local planning authority.**

The access strategy should illustrate how disabled people will be able to navigate the public realm inclusively, access buildings safely and demonstrate how levels and gradients would be managed appropriately. It should also demonstrate how the treatment of shared surfaces would be managed to avoid unnecessary risks to the visually impaired or other disabled people.

Reason: In order to comply with Policy 7.2 of the London Plan.

- (iv) Before any works on site are commenced (excluding demolition), an updated site-wide energy strategy assessment shall be submitted to and approved by the Local Planning Authority. The results of this strategy shall be incorporated into the final design of the buildings prior to first occupation. The strategy shall include measures to allow the development to achieve an agreed reduction in carbon dioxide emissions of at least 25% better than Building Regulations. This should include the reduction from on-site renewable energy generation as set out in the Sustainability Appraisal and Energy Strategy Report. The final designs, including the energy generation, detailed layout and elevations shall be submitted to and approved in writing by the authority and shall be retained thereafter in operational working order and shall include details of schemes to provide suitable noise attenuation for the schemes and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate unless otherwise agreed in writing by the Authority.

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policies 5.2 and 5.7 of the London Plan 2011.

- (v) Notwithstanding the commitment in the Development Specification of June 2012 to provide 152 carparking spaces for the southern, northern and entrance apartments (at a ratio of 1.32 spaces), prior to commencement of the development (excluding demolition) plans and details are to be submitted to and approved by the local planning authority in writing showing how parking can be provided to provide a minimum of 1:1 carparking spaces for all the units in the apartments plus visitor parking, totalling no less than 152 spaces. The approved plans and details are then to be implemented in full unless agreed otherwise by the local planning authority.
- (vi) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the design concept of the development is not compromised and to comply with Policy BE1 of the Unitary Development Plan.

The following two informatives should also be incorporated:-

1. The applicant be requested to aim to provide for 3 general practitioners and adequate parking for the medical centre by the time that the residential development is occupied.
2. The applicant is advised to ensure that adequate access to the internet is facilitated throughout the development.

16 BROMLEY LOCAL PLAN

In May 2012, the Local Development Plan Advisory Panel (LDPAP) agreed that work undertaken in preparation of the Core Strategy be incorporated into a Bromley Local Plan to comply with the Government's Planning Reforms. At a Development Control Committee Meeting also held in May 2012, Members considered and agreed the preferred strategy and options in relation to housing, gypsies and travellers and the Green Belt which would form the major part of the Living in Bromley section of the Local Plan. Members were now requested to agree the preferred strategy and options with regard to the remaining main theme areas of the Local Plan. In early September, the draft Options and Preferred Strategy document would be reported to the Executive and approval would be sought for a six-week public consultation period.

Each option was considered as follows:-

Appendix A - Living in Bromley

Options 1a-1b - Councillor Ince was unsure of the suggested preferred option as areas within his Ward (Cray Valley West) would require regeneration rather than renewal. The Head of Planning Strategy and Projects responded that Option 1 was preferred as it encompassed a broader range of areas.

Options 2a-2b - No comments.

Option 3 - No comments.

Appendix B - Supporting Communities

"Bromley 2030 Vision", third line: - The word 'choice' should be replaced with a suitable alternative.

Options 1-1a - No comments.

Option 2 - No comments.

Option 3 - No comments.

Option 4 - One Member queried whether the recently acquired cemetery at Sidcup By Pass would create sufficient capacity without the need to seek

further sites. It was reported that advice given by officers was that further sites would be required over the lifetime of the plan.

Paragraph headed 'Options for Education' (page 16) - as the initial paragraph did not include reference to selective schools, the words 'Academies and Free Schools' should be deleted

Options 5-5b - With regard to Option 5b, the Chief Planner reported that the Local Authority would not be able to decide which educational establishments took on certain sites.

Option 6 - No comments.

Option 7 - No comments.

Options 8a-8b - No comments.

Option 9 - No comments.

Option 10 - No comments.

Paragraph headed 'Development Management Policies' (page 17) - With regard to specific protections for facilities important to local communities, Councillor Michael suggested that libraries be added to the list.

It was also reported that at a meeting of the Local Development Framework Advisory Panel, Members had requested that the heading 'Development Management Policies' be changed to 'Development Control Policies'.

Appendix C - Getting Around - Working Draft

Policy Options - Visions

- Amend first sentence to read: 'Moving around the borough is easier due to reduced road congestion and improved public and *private* transport networks.'
- 5th line, amend sentence to read along the lines of: 'Any new development *might* where appropriate, include electric vehicle charging points and there are more car clubs, increasing choices for local people.'

2nd paragraph, page 20 - Discussion about uncluttered streets took place.

Officers should ensure that every option throughout Appendix C was marked as either 'preferred' or 'not preferred'.

Options 1a-1d - No comments.

Options 2a- 2b - No comments.

Option 3 - No comments.

Option 4 - Amend first sentence to read: 'To promote the safe use of cycling, walking, public *and private* transport to improve access to services for all.

One Member suggested that the Mayor should consider car parking with the use of Oyster Cards.

Option 5 - No comments.

Option 6- No comments.

Option 7 - No comments.

Option 8 - No comments.

Option 9 - No comments.

Option 10a-10d - One Member preferred option 10d as no funds were available to carry out DLR extensions.

The Chief Planner reported that Option 10d was not the preferred option of LDAFP Members. Two possible further options were raised.

Appendix D - Bromley's Valued environments - Working Draft

No comments.

Appendix E - Working in Bromley - Working Draft

Option 1A - The Chief Planner would check and confirm to Members the precise location of Footscray Business Area.

Options 2A- 2B - No comments.

Options 3A- 3C - No comments.

Options 4A-4D - No comments.

Options 5A-5E - No comments.

Option 1A.1 - The Chief Planner explained the background to the High Court challenge with regard to Site A and informed Members that the Local Authority had been instructed to do what was set out in option 1A.1.

Options 2A.1-2A.2 - No comments.

Options 3A.1-3A.3 - In option 3A.2, 'designated' should be replaced by 'review' or 'recognise' as Members were concerned that the word 'designated' could be open to interpretation. Councillor Papworth suggested that Option 3A.2 should not be the preferred option at all.

Options 4A.1-4A.3 - No comments.

Options 5A.1-5A.2 - No comments.

Appendix F - Environmental Challenges - Working Draft

Options 1A-1B - Councillor Fawthrop commented that people who worked from home contributed substantially to the reduction in carbon emissions and suggested that reference could be made to the provision of adequate access to the internet was made available to all homes.

Options 2A-2C - No comments.

Options 3A-3B - No comments.

Options 4A-4B - No comments.

Options 5A-5B - No comments.

Options 6A-6B - No comments.

Options 7A-7B - No comments.

RESOLVED subject to the comments and amendments suggested above that:

- 1) the policy options as set out in the paper and appendices be incorporated in the Local Plan Options and Preferred Strategy Consultation document; and**
- 2) the basis of the consultation process for the Options and Preferred Strategy stage of the Bromley Local Plan be agreed.**

ANY OTHER BUSINESS

A briefing note was circulated to Members informing them that the Department of Communities and Local Government had published three consultation papers together with a departmental response to an earlier consultation paper. The four papers related to:-

- a) Relaxation of planning rules for change of use from Commercial to Residential - Summary of consultation responses and the Government response to the consultation.
- b) Statutory Consultant performance and Award of Costs - Consultation.
- c) New opportunities for Substantial Development and Grants Through the Reuse of Existing Buildings - Consultation.

d) Streamlining Information Requirements of Planning Applications.

It was agreed that Members would consider the documentation and report any comments they may have to the Chief Planner. The consultation period would end on 11 September and the Chairman's response to the consultations would be reported to the September meeting of the Development Control Committee.

The Meeting ended at 9.40 pm

Chairman

Agenda Item 5.1

Application No : 12/01388/OUT

Ward:
Cray Valley East

Address : Land Adjacent To 6 Home Farm
Cottages Sandy Lane St Pauls Cray
Orpington

OS Grid Ref: E: 547642 N: 169666

Applicant : Cray Wanderers Football Club

Objections : YES

Description of Development:

Football stadium (capacity 5,153) including club facilities comprising changing rooms, offices, club shops, food and bar facilities and conference/ function rooms; fitness centre including 20m swimming pool and multi-use arena, crèche, outdoor all weather full-size football pitch, 115 bedroom hotel including restaurant, 182 residential dwellings, landscaping, widening of Sandy Lane, formation of vehicular access including roundabout, internal access roads and pedestrian routes

Key designations:

Areas of Archaeological Significance

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

Green Belt

London City Airport Safeguarding

London City Airport Safeguarding Birds

Local Distributor Roads

Proposal

Outline planning permission with all matters reserved for subsequent approval is sought for the following:

- 5,153 capacity football stadium and club facilities comprising changing rooms, offices, club shops, food and bar facilities and conference/function rooms (1,815m² GIA excluding terraces and stands)
- 115 bedroom hotel (4,960m²) within stadium structure
- leisure centre including 20m swimming pool and multi-use arena (3,013m²) within stadium structure
- creche (510m²) within stadium structure
- full size all-weather pitch with floodlighting
- residential enabling development to offset the construction costs of the stadium comprising 69 affordable and 113 private dwellings (182 in total) as follows:
 - shared ownership – 3 two bedroom flats, 9 two bedroom and 9 three bedroom houses

- social rented – 5 two bedroom flats, 8 two bedroom houses, 28 three bedroom houses and 7 four bedroom houses
 - private – 7 two bedroom flats, 27 two bedroom houses, 43 three bedroom houses and 36 four bedroom houses
- highways improvements including roundabouts and pedestrian footpaths/crossings on Sandy Lane
 - ecological enhancements and provision of buffer zones to Ruxley Gravel Pits SSSI and Sandy Lane.

The application is accompanied by a Planning Statement which includes the following points:

- Cray Wanderers Football Club (CWFC) was established during the 1860s and is the oldest football club in London and the second oldest in the world
- club has a history of playing at numerous venues in the Crays and games have regularly attracted crowds in excess of 1000 spectators and on occasion up to 3000 spectators.
- club wishes to expand its community role and sees the proposal as an opportunity to act as a catalyst for the social and economic regeneration of the Crays
- club's nomadic existence has probably cost it success on the pitch and the lack of a permanent ground now threatens its ongoing progress.

Very Special Circumstances

The application states that the scale of proposed stadium is commensurate with the requirements of a club seeking Category A pitch status for entry into the Football League. It is asserted that the stadium and the Astro turf pitch are appropriate facilities for outdoor sport and are acceptable development in the Green Belt. The application identifies the hotel, gym and indoor leisure facilities, associated car parking and residential development as inappropriate development in the Green Belt and sets out a case for very special circumstances to justify this inappropriate development as follows:

Very Special Circumstances - Sporting Case

- CWFC currently sit near the top of the Ryman Premier Division, one league below the Conference South, two leagues below the Conference National and three leagues below the Football League Division 2
- the Football Association (FA) require a Ryman Premier club to have a Category C ground which should have the potential for a capacity of 3,000 including some seating as well as meeting requirements in relation to the pitch, facilities and floodlighting
- CWFC require a Category A ground to facilitate future growth – Category A requires a 4,000 capacity with potential to expand to 5,000 and floodlighting to a higher lux
- current ground-share arrangement with Bromley FC will cease in September 2014 - even if an extension could be agreed the Category B status of the

Hayes Lane stadium does not meet CWFC aspirations for Football League status and its location in relation to the Cray's community is an obstacle to growth

- amount of development reflects the need for a Category A stadium with supporting operational facilities and also reflects the club's role in the community
- Sporting Needs Assessment (SNA) provides a robust evidence base for the need for the other proposed recreational facilities – National Planning Policy Framework (NPPF) supports use of such information to inform open space and recreation provision
- floodlit artificial football pitch would be used by schools and the local community on a pay as you play basis
- fitness centre, swimming pool and multi-use arena will support fitness and sporting objectives
- CWFC are investigating the potential of the multi-use arena as a regional centre of sporting excellence designed to provide flexible spaces to facilitate activity based uses
- proposal could reinforce the outdoor sporting and leisure offer available in the locality – given the proximity of Ruxley Golf Course and the ski slope the Club could promote these activities and Sandy Lane could be a hub for outdoor sport

Very Special Circumstances - Lack of Alternative Sites

- club has investigated sites within 2 miles of the Crays - criteria assessed included availability, viability, size, transport links, access to the population of the Crays and planning considerations
- Crockenhill Football Club are located within 2 mile catchment and were approached but there are no transport links and an application for floodlights was previously refused
- Green Court Sports Club, Crockenhill were approached but the owner was unwilling to sell, planning permission would not be granted for floodlighting and transport links are poor
- Queen Mary's Hospital Playing Fields, Froggnal Avenue is designated Green Belt and unavailable
- Kemnal Manor School is designated Urban Open Space and the retention of Grade II listed school building would preclude development of a stadium and the site is required by the school
- site between Edgington Way and Sidcup by-pass is an inadequate size and is designated Green Belt
- site bounded by Powerscroft Road, Cray Road and Edgington Way was the subject of a planning application for residential and non-food retail and is therefore unlikely to be available
- site south of Sidcup by-pass and east of Sevenoaks Way is part developed and separated by industrial and residential development - discounted due to multiple ownerships and the uncertainty of its availability
- site north of Sidcup by-pass and south of Maidstone Road was dismissed due to uncertainty of its availability and the presence of Listed Buildings

- site north of Sidcup by-pass and north of Cookham Road dismissed due to uncertainty of its availability
- Flamingo Park, Chislehurst is designated Green Belt and has inadequate vehicular access whilst there is uncertainty over the availability of the land and development would result in the loss of existing established sports facilities
- St Mary.Cray Recreation Ground, Park Road has inadequate transport links whilst surrounding houses would be unacceptably affected by activity
- school playing fields, Groveland Road are needed by the school and there would be resistance to the loss of school playing fields
- Hollingwell Recreation Ground is a well established public open space and its concealed location would result in a development with no visual presence whilst there is a perceived lack of accessibility
- CWFC have undertaken an extensive site search and the application site is the only reasonable prospect on which planning permission might be granted.

The applicant has detailed two examples of planning permissions being granted for football stadiums on protected land because of the lack of an alternative site:

Brighton and Hove Albion Football Club

- although not in the Green Belt, planning permission was granted in an Area of Outstanding Natural Beauty for a 22,000 seat community stadium with coach/bus parking and transport improvements including a new flyover
- application was called in by the Secretary of State who concluded that:
 - there was considerable local need for the proposed development
 - it would bring significant regeneration and socio-economic benefits to one of the most deprived areas of the country and was therefore in the national interest
 - there was no reasonable prospect of planning permission being granted for a stadium at any of the alternative sites which had been considered
 - the proposed mitigation measures would be sufficient to moderate any harmful impact to the AONB

Southend Football Club

- planning permission was granted by the Secretary of State in December 2007 for a 22,000 seater football stadium, 114 bedroom hotel, club facilities, 67 flats, retail and restaurant units, a health club, new training pitches including an all weather floodlit pitch and car parking
- buildings were permitted on a site with its Green Belt status under review while the training pitches with car parking were permitted in the Green Belt
- Inspector noted that there was clearly no alternative site for the new stadium and found that the balance of arguments is was unusually heavily and clearly weighted in favour of allowing the development

Very Special Circumstances - Community Use

- Statement of Community Benefits (summarised later in the report) details range and extent of proposed community use of facilities and community activities

Very Special Circumstances - Need for Enabling Development

- proposed stadium cannot be developed as a stand-alone project and it must form part of an overall development with other uses providing funding for the stadium
- hotel, health and fitness facilities, and crèche would provide match-day marketing and revenue opportunities
- residential development is identified as the optimum and most likely means of securing additional capital revenue
- provision of enabling development and the principle of financial dependency between certain types of community and commercial developments are well established as material considerations in the determination of planning applications
- para. 140 of the NPPF defines enabling development in the context of conserving and enhancing the historic environment as development which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset and outweigh the disbenefits of departing from those policies.
- main principles that have evolved are:
 - economic viability of a desirable planning development can be a material consideration
 - ultimate determination of an application is based on planning grounds and not on some ulterior motive
 - local planning authority is entitled to balance the fact that the desirable planning development would not be financially viable without granting planning permission for the enabling development against the fact that the enabling development would be contrary to the development plan
- Financial Report by London and Berkshire Limited assesses the cost of undertaking the development, appraises the value of the component parts and demonstrates the need for the enabling development
- cost of stadium, all weather pitch, crèche, leisure centre and hotel is approx. £18m – sale of hotel, crèche and leisure centre will generate approx. £12.2m leaving a shortfall of approx. £5.8m which will be met through the housing development
- Dartford Council recently funded a stadium for Dartford FC - if Bromley Council were to offer funding it would help reduce the requirement for enabling development but the club have advised that such funding will not be forthcoming

Kent Cricket Club

- need for significant enabling development on Metropolitan Open Land in Beckenham was recently accepted by Bromley Council - proposal by Kent County Cricket Club (KCCC) included a stand for 2,000 – 3,000 spectators, all weather floodlit pitches and 'enabling development' as follows:
 - a conference and banqueting facility (1600m²)
 - leisure and health club (2100m²)
 - indoor cricket centre (2600m²)
 - associated parking (214 spaces)
 - residential development (48 four and five bedroom detached houses and no affordable housing contribution)
- financial appraisal demonstrated the expense of operating the sporting facilities at the ground and the need for the residential element to support the provision of new sports and leisure facilities
- Committee report noted that the ground makes an annual loss, that it was dependent on donations and that the proposal would provide for the sustainable long term security of the site for sports use
- it was noted that without the enabling development the use of the site will cease and that if consented the scheme would secure the continued use of the ground by KCCC, a new indoor cricket facility, an all weather pitch and enhanced conference and leisure facilities
- there are parallels between CWFC and the KCCC proposal in terms of the significant amount of enabling development (commercial, leisure and residential) needed to produce an economically viable scheme on land which has a presumption against inappropriate development

Very Special Circumstances - Openness of the Green Belt

- Landscape Assessment in the Environmental Statement (ES) advises that the site is essentially only visible from short views on or near the site boundaries and from the urban fringe to the west and east - in longer views the site is obscured by the topography, highway banks, buildings and tree and woodland cover
- principal public view of the site is from Sandy Lane - proposal seeks to retain the existing boundary planting along Sandy Lane, where possible, and introduce a green buffer strip for new planting - over time this will soften the visual impact of the development from Sandy Lane
- view from the west (Sevenoaks Way) is screened by extensive scrub and trees west of the lakes on the River Cray and the industrial estate on New Mill Road - proposed buffer strip between the development and the SSSI will enable new planting to provide additional screening
- views from the south are obscured by the New Mill Road industrial estate whilst views from the southern end of Sandy Lane at Home Farm would be obscured by Home Farm Cottages, hedges and scrub - top of the Stadium may be visible from this view but there will be no significant visual impact
- Landscape Assessment demonstrates that viewpoints and locations of significant interest will not be affected

- view from Home Cottages would be screened by boundary planting and would enjoy generous separation and a favourable topography - this is essentially a residential amenity issue and a satisfactory relationship would result
- visualisations indicate that views from Ruxley Golf Course would be in context with the urban development in all directions beyond the site and that the proposed planting on Sandy Lane will quickly screen and integrate the site into the landscape
- Officers report for KCCC application noted the proposal would give rise to a 'very apparent loss of openness, compromising views into the site and harming the visual integrity of the MOL' but the harm to the MOL was outweighed by the benefits of the scheme
- land to the north of the site on the other side of the A20 was re-designated from Green Belt to a Business Area in 2006 - presumably Bromley was satisfied that the Green Belt designation was not appropriate in this location.

The Planning Statement considers regeneration, housing and design issues as follows:

Regeneration

- Cray Valley is identified in the London Plan 2011 as an Area for Regeneration where opportunities to address issues of multiple deprivation particularly in respect of improving poor health and educational achievement need to be addressed
- LB Bromley's Core Strategy Consultation Document noted that residents have lower income, there are high proportions of families where neither adult is in work, lower life expectancy and poorer health than the Borough and London average
- proposal represents a £52 million investment in the Crays and the offer of new sports, leisure and community facilities would act as a driver for economic activity and community participation and encourage sports and community activity conducive to the health and well-being of residents
- socio-economic analysis in the ES estimates the number of Full Time Equivalent (FTE) jobs arising from the scheme as follows:
 - construction of the development - 100 jobs
 - administration and maintenance of the club – 2.5 jobs
 - management/playing staff – 15-20 jobs
 - leisure centre – 34 jobs
 - hotel – 98 jobs
 - crèche – 10 jobs
- it is estimated that there will be up to 48 indirect FTE jobs created through additional demand for goods and services in the local area
- development could provide jobs for the local unemployed, it will raise the profile of the Crays and engage the community with opportunities for formal employment and social/community participation thereby contributing to the

objectives of the Crays Regeneration Area by addressing social inclusion and deprivation.

Affordable Housing

- size and type of housing reflect the need for more family housing in the borough
- scheme would contribute to the shortfall in affordable housing in Bromley which has led to around 8,000 households being on the housing register
- affordable housing provision increases the quantum of enabling development in the green belt

Housing Supply

- Council's LDF Consultation indicates a failure to meet and exceed the housing targets set by the Greater London Authority (GLA) and the expectations of the NPPF - proposal would make a valuable contribution to addressing housing shortfall
- residential development would contribute to the regeneration objectives of the London Plan and Bromley.
- indicative layout demonstrates that scheme exceeds London Plan requirements for children's playspace

Urban Design

- proposal seeks to maximise site potential, enhance the public realm, provide a mix of uses whilst being accessible, inclusive, legible, sustainable, safe, inspiring, exciting and respecting London's natural and built heritage
- design responds to the functional and practical needs of the component parts while safeguarding the ecological, environmental and archaeological conditions of the site and surrounding open space
- stadium and commercial/community facilities would represent a landmark within the corridor of development alongside the A20
- stadium and associated facilities would provide an open and textured landscape which would include vibrant new buildings, landscaped access and parking areas and the all weather sports pitch
- sports and community facilities would emphasise and promote the use of the site for outdoor sports while maintaining a balance with the open and rural character of the Green Belt
- existing and new landscaping would maintain the green/ecological setting of the site and not detract from the openness of the surrounding Green Belt
- houses will be of traditional sizes, shapes and layouts - height of the buildings would have no more impact on the Green Belt than the surrounding commercial/industrial buildings
- footprint and layout of the development would provide for a low scale, well landscaped setting which would retain views from and across the site and not be unduly cramped or detrimental to the openness and setting of the area.

The application is accompanied by a Planning Obligations/Community Infrastructure Levy Statement which includes the following points:

- proposal involves highways improvements, a Travel Plan, electric charging points, cycle parking facilities – financial contributions towards transport or highway infrastructure would not be justified
- socio-economic analysis indicates significant job creation - financial contributions to employment generation/training would not be justified
- proposal would include the provision of playspace and open space including the all weather pitch (available for community use) – financial contributions for open space/recreation would not be justified
- significant public realm improvements are proposed - financial contributions to public art/public realm would not be justified
- ES includes recommendations/measures to mitigate against any environmental impacts - financial contributions towards ecological mitigation would not be justified
- affordable housing would be provided on-site and financial contributions are not required
- CWFC will provide a community programme whilst the indoor sports facilities and crèche will be available for use by the public - financial contributions to off-site community facilities/infrastructure would not be justified
- scale of community facilities and range of community activities and the associated benefits to wellbeing eliminate the need for financial contributions to health
- level and range of community services and educational support which will be provided eliminate the need for it is not considered that any further educational contributions would be reasonable.

Needs and evidence

- analysis shows good levels of participation across all sports and a strong market for the vision being put forward by the club - scheme is in line with the sports participation profile and reflects a sensible mix and scale of development
- overall Bromley has a very good supply of specialist sports facilities when compared with like for like local authorities - focus should therefore be on delivering community sporting needs
- needs assessment demonstrates robust evidence to support CWFC vision
- Sports Village vision is in line with current thinking – the FA publication ‘Sport Villages: A Potential Contribution to an Olympic Legacy’ (2005) details aspiration ‘to develop a programme of sports sites into useable high quality facilities that can accommodate the requirements of football, complimentary sports and community uses.’
- key driver of FA concept was to stimulate new participation and sustain existing participation in sport by securing a range of sporting and non-sporting opportunities on a single site by making the sporting offer more:
 - relevant to local need and demand

- accessible – facilities should not be a disincentive to get involved and stay involved in sport - they should be high quality, convenient and reflective of modern lifestyles
 - sustainable – relieving the burden on the public sector and encouraging private sector partnership
- Sport England report ‘Developing Sustainable Sports Facilities: A toolkit for the development of a Sustainable Community Sports Hub’ (2008):
 - highlights need to take a more strategic approach to the development of facilities and services throughout the whole of an area drawing on the best of the public, private and third sectors to ensure a mixed economy that meets local demand and requirements
 - emphasises that long term financial sustainability of leisure facilities needs to be addressed to allow for new first-class facilities that are sustainable on a long term basis - sophisticated level of strategic thinking from the outset is key and the needs and evidence base for Cray illustrates this
- evidence is therefore clear that needs driven multi-sport development, supported by public-private partnership can be a major catalyst for driving participation - CWFC concept is based on clear needs and evidence and represents a private sector regeneration led solution to the delivery of community sporting opportunities
 - concept is therefore sound as are the elements of the mix as demonstrated in the needs assessment
 - Bromley Council Leisure Division have agreed that the evidence base was an accurate reflection of local needs and confirmed that the vision was in line with other local developments
 - Sport England have indicated that in principle they have no objection on planning grounds to the all-weather pitch and necessary ancillary facilities, whilst the FA have expressed support for the facilities
 - whilst the consultation is supportive and has helped to define the need the potential of grant-aid funding for the development is limited:
 - an application will be made to Sport England but this is only likely to realise £1m as a maximum figure
 - Football Foundation funding may be available but funding is extremely limited at present
 - Football Stadia Improvement Funding (FSIF) may be available for the project but the funding will only be provided for facilities the club require at their current level (Category C) and even if the scheme were eligible support would be at a maximum of £100,000.
 - discussions with Bromley Council have indicated that funding would not be available.
 - proposed enabling development is therefore required and the detailed needs and evidence base supports the vision and facility mix being proposed for the site.

Statement of Community Benefits

The application is accompanied by a Statement of Community Benefits which includes the following points:

- London Plan identifies a need for indoor sports facilities suitable for community use and artificial grass pitches
- Sport England assisted 2010 GLA study confirms the need for a full size all weather pitch in the Orpington/St Mary Cray area to serve the local population in terms of a dedicated football club venue and also on a pay-as-you-play local schools/community basis
- GLA study supports the provision of a 40–60 m² swimming pool in the Cray Valley - Sandy Lane site is identified as a good location for further provision of health and fitness suites
- facilities open to the community are likely to include the all weather pitch, the gym, swimming pool, arena, function/club rooms and bars
- main football pitch would be exclusively used by Cray Wanderers FC however it would potentially be available for the youth teams' games and could be used as a venue for charity matches, local club/schools cup finals etc. - it would not be used for non-sporting events
- CWFC play a major role in the local community which they wish to develop and enhance as a result of the proposal - club works with local schools and authorities such as the Metropolitan Police and Bromley and Bexley Councils.

The proposed Community Programme would include:

- social inclusion projects - two sessions per week each for around twenty 12-16 year olds in the Crays area - currently these take place at various local ball courts where the Club organises supervised 'street football' league tournaments for local young people
- children's football - club currently run two Saturday morning clubs for children aged 3-14, one at Hollingwell Green Recreation Ground and another at Sidcup Youth Centre - new all weather pitch will accommodate up to 60 children
- schools programme - club currently run a variety of sports sessions in nurseries and primary schools for children aged 3-11 in and around the Cray area consisting of:
 - PPA cover- delivering sports sessions whilst class teachers plan, prepare and assess academic lessons
 - after school sports for all year groups
 - multi-skills for toddlers - active games to enhance coordination, balance and motor skills
 - positive lunch times - engaging with pupils that have been indicated to have behaviour problems in the classroom and playground

- Cray Schools League - this is a planned project currently requiring a suitably sized venue and will involve local schools attending the football centre to participate in a school football league
- Community Facility Development Programme will be implemented by the club including:
 - FA coaching courses (levels 1, 2 and 3)
 - child protection and first aid courses
 - FA charter standard courses for local clubs
 - Venue for B/Tec, HND Sport Development/Sports Science Courses
 - FA school-club link programme
 - football club administration courses/Sports Council courses
 - refereeing courses
 - venue for the Kent Junior Disability League
 - delivery of courses/coaching to assist with Kent Disability football
 - participation of school tournaments/scholarship schemes
- school holiday programmes on the all-weather pitch - these have been restricted in the past due to the cost of hiring venues and the proposed development will enable the club to run courses at realistic prices
- youth football - club currently provides qualified coaching, training and league football for its 12 youth teams and Academy in different local areas due to the lack of affordable training venues - activity is restricted by the cost of facility hire which is passed on to parents - club will be able to consolidate its youth training and matches at the site and longer and more frequent training sessions at no additional cost to the club
- equal opportunities – club give children of all abilities, races, gender and class opportunities to play and stay fit and healthy and, where possible, assists those less well-off to be able to play the game - Community Charter will promote participation amongst young people, girls and women
- community benefits will result from employment and regeneration.

The Statement includes details of Dartford FC's stadium development, which CWFC aspire to match, as a case study:

- Dartford FC stadium opened in 2006 at the centre of a community development which includes a full size, 3G all weather pitch, community changing rooms and conference/seminar rooms
- Dartford Council provided the £7m funding for the stadium
- Community Facility Development Plan which was devised by the key stakeholders (local, regional and national sports bodies) and implemented by the club and included the following objectives:
 - increased participation, especially of young people, women and girls and people with disabilities
 - improved levels of sporting performance
 - opportunities for coaching education
 - links with a local college to deliver new education opportunities for the community using sport

- Community Facility Development Plan includes the provision of activities and courses similar to those proposed under the CWFC Community Facility Development Programme
- Leader of Dartford Borough Council, Jeremy Kyte commented that stadium has provided massive uplift in civic pride and resulted in a decrease in crime levels whilst promoting discipline and fitness in young people and teaching them how to spend their time creatively.

The statement includes letters of support for the work done by the CWFC Community Scheme from the Metropolitan Police, Holy Trinity Lamorbey CE Primary School, Cotmandene Community Resource Centre and Sandway Pre-School.

Environmental Statement

The Council determined that the proposal is Environmental Impact Assessment (EIA) development in accordance with the EIA regulations. Accordingly, the application is accompanied by an Environmental Statement (ES) which is summarised as follows:

Socio-Economic Effects

- up to 100 full-time equivalent construction jobs ('minor' beneficial impact)
- up to 164.5 direct net jobs and up to 48 indirect net jobs ('minor' long-term beneficial impact)
- 182 residential units contributing to housing supply ('minor – moderate' long-term beneficial impact)
- increase in local population of approx. 896 persons (96 of primary school age and 53 of secondary school age) – neutral impact given the relatively good availability of education and healthcare facilities in close proximity to the site
- sports facilities including the gym, swimming pool, arena and main football pitch will be made available to the local community ('minor – moderate' long term beneficial impact)

Archaeology and Cultural Heritage

- site is situated to the north of the medieval village of St Paul's Cray in an area of known Roman occupation and late Bronze Age/early Iron Age and Roman artefacts have been recorded from the development site - potential for heritage assets of these periods is high
- potential for survival of remains will be dependent on the extent of disturbance caused by the trees and shrubs in the site
- geophysical survey is proposed to identify any archaeological deposits and this will inform a scheme of archaeological trial trenching (if required), which would allow deposits to be excavated and appropriately recorded, thus mitigating the potential impacts of the development during construction ('neutral – minor' adverse impact)

Transportation

- construction works will result in an average of 42 HGV movements (21 vehicles) per day during 2 year construction period ('negligible' impact)
- likely level of traffic generated by the proposed development will, in the absence of mitigation result in a 'neutral – minor' adverse impact on the surrounding road network
- traffic mitigation measures include the production of a stadium and residential Travel Plans which have the potential to reduce the magnitude and significance of impacts

Noise

- mitigation measures are proposed to reduce the potential noise impacts associated with construction
- post-construction road traffic and stadium event noise impacts on Olney, The Cottage and Home Farm Cottages along Sandy Lane are calculated to be below 3 decibels (a noticeable change in noise levels) ('negligible' long term impact) - no mitigation is therefore required
- proposed residential properties closest to Sandy Lane were predicted to experience internal noise levels marginally above guidance levels – double glazed windows are proposed as a mitigation measure - ('negligible' long term impact)

Air Quality

- mitigation measures are proposed during the construction period to reduce the potential air quality impacts ('negligible' impact)
- post-construction impacts at all receptors are considered to be adverse and of 'negligible' significance, with the exception of Olney, Sandy Lane ('minor' adverse impact) - no mitigation measures are considered necessary, although the adoption of Travel Plans may result in an improvement in air quality

Ecology and Nature Conservation

- Phase 1 habitat survey found no records of protected species on the site and no immediate evidence of badgers or bats
- habitats within the site were considered to be of low ecological value
- breeding birds, invertebrate fauna and uncommon wetland plants were identified within the adjacent SSSI whilst other protected species known to be present include water vole, grass snake, lizards and bats - habitats and species were considered to be of value on a national scale and therefore of high ecological value
- Phase 2 surveys found no evidence of badgers, low activity from (passing) bats and no observations of protected birds - priority bird species under UK biodiversity lists were observed and the range, abundance and distribution of bird species was considered to be typical of the habitats present

- three grass snakes were found within the development site during and suitable habitat for grass snake foraging was found on the boundary with the SSSI - no other reptile species were found
- in the absence of suitable mitigation measures, there is the potential for the habitats of protected and notable species within the SSSI to be impacted during the clearance, construction and operational phases of the proposed development, including through disturbance from the presence of people, traffic, domestic animals and artificial lighting
- measures are outlined to mitigate any ecological impacts to the SSSI habitats and protected species as follows:
 - provision of a buffer zone between the development footprint and the boundary of the SSSI
 - reduced potential light spill from floodlights onto SSSI habitats
 - translocation programme for the on-site grass snake population to a new receptor site (incorporated into the buffer zone)
 - retention and strengthening of existing boundary habitats
 - broad recommendations to ensure there are no adverse effects to protected species during the construction and operational phases of the development
 - drainage strategy to minimise any impact on the aquatic regime of the SSSI
- it has not been considered possible to effectively mitigate against predation of SSSI species from domestic cats, however the presence of domestic cats has not been considered a significant impact to the integrity of the SSSI and the species it supports
- Phase 2 Survey concludes that strategy to fully mitigate against ecological impacts identified should ensure that residual impacts to ecological receptors within the development site would be of moderate magnitude and slight significance - residual impacts to ecological receptors within the Ruxley Gravel Pits SSSI would be of minor magnitude and slight significance

Land and Contamination

- intrusive site investigation prior to the commencement of development will inform any remediation strategy for the site – this will limit the potential for impacts on groundwater and surface water
- groundwater and surface water will be protected by infiltrating surface water to ground, rather than discharging directly into the River Cray, with run-off from car parks and roads treated through sustainable drainage systems and petrol interceptors - residual post-construction impacts are considered to be of 'neutral' significance

Water Environment (post construction)

- foul water will be discharged to the existing Thames Water sewer along Sandy Lane - this is currently operating below capacity ('neutral' impact)

- site lies within Flood Zone 1 and the proposed site levels are above the extreme flood levels provided by the Environment Agency for a 1 in 1000 year flood event - proposed uses are considered to be adequately protected from flooding ('neutral' impact)
- proposal will not adversely affect flood risk to the wider catchment as a result of development drainage, subject to recommended surface water mitigation measures

Landscape and visual effects

- visual impacts during construction are considered to be of 'neutral – minor' significance
- visual impact of the scheme has been mitigated by keeping proposed ground levels around the stadium as low as possible and by proposing heavy planting around the perimeter of the site to screen the buildings as far as possible - over the medium – long term, once the landscape planting becomes established, the visual impacts of the scheme are considered to be of 'neutral – slight adverse' significance

Climate Change

construction impacts considered to be of 'minor' significance
 residential buildings will achieve a 25% carbon reduction over the 2010 target
 non-residential elements would seek to achieve a BREEAM excellent rating
 non residential elements would deliver a carbon saving of 14% resulting in an overall saving of 18.2% ('minor – moderate' adverse impact)
 development is not considered to be at risk of flooding and is suitably adapted to future climate change scenarios - significance of effect is considered to be 'neutral'

Cumulative effects

- construction phase of the proposed development will give rise to adverse different multiple effects (e.g. from noise, air quality and visual intrusion) on receptors in close proximity to the site boundary, including Home Farm Cottages and Olney along Sandy Lane, and the Ruxley Gravel Pits SSSI - suitable mitigation measures to control noise and air quality impacts are proposed
- whilst individual impacts are considered to be of no more than 'negligible' significance, the multiple effects on adjacent receptors are considered to be short term, intermittent, adverse and of up to 'minor' significance
- post-construction, the proposed development has the potential to give rise to adverse different multiple effects (e.g. from noise, air quality and visual intrusion) on receptors in close proximity to the site (i.e. Home Farm Cottages and Olney, Sandy Lane) - Olney is considered to be the most affected property in the vicinity of the site, and therefore the focus of the cumulative assessment is focussed on this receptor:
 - air quality - 'minor'
 - visual impact – landscaping mitigation proposed to reduce impacts

- from substantial adverse to 'neutral' – 'slight' in the long term noise - 'negligible'
- when considered together, these different multiple effects are considered to be adverse, long-term and of 'minor' significance
- post-construction, the proposed development has the potential to give rise to beneficial different multiple effects (e.g. through job creation, contribution to local housing supply and improvement of local sports facilities) within the local area - considered together, these different multiple effects are considered to be long term and of 'moderate' significance.

The application is also accompanied by the following:

- Transport Assessment which concludes that the development is acceptable in terms of transport
- Statement of Community Involvement which details the pre-application community consultation
- Design and Access Statement
- Financial Appraisal
- Business Plan
- Floodlighting Report.

Location

- 10.01ha Green Belt site is located in the north-eastern corner of the borough and comprises a disused former arable field on the western side of Sandy Lane
- broadly rectangular site is approx. 420m long, 175m wide at its southern end and 270m wide at its northern end and slopes approx. 13m from its east to west and approx. 3-4m from north to south.
- underground gas main crosses the site from close to the north east corner to the south west corner
- site is on the fringes of the built-up areas of the Crays, approx. 30m south of the A20 Sidcup Bypass and 400m east of the A224
- a single dwelling, Olney, is located immediately to the north and there is a terrace of cottages immediately to the south
- immediately to the west of the site is Ruxley Gravel Pits, a nature reserve which is also a site of archaeological interest and is designated as a Site of Special Scientific Interest (SSSI) and a Site of Interest for Nature Conservation (SINC)– the interest is derived from its population of breeding wetland birds, grass snakes, water vole, invertebrate fauna and wetland plants
- there is a designated area of employment land north of the A20 including a number of industrial/commercial units, a Tesco superstore and a large area of open space designated for employment use
- to the east of the site, on the other side of Sandy Lane is Orpington Golf Course, a ski and fitness centre and a residential site??
- there is an industrial park beyond open fields 200m to the south of the site

- wider area comprises a mixture of open Green Belt land, commercial/industrial development, recreational uses and suburban housing
- Sandy Lane is 6 metres wide alongside the northern half of the site. The carriageway narrows, but remains two lanes width, to the south where it continues to the industrial park and residential areas to the south
- Sandy Lane links with the A223 Edgington Way to the north, which links with the A20
- Edgington Way forms the borough boundary with LB Bexley
- site lies in a designated Area of Archaeological significance.

Comments from Local Residents

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

Objections

- overdevelopment; amount of housing is excessive; area is already overdeveloped and does not need more housing
- increased noise and disturbance; light pollution; air pollution; litter
- hotel will attract visitors day and night
- noise impact on 'Olney'; noise mitigation measures should be provided along boundary with 'Olney'; residential development should be provided adjacent to Olney
- obtrusive; out of character; further urbanisation of area; erosion of historical, semi-rural character of area
- inappropriate development in the Green Belt; granting permission will undermine Green Belt policy; site currently provides a buffer to urban sprawl; Ruxley end of Sandy Lane has already been lost from the Green Belt
- community benefits do not outweigh harm
- increased pressure on local infrastructure and services; water and sewage infrastructure is inadequate
- detrimental impact on wildlife; impact of traffic, noise, air pollution, light pollution, water pollution, over-fishing, habitat loss and litter on SSSI; site currently ensures unpolluted drainage into River Cray
- Council cannot be relied upon to ensure that development complies with any conditions imposed on the development
- site is suitable for agriculture, forestry, allotments or parkland; loss of opportunity for sustainable use of site
- increased traffic; inadequate highways infrastructure to support development; Sandy Lane cannot be widened; access should be provided from Edgington Way or Sevenoaks Way; Sandy Lane is already overused and heavily congested at Ruxley Corner roundabout; existing traffic problems on Sandy Lane will be exacerbated; increased congestion on Sevenoaks Way, Main Road and around Crittalls Corner; Transport Assessment is flawed
- inadequate car parking
- site is poorly served by public transport

- footpaths serving the site are inadequate for anticipated pedestrian traffic
- threat to archaeological interest of site
- attendances at CWFC games are currently around 300 and club does not need the ground capacity proposed
- other football clubs will use the ground; ground will be used for music concerts, etc
- detrimental impact on property values
- increased crime and anti-social behaviour; security implications of extended pedestrian link through Fitzroy Business Park
- job creation would not benefit local people
- already a gym on Sandy Lane; proposal could result in job losses at existing gym
- hotel and housing will not be attractive given proximity of A20 and waste tip; hotel is not needed in this area
- impact of crèche on local childcare businesses
- proposal involves land outside of applicant's control
- Maidstone United built stadium for £1.5million without enabling development

The above includes objections received from the Little Chislewick Residents Association and the Petts Wood and District Residents Association.

Support

- much needed investment in area and regeneration benefits; job creation; community benefits; boost to existing businesses; new businesses will be attracted to area; catalyst for further development; hotel and housing will benefit area; scheme will raise profile of area
- Dartford FC's new ground has delivered significant business, leisure and community benefits;
- club should return to their home; scheme will provide firm foundation for club's future; increased local pride; second oldest club in world may otherwise face extinction; scheme will allow club to grow
- much needed facilities for local community including youth and schools; current lack of such facilities;
- recreational / sporting opportunities for young people; club already benefits local youth; club's commitment to community is admirable; reduced crime; health and fitness benefits
- good use of 'wasteland'; agricultural use of land is not feasible
- shorter matchday journeys for fans
- scheme will smarten up the area
- scheme will complement golf and skiing facilities across the road
- scheme will result in few adverse impacts; environmental impact will be small and addressed by mitigation measures
- fan base are well behaved
- Kent Cricket Club have been granted permission for enabling residential development to improve the facilities at the Beckenham ground; precedent has been set.

At the time of writing the Council had received 1033 representations in support of the application. It should be noted that many of these representations included no accompanying comments and appear to have been submitted by a small number of individuals on behalf of other individuals.

Comments from Consultees

The Greater London Authority's Stage 1 comments are summarised as follows:

- given the nature of the sport, promotion to a higher league is not a given - CWFC currently sits in the Ryman Premier Division and is seeking to provide a ground to meet a long term aspiration for promotion, rather than a current and actual sporting need - in the Ryman Premier Division a Category C ground is required and it is not clear whether the applicant has investigated the possibility of acquiring a category C or B ground
- while proposals for sports and leisure facilities are supported in the London Plan, it is difficult to accept that these must be located remotely from the communities which they are intended to serve on land designated for protection due to its Green Belt status
- sporting need argument is not fully accepted - club obviously requires a new ground but the requirement for a category A ground is merely aspirational and this cannot therefore be used to outweigh the harm likely to be caused to the Green Belt as a result of the scale of the proposed development
- material submitted suggests that eleven alternative sites were identified and were all then discounted due to their size, Green Belt or other open space status or lack of availability - it is not clear why the current application site met the criteria while others were discounted, particularly given the very low level of public transport accessibility of the site, which was set out as an important factor in the criteria
- two appeal decisions for football stadia approved on protected land due to a lack of alternative sites have been cited by the applicant – it is noted that:
 - these are much larger developments with associated increases in local regeneration benefits
 - each application has been accompanied by a detailed site search appraisal robustly demonstrating that there were no other alternative sites available
 - such an assessment has not been provided by the applicant in this instance
 - a more detailed account of the methodology used to select the site should be provided before the lack of alternative sites argument can be accepted
- with regard to community use as 'very special circumstances':
 - it is difficult to accept aspirations for increased community uses without further detail on the exact nature of the proposed uses
 - it is unclear that the proposed uses are meeting genuine local community needs and would result in a quantifiable community benefit, rather than simply forming part of a package of development

aimed at generating the maximum income to enable development on the site and ensure the commercial success of the club

- much of the work undertaken by the club to benefit the local community is done on an 'outreach' basis - given the poor transport links to the site, it is unclear whether the local schools and disadvantaged groups will be able to easily access the facilities if they are to be relocated
 - club clearly has track record in running youth teams and a Soccer School but the community use argument relies on a desire to engage with the local community along the model of Dartford FC and this is difficult to quantify in terms of community need / benefit
 - proposed ancillary facilities are intended to be operated as private commercial ventures and it is not certain that these will be financially accessible for the local community
 - while the limitations of the current ground sharing arrangements are accepted, further detail and more concrete assurances and management detail on the proposed community uses would be required before a community need argument could be accepted as contributing towards 'very special circumstances' to justify inappropriate development
- stadium is inappropriate development and it would be contrary to accept a further quantum of even more inappropriate enabling development as part of a 'very special circumstances' argument
 - it would also be difficult to argue the public and community benefits of a hotel as part of the proposed sporting village
 - it was previously noted that the need for enabling development including inappropriate hotel and hospitality uses is unjustified and a detailed viability case would be required to demonstrate the role that these uses would play in funding the proposed redevelopment - each proposed use must be justified and it cannot be accepted that they are simply part of a comprehensive 'enabling development' solution - applicant has not justified the requirement for each separate use in the submission
 - applicant has submitted a financial plan to support the proposed development which relates solely to the stadium and on-site sport and leisure facilities and does not include the hotel and residential elements as it is assumed that these will be sold off for capital contributions with a peppercorn rent - financial viability assessment seems overly simplistic and cannot be used as a basis on which to accept either the principle or the quantum of proposed enabling development for this site without review by an independent viability consultant
 - applicant has confirmed that alternative funding to eliminate or reduce the need for enabling development on site has been sought (and is not available) from Bromley Council, but has not clarified whether other sources have been investigated
 - with respect to the excessive scale of the commercial element, Officers are not convinced that it can be considered as 'ancillary' or that the financial argument (particularly with regard to the introduction of a significant amount of residential uses) demonstrates that the proposed enabling development

is, in fact, required - a proposal consisting of such an extent of inappropriate 'enabling' development is not acceptable given the Green Belt setting

- proposal would result in the loss of much of the open land on the site - landscape assessment in the ES advises that the visual impact of the development will be limited whilst landscaping is proposed to further reduce the impact - while these measures will help mitigate the impact on the Green Belt it cannot be denied that the proposal will significantly harm the openness and character of the Green Belt in this location.

The Council's Highways Development Engineer's comments are summarised as follows:

- location is not currently sustainable from a transport point of view, having a PTAL level that is probably 0, which means the site is off the low end of the scale
- nearest bus stop is around 800m away and St. Mary Cray station is approx. 2.5km distant – these are beyond convenient walk distances and public transport will be unattractive
- 4828m² of D2 floorspace is proposed - Policy T1 of the UDP has a presumption against D2 leisure uses, having a gross floor area of more than 4000sq m in locations with a low PTAL (i.e. 1–2)
- NPPF indicates that planning system should promote sustainable development and is encouraged to actively manage future development to make fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable
- improvements to the pedestrian environment will not significantly improve public transport accessibility and there appears to be no tangible commitment to improving access to public transport, cycling or walking
- use of the car would be likely to predominate in connection with all the proposed uses for the site contrary to the aim that new development should be located where there is scope to reduce greenhouse gas emissions
- NPPF advises is that development should only be refused on transport grounds where the residual cumulative impacts of development are severe – mitigation measures to improve public transport accessibility, walking and cycling are not being proposed and do not appear to be deliverable in a timely fashion and whilst significant compensatory measures do not appear to be offered
- proposal therefore appears to be inappropriate in sustainable transport terms in this location and contrary to NPPF objectives
- Transport Assessment does not provide sufficient information to fully demonstrate the likely impact of the proposals on the surrounding highway network.
- refusal of the application could also be supported on the grounds that insufficient information has been provided to demonstrate that the impact of the proposals on the local highway network would not cause harm to conditions of safety and the free flow of traffic.

Transport for London's comments are summarised as follows:

- site is poorly located in terms of integration with public transport and therefore the proposal is not compliant with London Plan Policy 6.1.
- Transport Assessment does not appear sufficiently robust
- overspill / offsite parking may impact on Sandy Lane and the wider area if not carefully managed
- public transport is not likely to be promoted in this location, even in the long term
- proposals may adversely impact on the Strategic Road Network and local bus services.
- due to distance from nearest bus services the site could be considered remote from the network - TfL would like to encourage use of local bus services where possible but scale and location of the development and the frequency of events is insufficient to justify the alteration of existing services or new routes to serve the site
- proposal does not appear to accord with London Plan Policy 6.7 Better Streets and Surface transport.

The Environment Agency have objected to the proposal on the basis of inadequate assessment of flood risk from surface water and inadequate assessment of impact to SSSI. In particular:

- FRA fails to:
 - consider the location and size of infiltration basins/SUDS features based on upper and lower bound soakage rates for the underlying ground conditions identified within the assessment
 - provide calculations and an indicative drainage strategy plan indicating key drainage infrastructure to demonstrate the deliverability of the scheme
 - consider the impact of the proposed earthworks strategy on the underlying hydro-geological regime and the adjacent SSSI
 - consider the potential increases in foul effluent generated by the development proposals and the impact on the local public sewer identified as a 150mm sewer that currently serves the ski centre located immediately to the east of the site
- assessment and mitigation measures are inadequate and do not properly address the risks as the proposals do not:
 - provide detailed assessments of site hydrology and contamination, therefore insufficient information is available to consider whether the satisfactory mitigation for potential adverse effects of the development upon Ruxley Gravel Pits SSSI has been proposed;
 - protect the SSSI from the increased disturbance created by the development - 15m buffer contains a public access route which is contradictory to the primary purpose of protecting the SSSI from the adverse anthropological effects of the development;
 - investigate and address the effects of isolation from the surrounding countryside on the SSSI and its receptors - development will lead to

the SSSI being entirely surrounded by developed land, removing its only substantial green link to the wider green landscape.

Natural England's have objected as follows:

- application contains insufficient information to determine whether the proposals are likely to damage or destroy the interest features of the SSSI
- development site drops away from east to west so surface water will run off towards the SSSI - the Environmental Statement (ES) recognises that groundwater flows provide a significant contribution to the base flow of the River Cray and the SSSI - the SSSI has been identified as being of very high sensitivity to contamination
- ES notes that the gravel pits are likely to be highly susceptible to any increases in contaminant and sediment loading from the development site whilst there will be significant increases in impermeable areas on the development - run off to the SSSI could significantly increase post development
- ES notes that detailed site investigations and assessments with respect to hydrology have not been undertaken to date - hydrological impacts must be assessed before determination of the application
- application includes a proposal for a Construction Environmental Management Plan (CEMP) to be submitted prior to construction to mitigate these impacts - this information is required in advance of determination
- noise assessment has not fully assessed the impacts of crowd noise from the football stadium on the breeding bird interest on the SSSI
- inadequate justification that a 15m buffer will be adequate to avoid recreational and predation impacts from the proposed development on the bird interest of the SSSI, especially as there appears to be an access route from the development through the buffer strip to the SSSI which negates the purpose of the buffer
- bat survey is inadequate
- great crested newt survey has not been carried out.

Kent Wildlife have objected on the basis that there is insufficient robustness in the assessment of impacts of the proposals on biodiversity (both of the application site and the SSSI) and inadequate mitigation for the impacts of the proposals on the SSSI. In particular:

- bat survey and breeding bird survey are inadequate
- further consideration should be given to impact on birds from SSSI using development site
- reptile survey is inadequate
- buffer zone appears inadequate to mitigate domestic cat predation on the SSSI – robust assessment of impact of cat predation is required with suitable mitigation proposals
- groundwater from site contributes to base flow of SSSI and River Cray – application should not be determined until hydrological and contamination impacts have not been assessed

- assessment of the impact of stadium noise upon the SSSI, particularly birds, is required and has not been provided
- inadequate assessment of impact of floodlights on bats.

London Borough of Bexley's have objected to the proposal and their comments are summarised as follows:

- purpose of Green Belt is to prevent urban sprawl by keeping land permanently open – scheme would result in permanent loss of openness and contribute to reducing the gap between Foots Cray and St. Paul's Cray contrary to the NPPF
- types of buildings proposed are inappropriate in the Green Belt and applicant's argument to justify proposal is inadequate
- trip generation forecasts and trip distribution within TA are not accepted – impact on highways network including roundabout junction and gyratory at Crittalls Corner will require mitigation beyond even the most successful Travel Plan
- additional traffic movements will be generated in North Cray Road and through Bexley Village adding to current congestion problems
- TA does not take account of committed or potential developments in the area therefore assumptions made cannot be considered as robust
- proposals would lead to additional traffic congestion and give rise to conditions prejudicial to highway safety
- NPPF seeks to promote vitality of town centres and para. 26 requires an impact assessment to be carried out for applications proposing over 2,500m² leisure development outside of town centres – an assessment has not been carried out and which is significant because a new hotel is due to open in Sidcup town centre
- application stresses the community benefits of the scheme, however there are already a number of playing fields, swimming pools and gyms in the vicinity – it is not clear from the application how the proposal could affect neighbouring facilities
- proposal could have a detrimental impact on adjacent SSSI – ES states that impacts would be adverse, long term and permanent and could potentially affect a large proportion of the SSSI – it is uncertain whether mitigation measures could be incorporated to ensure the protection of the SSSI
- Bexley residents could be affected by noise, disturbance and traffic congestion on match days.

The Metropolitan Police Crime Prevention Design Advisor has objected as follows:

- stadium along with associated car parking and sports facilities should be clearly separated from the residential part of the application with no adjoining / shared access routes - this will protect the residential parts from nuisance parking and prevent fans using a route through the houses to gain access to the stadium whilst giving police the ability in the future to control the movement of fans in and around the stadium
- police and emergency services would require two vehicular routes into the stadium giving us the ability to retain one for emergency vehicles in the

event of an incident at the ground - this could be achieved with a second access road along the northern boundary of the site to the stadium.

The London Green Belt Council have objected to the proposal as follows:

- need for the application is said to be to provide CWFC with a ground suitable for them to be admitted to the football league – for a middle of the road team in the Ryman Isthmian League to reach League 2 would require several steps up and, with due respect to the club, there is insufficient assurance that it will happen to justify the loss of this valuable piece of Green Belt
- two of the five purposes of including land in the Green Belt are to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment whilst an essential characteristic of the Green Belt is openness – the site is ordinary open countryside which would completely lose its openness and the fact that it is close to the built up area only increases its importance - if it is developed it has failed in its purpose of preventing urban sprawl.

English Heritage (Archaeology) have commented that a geophysical survey should be carried out to enable judgement to be made as to whether further site work is required before the planning application is considered by the Local Planning Authority.

Orpington and District Archaeological Society agree with English Heritage that a geophysical survey should be undertaken to establish what further archaeological work may be required.

Bromley Museum Service have commented that archaeological remains could survive either on or in the vicinity of the site.

The London Fire and Emergency Planning Authority have commented that there will be inadequate access for fire brigade appliances.

The Council's Sustainable Development Officer has commented that the Climate Change section of the ES is flawed. However, in view the outline nature of the application it is considered that an acceptable scheme of renewable energy could be secured through a condition.

Thames Water have no objections to the proposal.

There are no objections in terms of housing.

There are no objections in terms of drainage.

Any further representations received, including Environmental Health and Sport England comments, will be reported verbally at the meeting.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

Unitary Development Plan

- H1 Housing supply
- H2 Affordable housing
- H7 Housing density and design
- T1 Transport demand
- T2 Assessment of transport effects
- T3 Parking
- T5 Access for people with restricted mobility
- T6 Pedestrians
- T7 Cyclists
- T9 Public transport
- T11 New Accesses
- T12 Residential roads
- T18 Road safety
- BE1 Design of new development
- BE2 Mixed use developments
- BE4 The public realm
- BE7 Railings, boundary walls and other means of enclosure
- BE16 Ancient monuments and archaeology
- NE1 Development and SSSI
- NE2 Development and Nature Conservation Sites
- NE3 Nature conservation and development
- NE5 Protected species
- NE9 Hedgerows and development
- NE12 Landscape quality and character
- G1 The Green Belt
- L1 Outdoor recreation and leisure
- L9 Indoor recreation and leisure
- L10 Tourist related development – new development
- C1 Community facilities
- C2 Community facilities and development
- ER10 Light pollution
- IMP1 Planning Obligations

London Plan

- 2.14 Areas for regeneration
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable Housing Targets
- 3.13 Affordable Housing Thresholds

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.19 Sports Facilities
- 4.5 London's Visitor Infrastructure
- 4.6 Support for and enhancement of arts, social, culture, sport and entertainment provision
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 6.1 Strategic Approach
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.16 Green Belt
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy.

The following Supplementary Planning Documents (SPD) produced by the Council are relevant:

- Affordable Housing SPD
- Planning Obligations SPD.

The following documents produced by the Mayor of London are relevant:

- The Mayor's Economic Development Strategy
- Housing Supplementary Planning Guidance
- Providing for Children and Young People's Play and Informal Recreation Supplementary Planning Guidance (SPG)
- Housing Strategy
- Accessible London: achieving an inclusive environment
- Planning and Access for Disabled People: a good practice guide (ODPM)
- The Mayor's Transport Strategy
- RPG3A, Revised View Management Framework SPG

- Mayor's Climate Change Mitigation and Energy Strategy
- Mayor's Water Strategy
- Sustainable Design and Construction SPG.

UDP

Policy T1 of the UDP states that

'Development proposals likely to be significant generators of travel should be located in positions accessible or capable of being made accessible by a range of transport modes, including public transport, walking and cycling.'

The policy includes a matrix which indicates that proposals for Class D2 (Leisure) uses exceeding 4000m² floorspace will not normally be acceptable on sites with a low PTAL level.

Policy NE1 states that:

'A development proposal within or that may have an adverse effect on a Site of Special Scientific Interest will not be permitted unless:

- (i) it can be demonstrated that there is no alternative solution and the reasons for the development clearly outweigh the nature conservation or scientific interests of the sites, or
- (ii) the value and interests of the site can be protected from damaging impact by mitigating measures secured by the use of conditions or planning obligations.'

Policy L9 states that

'A proposal for an indoor sport, recreation or leisure facility will be permitted provided that:

- (i) it is located within Bromley or Orpington town centre or is allocated in the Schedule of Proposal Sites for such a use. Outside of these locations a need for the development should be demonstrated and the applicant must show that a sequential approach to site selection has been applied by favouring town centre then edge of centre sites, followed by district and local centres and only then out of centre sites in locations accessible by a choice of means of transport;
- (ii) the development will not adversely impact on the character, vitality or viability of the town, district, local or other centres;
- (iii) there is no detrimental impact on nearby residential amenity or other uses;
- (iv) the development is in keeping with the scale and character of the surrounding buildings and area;
- (v) the proposed use would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians;
- (vi) the site is easily accessible on foot, by bicycle and is (or will be) well served by public transport;
- (vii) the development is designed to be accessible for people with disabilities; and
- (viii) there is no conflict with other open space policies of the Plan.

The supporting text at paragraph 9.24 states that

‘Intensive indoor sports, recreation and commercial leisure facilities, which function for many hours of the day, attract many visitors and are capable of generating significant amounts of traffic. Adopting a sequential approach to site selection is intended to direct these facilities to locations that are accessible by public transport, which can help to reduce reliance on the car and contribute to the vitality and viability of town centres, with certain facilities supporting the evening economy. Local recreation facilities, such as community sports halls, should be conveniently sited so as to encourage access on foot or by bicycle. When the facilities will attract people from a wider catchment area, they should be sited where they will be well served by public transport.’

Policy L10 states that:

‘A proposal for a hotel will be permitted provided that:

(i) It is located in or on the edge of Bromley or Orpington town centres, or within a district centre or a local centre. Outside of these locations, the applicants must demonstrate a need for the hotel and must show that a sequential approach to site selection has been applied and that there are no suitable or available sites in the town centres, edge of town centres or within district and local centres before considering out of centre sites in locations accessible by a choice of means of transport; and

(ii) the hotel will be well-separated from neighbouring residential properties and not give rise to unacceptable levels of noise and disturbance to occupiers of nearby properties.’

London Plan

Policy 2.14 identifies the Crays as a ‘Regeneration Area’ and sets out the commitment to addressing social inclusion and deprivation.

Policy 3.16 states that development proposals which provide high quality social infrastructure will be supported in light of local and strategic needs assessments.

Policy 3.19 states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Where sports facility developments are proposed on existing open space, they will need to be considered carefully in light of policies on Green Belt as well as the borough’s own assessment of needs and opportunities for both sports facilities and for green multi-functional open space.

Policy 4.5 of the London Plan seeks the provision of new hotel accommodation in town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini.

Policy 4.6 states that the Mayor will, and Boroughs and stakeholders should, support the continued success of London’s diverse range of arts, cultural,

professional sporting and entertainment enterprises and the cultural, social and economic benefit that they offer to residents, workers and visitors.

National Planning Policy Framework

Paragraph 19 of the NPPF states that 'significant weight should be placed on the need to support economic growth through the planning system'.

With regard to leisure development outside of town centres, paragraph 26 states that:

'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

The NPPF states at paragraph 69 that

'The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. ... Planning policies and decisions... should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.'

With regard to Green Belts, paragraphs 87-89 state:

'As with previous Green Belt policy, 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, is clearly outweighed by other considerations.

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

...provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it...'

With regard to biodiversity, paragraph 118 states:

'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.'

The following financial contributions are required in order for the proposal to accord with Policy IMP1

- education infrastructure - £1,978,219.83
- healthcare infrastructure - £291,305.

The residential density of the residential component (approx 4.73ha) will be 38.5 dwellings per hectare.

Conclusions

The main issues to be considered in this case are as follows:

- impact on the openness and visual amenities of the Green Belt
- whether very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt
- impact on the residential amenities of the occupants of nearby dwellings
- town centre impacts of hotel and indoor leisure uses in this location
- crime prevention design implications
- highways/transport implications
- ecological implications
- archaeological implications
- healthcare and education infrastructure implications
- flood risk implications.

The all-weather pitch may be considered an appropriate facility for outdoor sport and recreation and therefore appropriate development in the Green Belt. Whilst small scale spectator facilities may be appropriate in the Green Belt, the stadium is considered to be inappropriate development due to its scale. The remainder of the development proposed is also considered inappropriate and requires the demonstration of very special circumstances to outweigh the harm by reason of inappropriateness (or indeed any other harm) in order to be accepted.

The amount of inappropriate development proposed is substantial and accordingly there will be a considerable degree of harm to the openness of the Green Belt. In order for this harm to be outweighed a compelling argument that very special circumstances exist is required. The planning application details what it considers very special circumstances including:

- the sporting case for a stadium of an appropriate size and location for the clubs aspirations and to enable the involvement of the Crays community
- lack of alternative sites (within 2 miles of the Crays)
- community use
- need for enabling development
- openness of the Green Belt.

The club currently sit in the Ryman Premier League and are seeking planning permission for a Category A football stadium which will facilitate entry into the Football League. The sporting case for a larger stadium than the club presently require based upon future aspirations cannot be readily accepted given the additional harm to openness that will occur.

The application highlights the sporting benefits that will result from the provision of the health and fitness facility including a swimming pool and arena. However, it should be noted that this will be run by a private operator and there are no assurances that the facilities will be financially accessible to the local community. The provision of indoor sporting facilities is supported by Development Plan policy in suitable locations, however in the absence of appropriate evidence the poor accessibility of the site indicates that it is an unsuitable location for the facilities proposed and the scheme conflicts with Policy L9 of the UDP.

The applicant has submitted a Sporting Needs Statement to justify the proposed sporting uses and this report notes that Bromley is well served by specialist sports facilities when compared to like for like local authorities. Members will note that there is an LA Fitness gym and health club on the opposite side of Sandy Lane. There may be some justification for the all-weather pitch as the application indicates that Sport England have identified a need for such a facility in the Crays and Orpington area. The Sporting Needs Statement emphasises the benefits of a sporting 'hub' such as that proposed but overall it is not clear that the uses proposed would fulfil a genuine need, particularly given the poor accessibility of the site.

The club has led a nomadic existence and is currently a tenant of Bromley F.C. on Hayes Lane, an arrangement that is due to cease in 2014. The desirability of the club having a permanent home in the Crays can be recognised. The applicants make reference to the cases of Brighton and Hove Albion FC and Southend FC where planning permission was granted for football stadia on protected land. Members will note that these applications were accompanied by detailed and robust alternative site appraisals. In this case the applicant has not provided a detailed account of the methodology used to select the site and discount the alternatives. Alternative sites have been discounted for reasons poor transport links, planning restrictions and assumptions regarding their availability. It is therefore unclear why the application site met the selection criteria, particularly

given its very low public transport accessibility. In the absence of further information, little weight can be attached to a lack of alternative sites.

The application details the community work already undertaken by the applicant and states that the proposal will allow the club to build upon this community role. The club's community role is commendable and the Dartford FC case study demonstrates the potential benefits that stadium based schemes can deliver. However, insufficient detail has been provided to properly quantify the community benefits that will result from the scheme and no mechanism has been proposed to secure those benefits. It is not evident that components of the sporting village such as the hotel will deliver any community benefits and in view of the poor transport links to the site it is unclear whether the community will be able to easily access the proposed facilities. In the absence of greater detail and assurances on community uses limited weight can be attached to these benefits.

The application also highlights the proposal as an opportunity to act as a catalyst for the social and economic regeneration for the Crays, which is identified in the London Plan as being an 'Area for Regeneration'. The regeneration benefits will include job creation which, if the applicant agreed to a local labour clause in a Section 106 agreement, could significantly benefit the local community. Regeneration impacts that will result from the scheme can be acknowledged and viewed as a positive benefit, although further detail on the potential level of benefits to the local community and the overall impact on the area socially and economically would have strengthened the regeneration case.

The applicants cite the KCCC case where planning permission was granted for cricketing facilities and enabling development in Metropolitan Open Land in Beckenham. Whilst each case must be assessed on its individual merits, it can be acknowledged that inappropriate development on protected land can be justified in delivering significant community and sporting benefits. The applicant has submitted a viability assessment to support the proposed enabling development but this does not go into sufficient detail to provide a robust justification for the amount of development. The various uses such as the hotel are not properly justified individually but are presented as a comprehensive enabling development package. If the application were considered acceptable in most other respects then the applicant would have been invited to pay for a review of the viability assessment by an independent viability consultant to justify the need for the quantum of enabling development. As the application stands, the amount of enabling development cannot be accepted.

The applicant has indicated that grant funding may be available from some bodies such as Sport England, FSIF and the Football Foundation, which could reduce the amount of enabling development required. It is not clear whether other sources of funding that could reduce the need for enabling development have been investigated and discounted.

The applicant has provided a landscape assessment which advises that there are limited views of the site and that the development will be screened with further landscaping to mitigate the impact of the scheme on the Green Belt. However, in

view of the substantial quantum of development, it is considered that the impact of the scheme on the openness and character of the Green Belt will be significant.

The proposal will result in a significant amount of noise generating activity in the vicinity of existing residential dwellings. In particular, Olney is sited close to the proposed all-weather pitch and stadium and will be likely to be significantly affected by noise and disturbance from these facilities. The applicant has sought to demonstrate within the ES that this will not result in an unacceptable impact in environmental terms. However, a subjective assessment comparing the expected noise and disturbance with the existing situation would suggest a significant detrimental impact on the residential amenities of Olney.

The applicants contend that the benefits the scheme will deliver in terms of health and education are sufficient to justify non-payment of financial contributions towards local healthcare and education infrastructure. It may be acknowledged that access to opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities and that the club plays a commendable role in supporting local schools through football and other activities. However, it does not address the additional pressure on existing healthcare and education infrastructure that will result from the new residents of the proposed dwellings. If the contributions were to be waived on viability grounds then independent verification of a viability assessment would be required. The applicant has not provided a detailed justification for non-payment of the contributions and the applicant's position cannot be accepted. The proposal is therefore contrary to Policy IMP1.

In terms of transport, Members will note concerns expressed by TfL and the Council's Highways Engineer. The NPPF, the London Plan and the Bromley UDP make a presumption against development proposals likely to be significant generators of travel in poorly accessible locations. The location and accessibility of the site is therefore contrary to the sustainable development objectives of the development plan and is considered unacceptable in transport terms. The robustness of the Transport Assessment has been questioned and in the absence of sufficient information it cannot be accepted that the proposal will not result in unacceptable impacts on the highway network.

Members will note the concerns of Natural England, Kent Wildlife and the Environment Agency regarding the robustness of the Environmental Statement in its assessment of the ecological impacts on the adjacent SSSI. In the absence of sufficiently robust information demonstrating that the scheme will not result in adverse impacts on the interest features of the SSSI the proposal is considered unacceptable in ecology and nature conservation terms.

The Environment Agency have registered an objection on the basis that the Flood Risk Assessment provides an inadequate assessment of flood risk from surface water and further information is therefore required to properly assess the drainage implications of the proposal.

The hotel is proposed in an out of centre location and the applicant has not submitted evidence to justify this element of the proposal in accordance with Policy

L10. Members will also note LB Bexley's objection in view of the hotel shortly to open in Sidcup.

In conclusion, the proposal will result in substantial harm to the Green Belt and the applicant has not presented a convincing argument that very special circumstances exist to overcome that harm. Furthermore, the applicant has not provided justification that the site is in a suitably accessible location for the uses proposed and that the scheme is acceptable in highways terms. The application as it stands is unacceptable in terms of crime prevention, ecology, archaeology, flood risk, impact on residential amenities and impact on healthcare and education infrastructure.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal would constitute inappropriate development in the Green Belt and will result in serious harm to the openness of the site and the Council sees no very special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan and Policy 7.16 of the London Plan.
- 2 The proposal would likely to result in increased noise and disturbance detrimental to the residential amenities of nearby properties, in particular Olney, contrary to Policy BE1 of the Unitary Development Plan.
- 3 Insufficient information has been submitted within the Transport Assessment to assess the transport implications of the proposal and to demonstrate that the scheme would not cause harm to conditions of safety and the free flow of traffic on the local highways network contrary to Policies T2 and T18 of the Unitary Development Plan.
- 4 The site has a low Public Transport Accessibility Level (PTAL) and is therefore an unsuitable location for a sporting and leisure facility of the scale proposed contrary to Policy T1 of the Unitary Development Plan, Policy 6.1 of the London Plan and the sustainable transport objectives of National Planning Policy Framework.
- 5 The layout of the development is inadequate in crime prevention design terms and will be likely to present difficulties for the police and other services in maintaining public safety and preventing crime and disorder contrary to Policy BE1 of the Unitary Development Plan and Policy 7.3 of the London Plan.
- 6 The site is adjacent a Site of Special Scientific Interest (SSSI) and insufficient information has been submitted to properly assess the impact of the proposals on the interest features of the SSSI contrary to Policy NE1 of the Unitary Development Plan and Policy 7.19 of the London Plan.

- 7 The site lies within an Area of Archaeological Significance and insufficient information has been submitted to properly assess the archaeological implications of the proposal contrary to Policy BE16 of the Unitary Development Plan and Policy 7.8 of the London Plan.
- 8 Insufficient information has been submitted to properly assess the flood risk implications of the proposal contrary to Policy 5.12 of the London Plan and the Technical Guidance to the National Planning Policy Framework.
- 9 The proposed development would give rise to financial contributions to offset the impacts on local healthcare and education infrastructure and in the absence of which the proposal is contrary to Policy IMP1 of the Unitary Development Plan.
- 10 The site has a low Public Transport Accessibility Level (PTAL) whilst the applicant has not carried out a sequential assessment to demonstrate that the site is a suitable location for the indoor sports facilities and hotel proposed and the proposal is therefore contrary to Policies L9 and L10 of the Unitary Development Plan.

Application:12/01388/OUT

Address: Land Adjacent To 6 Home Farm Cottages Sandy Lane St Pauls Cray Orpington

Proposal: Football stadium (capacity 5,153) including club facilities comprising changing rooms, offices, club shops, food and bar facilities and conference/ function rooms; fitness centre including 20m swimming pool and multi-use arena, crèche, outdoor all weather full-size football pitch,



Application No : 12/02027/FULL1

Ward:
Orpington

Address : The Walnuts Shopping Centre High Street Orpington

OS Grid Ref: E: 546350 N: 166326

Applicant : Garden Properties CH Limited

Objections : YES

Description of Development:

Demolition of Crown House and erection of part 4/ part 5 storey building to provide 3x A3 (Restaurant/Cafe) units, cinema lobby area and 4x A1 (retail) units on the ground floor and 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at rear and creation of new square with associated landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Primary Shopping Frontage
Tree Preservation Order

Proposal

Planning permission is sought for the demolition of Crown House and, the erection of a part 4/ part 5 storey building to provide 3x A3 (Restaurant/Cafe) units, cinema lobby area and 4x A1 (retail) units on the ground floor and a 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at rear and creation of new square with associated landscaping.

The full details of the proposal are as follows:

- part 4/5 storey building with flat/pitched roof of contemporary design
- maximum height 19.3m
- building to be clad in powder coated metal panels
- new public square in south-eastern corner of site, adjacent to cinema entrance/lobby with hard/soft landscaping proposed to include 2 semi-mature walnuts with seating platform as focal point within square
- service/refuse area at rear, accessed from Dryden Way
- 4 retail (Class A1) units on ground floor, located along eastern frontage (total 1422.5 sqm gross floorspace)

- 3 restaurant (Class A3) units on ground floor, located on eastern and southern frontages (total 760 sqm gross internal area)
- all ground floor units to be double-height
- cinema entrance on ground floor, leading to lobby on first floor with ticketing and ancillary concessions areas
- total of 7 screens proposed, with 950 seat capacity in total
- plant at roof level within well above projection gallery

The proposal will also involve the removal of the existing glazed market canopy. It is indicated that the existing market stalls within Walnuts Square will be re-located to the adjacent College Square (which has the benefit of planning permission for use as a market, granted under ref. 93/01355).

The application indicates that this proposal forms the first phase of a wider vision for the regeneration of the Walnuts Centre and environs, which is being pursued by the owners Garden Property Investments Ltd who hope this will act as a catalyst for further investment elsewhere in the town centre.

The application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Landscape Statement (including tree survey)
- Flood Risk Assessment
- Noise Survey Statement
- Geo-environmental Report
- Heritage Desk-based Assessment
- Transport Statement
- Staff Travel Plan
- Energy Statement
- Ventilation Statement

An updated Tree Survey and Arboricultural Report was received on 7th September 2012, to include the 2 sycamores located at the rear of the site fronting Dryden Way.

The Planning Statement makes the following points in support of the proposed development.

Policy context:

- there is overwhelming support at all policy levels for the redevelopment of brownfield sites within town centres, as proposed in this case
- the emphasis of national, regional and Development Plan policy is on the provision of retail and leisure development in town centres, as proposed in this case
- the national focus on creating sustainable communities seeks to ensure that local centres provide for a range of facilities, services and job opportunities

to reduce the need for people to travel, which the mix of uses proposed in this case will help to achieve

- there is emphasis at national, regional and local level on high quality urban design and architecture, and sustainable development. The design principles of the scheme, and the sustainability measures proposed will meet these requirements and set a new benchmark of design quality for the town centre

Principle of retail and leisure use:

- the provision of new retail floorspace will be of a scale that is wholly consistent with the role and function of Orpington as a Major Town Centre
- Orpington is not currently served by a cinema and the proposal will meet an identified need and ensure that the leisure needs of the centre's catchment can be sustainably met
- the inclusion of leisure uses within the centre will increase the vitality and viability of the town centre outside of normal shopping hours, with the increased activity enhancing safety and security in the evenings

Loss of office accommodation:

- existing building has been vacant since 2010
- Linays Commercial have marketed the building since July 2009 through to disposal, on an 'all enquiries' basis, with no firm bids received although interest was expressed on the basis of redeveloping the site (including from LIDL, ALDI, and Travelodge/Accor)
- the lack of firm interest in the office building reflects the outdated nature of the site, with accommodation that does not meet modern requirements and would be financially unsustainable to upgrade
- there is no shortage of available office space of a similar type elsewhere in Orpington, with an approximate availability of B1 floorspace in excess of 11,000 sqm. in the vicinity
- proposal will create employment opportunities (around 130 new jobs)

Design and Appearance:

- design of the scheme has evolved to reflect commercial and operational requirements
- scale and height of the building responds to the horizontal mixed use nature of the development, with the ground floor units designed to be double height and capable of accommodating mezzanine floorspace at a later date
- the height of the first floor auditoriums is required to meet the technical specification of the cinema operator
- roof height of cinema lobby and concessions area has been reduced to 10.6m, to provide a more sympathetic scale to the new Walnuts Square located at the juncture with College Square
- proposed development is of high quality design that improves the overall visual appearance of the shopping centre

- ground floor elevations will largely be glazed to maximise active frontage with some aluminium panels to provide a visual connection with the upper floors
- cinema lobby at first floor will be glazed to provide large active frontage at the upper floor level, overlooking the remodelled Walnuts Square, with adjacent elevations comprising light coloured aluminium panels with walnut coloured panels at intervals to provide visual interest and break up the facade
- upper floors will be clad with aluminium panels to present a fresh, lighter appearance to enhance and reinvigorate Walnuts Square
- proposal will include remodelled Walnuts Square at the entrance to College Square
- located at the entrance to the cinema and comprise a hard landscaped space that will enable visitors to both freely move through, and to dwell and relax
- at the heart of the square will be replacement walnut trees to replace the unavoidable loss of the walnut tree at the entrance to the existing shopping centre
- as part of the demolition phase it is proposed to remove the existing glazed canopy within Walnut Square and the canopy running above the retail units on the ground floor of the leisure centre block which will help to create a more open environment once the development is constructed

Summary:

- scheme will deliver much needed modern retailing units capable of attracting high street retailers which are not currently represented in Orpington
- cinema and restaurants will broaden the leisure offer in the town centre and help to retain expenditure within the town through reducing leakage to Bromley and Bluewater
- scheme will regenerate a redundant site in the heart of the town centre's prime retailing pitch, providing a new modern development that will act as a catalyst for the wider regeneration of the Walnuts area and the town centre
- scheme has been designed to a very high standard that will set the benchmark for future regeneration and development in the centre
- scheme will deliver an enhanced market with upgraded infrastructure
- scheme has been designed in an inclusive manner involving the community and key stakeholders through the process of preparing the planning application
- scheme will result in a multi-million pound investment and the creation of up to 130 new jobs.

Location

The application site is adjacent to the Walnuts Shopping Centre, within the Orpington Major Town Centre and within the designated Primary Retail Frontage.

The site is approx. 0.38ha in area, and comprises a three storey flat roofed building (Crown House), which the Applicant states has been vacant since 2010, having been formerly used as offices. The site includes the open space to the south of Crown House, and the existing glazed market canopy.

The immediate surrounding area is predominantly commercial in character, with some residential accommodation on the upper floors of buildings on High Street, Orpington, including at 165A High Street.

The site is within Flood Zones 2 and 3, and is within an Area of Archaeological Significance.

There are 4 trees on the site, including 2 sycamores at the rear visible from Dryden Way, a walnut in the centre of the existing square and a protected walnut adjacent the entrance to the covered shopping area of the Walnuts.

Comments from Local Residents

Nearby owners/occupiers were notified of the application by letter, a notice was displayed on the site and an advertisement published in the local press.

At the time of writing one representation in objection and one representation in support had been received. These are summarised as follows.

Objection comments:

- strong objection to loss of trees on the site including 2 trees at the rear of Crown Buildings which do not appear to be mentioned in application
- existing Walnuts to be felled are attractive and healthy specimens and should not be removed
- building is too overpowering and claustrophobic, being in such close proximity to adjacent shops along the walkway
- should be re-designed and set further back from walkway to not 'close in' on other buildings and people passing by – which would also allow the retention of the walnut 'T1'
- objection to loss of grassed areas in existing square.

Support comments:

- fully support this much needed development.

Comments from Consultees

Highways requested clarification on the content of the submitted Transport Statement with respect to trip generation figures, and sought clarification that the Walnuts Car Park (which currently shuts at 8pm) will be open until after the cinema closes. At the time of writing the Applicant had responded on both of these points. Any further comments from Highways will be reported verbally at the meeting.

The Council's in-house drainage advisor raised no objection to the preliminary surface water strategy, and advised that the application should be referred to the Environment Agency as the site is within the flood plain of the River Ravensbourne. A condition requiring details of a surface water drainage system was requested.

The Metropolitan Police Crime Prevention Design Advisor raised some concerns in respect of the service area at the rear and access to the plant deck given ongoing problems at the centre with 'free runners', and requested that the standard secured by design condition be imposed on any permission.

The Environment Agency raised no objection to the proposal, subject to the imposition of conditions relating to groundwater protection and flood risk.

Environmental Health (pollution) raised no objection to the proposal, and recommended a number of conditions.

Planning Considerations

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

Unitary Development Plan:

- BE1 Design of New Development
- BE4 The Public Realm
- NE7 Development and Trees
- EMP3 Office Development
- S6 Retail and Leisure Development
- S9 Food and Drink Premises
- S12 Markets
- L9 Indoor Recreation and Leisure
- ER9 Ventilation
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety

The London Plan:

- 2.15 Town Centres
 - 4.1 Developing London's Economy
 - 4.7 Retail and Town Centre Development
 - 4.8 Supporting a Successful and Diverse Retail Sector
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.12 Flood Risk Management

- 7.4 Local Character
- 7.5 Public Realm
- 7.15 Reducing Noise and Enhancing Soundscapes

The National Planning Policy Framework (NPPF) is also of relevance.

With regard to trees on the site, concerns have been raised in respect of the loss of the protected walnut (TPO 1976) adjacent to the shopping centre entrance.

Planning History

There is extensive planning history in relation to the application site, although none of recent or direct relevance to this case.

It should be noted that there is an extant planning permission for the redevelopment of 173-175 High Street, Orpington (which is located to the west of the application site), granted under ref. 08/02864/FULL1 and comprising a part one/ three/ four storey building with a retail shop at ground floor level and 1 one bedroom and 7 two bedroom flats on the upper floors, with refuse storage and bicycle parking. At the time of writing the report, the permission had not been implemented, and is due to expire on 2nd March 2013.

Also of relevance is the grant of planning permission for the use of 'College Square' as a retail market, under ref. 93/01355.

Conclusions

The proposed development will involve the loss of existing office accommodation through redevelopment. The applicant submits that the existing office floorspace is not commensurate with modern standards and, despite marketing since mid 2009 no firm bids for its continued use as offices were secured. The premises have been vacant since 2010, and evidence submitted with the application indicates a surplus of available office space in the vicinity. In considering the proposal against Policy EMP3 of the Unitary Development Plan, it may therefore be considered that there has been a long-term vacancy despite marketing of the premises, and that in view of fact that the premises are vacant no loss of employment will arise. Indeed, the proposed mixed use development will itself provide a large number of jobs as detailed at the beginning of this report.

The proposed redevelopment of the site will provide a mix of commercial and leisure uses within the designated primary retail frontage of this Major Town Centre, which is well served by public transport and benefits from a number of existing car parking facilities nearby. The proposal is therefore broadly compliant with the aims of the Unitary Development Plan in respect of leisure and town centre development. Orpington does not currently benefit from a cinema and the offer of new restaurant and retail units may serve to attract larger high street retailers and restaurant operators to the town centre. In this case, the restaurant and cinema uses will complement the existing and proposed retail uses and will serve to attract visitors to the town centre beyond normal shopping hours. Although potentially resulting in a concentration of restaurant uses, the site

currently has no active frontages to this part of the Walnuts (despite being part of the designated shopping frontage) and the proposal will in a sense, complete the existing retail frontages within the Walnuts complex, providing a net gain for the town centre in terms of both retail and restaurant floorspace.

Turning to the bulk, scale and form of development proposed, there can be no doubt that the building will appear significantly more prominent than the existing building, occupying a greater part of the site and enclosing the existing Walnuts Square. However, the building is of a high quality design, and will result in the provision of an enhanced and arguably more usable public space than the existing square, with the removal of the existing market canopy (which is slightly dated in appearance) allowing for a more open public space in the central focal point adjacent to and visible from College Square, and visible from the High Street. The building itself will incorporate a section of reduced height above the cinema lobby, fronting the new square, which will serve to soften the visual impact of the built form when viewed from this part of the site. The elevational treatment of the building, which will include large expanses of glazing to the ground floor and part of the first floor (cinema lobby), and vertical aluminium cladding in light colours (with feature walnut panels) will add visual interest to what is a relatively simple and clean built form.

Whilst the building will bring a greater sense of enclosure to this part of The Walnuts as a result of its scale and proximity to the site boundaries, the development is broadly in keeping with the scale of its neighbours at the Walnuts multi-storey car park and the leisure centre on the opposite side of the shopping precinct, and the Applicant's offer to remove the glazed canopy which currently overhangs the ground floor of the leisure centre block (to the east of the site) will go some way to offset this impact in opening up this edge of the built development in this part of the Walnuts. On balance, it is considered that the experience of shoppers and visitors to The Walnuts will be enhanced by the public realm improvements and the new retail and leisure offer, and that any detrimental impact that could be considered to arise as a result of the scale of the development in character or townscape terms will not be of such significance to warrant the refusal of planning permission in this case.

Members will note that a total of four trees will be removed as a result of the proposal which will warrant very careful consideration. These will include the last remaining walnuts (from which the shopping centre takes its name). Two mature sycamores at the rear of the site fronting Dryden Way will also be removed, however these are not generally visible in the area and do not provide a significant public amenity value. The walnuts to be removed are located in the centre of the existing square, and adjacent to the entrance to the indoor shopping centre to the north of the site (which is subject to a Tree Preservation Order). Whilst clearly of amenity value given their positioning and prominence, Members will note the content of the tree survey report on the file, which concludes that both of these trees are within the 'C' grade (of low quality and value, currently in adequate condition to remain until new planting could be established), and may agree that the Applicant's offer to provide 2 semi-mature walnuts together as a focal point in the new square will offer greater amenity value on balance.

With regard to the impact of the proposed development on the impact of neighbouring residential properties which are located on the High Street, the building is considered to be positioned a sufficient distance so as to not result in an undue impact in terms of overshadowing, and in view of the scale of neighbouring buildings it is not considered that the prospect or outlook from these properties would be unduly compromised. Any noise from the proposed plant and which may arise from the uses themselves can, according to the information submitted with the application, be controlled to avoid any disturbance to neighbouring residents, and no technical objections have been raised by Environmental Health (subject to condition). Dryden Way already provides service access for a number of premises in the vicinity and it is not considered that this proposal will give rise to a significantly greater impact or loss of amenity.

To conclude, Members will need to carefully consider the impact of the proposed development with particular regard to the loss of trees and the bulk and scale of the built form. Having regard to the above, Members may agree that the proposed development is acceptable on balance and accordingly it is recommended that planning permission be granted, subject to the conditions detailed below.

Background papers referred to during production of this report comprise all correspondence on files refs. 93/01355, 08/02864 and 12/02027, excluding exempt information.

as amended by documents received on 07.09.2012

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACC08 Satisfactory materials (all surfaces)
 ACC08R Reason C08
- 4 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
- 5 ACI21 Secured By Design
 ACI21R I21 reason
- 6 ACK09 Soil survey - contaminated land
 ACK09R K09 reason
- 7 The cinema hereby permitted shall not operate before 9am or after 1am on any day.

Reason: In order to comply with Policy L9 of the Unitary Development Plan and in the interest of the amenities of the area.

- 8 The restaurants hereby permitted shall not operate before 7am or after 12am midnight on any day.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.

9 No construction work shall commence until the glazed canopy attached to the ground floor of the western flank wall of the Leisure Centre building has been removed, and the existing building made good in accordance with details to be submitted and approved in writing by the Local Planning Authority.

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

10 Two replacement walnut trees of a size to be agreed in writing by the Local Planning Authority shall be planted in the locations shown on approved plan refs. 110352-A-P-01D103 A and 110352-A-P-00-D104 prior to the first occupation of the development hereby permitted. Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of the visual amenities of the area.

11 At any time the operational noise level from the cinema auditoria in terms of dB(A) shall be 16 decibels below the relevant minimum background noise level (LA90 15mins) measured at the nearest noise-sensitive building.

Reason: In the interests of the amenities of neighbouring properties and in order to comply with Policy 7.15 of the London Plan.

12 At any time the noise level from any plant (including ventilation, extraction and air conditioning plant) in terms of dB(A) shall be 10 decibels below the relevant minimum background noise level (LA90 15mins) measured at the nearest noise-sensitive building. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. (Thus if the predicted noise level is 40dB(A) from the plant alone, and, the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. Also the L90 spectra can be used to help determine whether the plant will be perceived as tonal.)

Reason: In the interests of the amenities of neighbouring properties and in order to comply with Policy 7.15 of the London Plan.

13 Detailed plans of the technical specification of the ductwork and equipment comprising all commercial kitchen extraction systems (which shall include measures to alleviate fumes and odours and incorporating activated carbon filters) shall be submitted to the Local Planning Authority for approval; after the systems have been approved in writing by or on behalf of the Authority, they shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently maintained in an efficient working manner.

ACJ10R J10 reason

14 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) An additional site investigation scheme, based on the above 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 any remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters. The site is located over a Principle Aquifer and within SPZII and it is understood that some elevated soil contaminants have been identified.

15 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 and reported to the satisfaction of the Local Planning Authority.

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

16 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.

17 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' - http://publications.environment-agency.gov.uk/?lang=_e. – Product Code SCHO0202BISW-E-E. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

Reasons for permission:

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

- BE1 Design of New Development
- BE4 The Public Realm
- NE7 Development and Trees
- EMP3 Office Development
- S6 Retail and Leisure Development
- S9 Food and Drink Premises
- S12 Markets
- L9 Indoor Recreation and Leisure
- ER9 Ventilation
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T17 Servicing of Premises
- T18 Road Safety

The London Plan:

- 2.15 Town Centres
 - 4.1 Developing London's Economy
 - 4.7 Retail and Town Centre Development
 - 4.8 Supporting a Successful and Diverse Retail Sector
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.12 Flood Risk Management
- 7.4 Local Character
- 7.5 Public Realm
- 7.15 Reducing Noise and Enhancing Soundscapes

The National Planning Policy Framework (NPPF).

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

- (a) the relationship of the development to adjacent property
- (b) the character of the development in the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the provision of new retail and leisure facilities in a Major Town Centre
- (e) the impact of the development on flood risk
- (f) the design policies of the development plan
- (g) the transport policies of the development plan
- (h) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 Before construction commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 2 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 under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

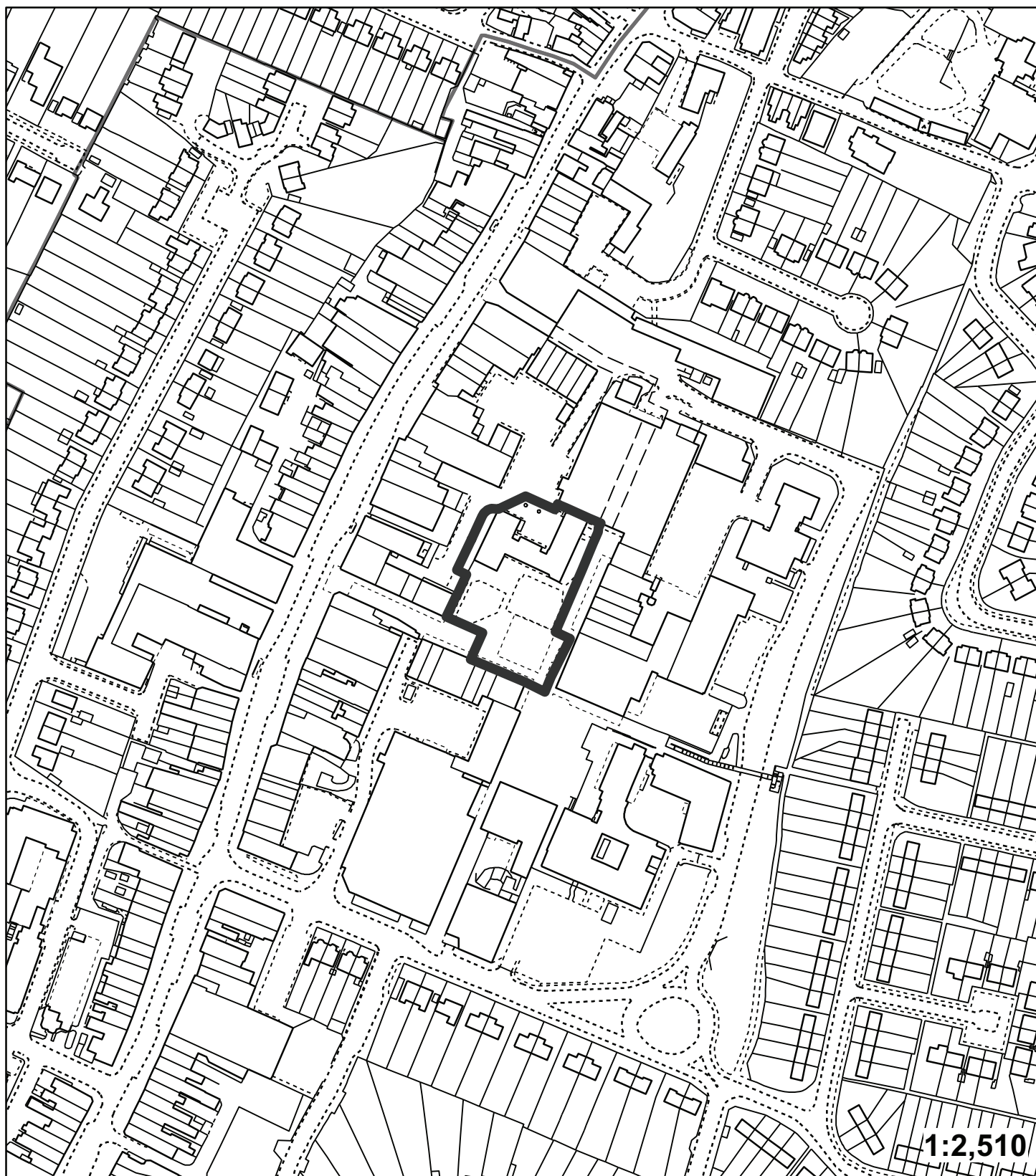
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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

Application:12/02027/FULL1

Address: The Walnuts Shopping Centre High Street Orpington

Proposal: Demolition of Crown House and erection of part 4/ part 5 storey building to provide 3x A3 (Restaurant/Cafe) units, cinema lobby area and 4x A1 (retail) units on the ground floor and 7 screen (950 seat) cinema on the upper floors, together with plant, servicing and refuse area at rear and



Report No.
DRR12/104

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **20 September 2012**

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

Title: **SECTION 106 AGREEMENTS: UPDATE**

Contact Officer: Bob McQuillan, Chief Planner & Claire Martin, Head of Finance
Tel: 020 8313 4554 020 8313 4286
E-mail: bob.mcquillan@bromley.gov.uk; claire.martin@bromley.gov.uk

Chief Officer: Marc Hume, Director of Renewal and Recreation

Ward: Boroughwide

1. Reason for report

This report provides an update on Section 106 Agreements.

RECOMMENDATION(S)

Members are asked to note the report and the contents of the attached Appendices 1-4.

Corporate Policy

1. Policy Status: Existing policy. IMP1 of the Unitary Development Plan
 2. BBB Priority: Safer Bromley. Plus Children and Young People, Vibrant and thriving Town Centres and Quality Environment
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: S106 Deposits
 4. Total current budget for this head: £5,628,456
 5. Source of funding: S106 Deposits
-

Staff

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

Legal

1. Legal Requirement: Statutory requirement. S106 of the Town and Country Planning Act enables the Local Authority to make agreements with applicants to secure benefits relating to the granting of planning permission. This is reflected in Policy IMP1 of the Unitary Development Plan which relates to planning obligations.
 2. Call-in: Call-in is not applicable. This report does not involve an executive decision
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Section 106 agreements are made with the applicant for the benefit of the future occupants of new developments and also for the benefit of existing residents in the vicinity of a new development
-

Ward Councillor Views

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

3. COMMENTARY

3.1 This is an update following the last report that was submitted to Executive and Resources PDS Committee in June 2011.

Background Information

- 3.2 The detail of every S106 agreement is stored in at least one of the three Appendices.
- 3.3 Appendix 1 records the 'negative/restrictive obligations' and include developments that are restricted by the S106 either by use, limitations on development within the curtilage or not to implement a previous permission.
- 3.4 Appendix 2 records the 'positive non financial' contributions. These agreements form the larger proportion of planning obligations gained through Section 106. Mostly they relate to the provision of affordable housing units.
- 3.5 Appendix 3 records 'positive financial' contributions. There are 7 main service areas where monies are received through the use of S106 obligations: Local Economy, Community or Town Centre use, Highways/Traffic (including Transport for London), Education, Health, Land (which records payments for landscaping), Affordable (which records payments in lieu of affordable housing) and Other (which records payments for any other contributions which do not fall into one of the above categories). The full Appendix 3 also shows that since March 2003 a wide variety of contributions have been negotiated through S106 agreements including funds for the creation of a Heritage Centre at Biggin Hill, travel plans, traffic calming/crossings, town centre improvement funding, public footpath maintenance, CCTV schemes and woodland management schemes. Increasingly over the last year the Council has used the NHS London Healthy Urban Development Unit (HUDU model), which gauges the impact that residential developments have on the capacity of health services. This formula produces a health contribution per unit and is administered by the Primary Care Trust.
- 3.6 Appendix 3 has been compiled from and updated using information from the Oracle accounting system and the Council's Public Register and Contribution record, which is held with the Public Register along with copies of all S106 legal agreements dating back to 1998.
- 3.7 If a S106 includes obligations from more than one category the details are recorded in each of the relevant appendices.
- 3.8 The full Appendices cover the period from March 2003 to date with details of 290 sealed legal agreements. Copies of these documents are available to view in the Members Room.
- 3.9 The Committee may note that there can be considerable time delay between the sealing of a Section 106 grant of permission and subsequent implementation of development (up to 5 years) when the obligation becomes due. There is always a possibility that a development will not go ahead at all where a developer feels the development is no longer viable.
- 3.10 All S106 legal agreements are registered as a Land Charge against the property and are registered at the Land Registry with the title deeds of a property or piece of land.

Section 106 Agreements: Update

- 3.11 Appendices 1 to 3 of this report provide details of 17 new agreements since the last update in December 2011. Member should note that 5 of these are variations to agreements to reflect minor amendments to schemes already approved.
- 3.12 Appendix 1 shows a table with 5 'negative' S106 legal agreements.

- 3.13 Appendix 2 shows a table with 8 new 'positive non-financial' S106 legal agreements. The total net affordable housing gain since December 2011 amounts to 71 units. The full Appendix 2 table shows that since March 2003 the Council sealed legal agreements that will potentially net 1,332 new affordable housing units.
- 3.14 As can be seen from the tables LBB will not necessarily receive all of these units unless they are built and handed over but the agreements are in place. In terms of revenue as a non-stockholding authority the Council does not gain direct asset value through Section 106 of the 1990 Town and Country Planning Act. All housing assets acquired are held by our partners RSLs.
- 3.15 Appendix 3 shows 5 new agreements of specific 'positive financial gain to the Council';
- 3.16 Members should note that the detailed description of the agreement terms in Appendix 3 gives an indication of any time limitations on spend together with whether interest is accrued to the contributions.
- 3.17 Appendix 4 gives the details of the current balances the Council holds for S106 agreements, split by service area category mentioned in 3.9 above and by revenue/capital classification and the time limit for spending monies. Where there are no time limits, a 5 year limitation from the date of the legal agreement has been assumed in accordance with legal advice.
- 3.18 A complete set of Appendices 1, 2 and 3 has been left in the Members Room.
- 3.19 'Significant' new agreements are as follows:-

Denton Court, Birch Row, Bromley – planning permission was granted for 27 houses. The s106 agreement secured 10 affordable housing units, £40,797 health contribution and £205,230 education contribution.

57 Albemarle Road, Beckenham – planning permission was granted for the demolition of 57 and 57a Albemarle and erection of a block of 21 flats. The S106 agreement secured 7 affordable housing units.

Multistorey Car Park, Simpsons Road, Bromley (Site K) – permission was granted for a mixed use scheme comprising 200 flats, 130 bedroom hotel, restaurant/cafe uses, basement parking and bus parking area. The S106 agreement secured 46 affordable housing units and up to £700,000 affordable housing payment in lieu (subject to Development Agreement), £2,500 car club contribution, £504,045 education contribution, £197,000 health contribution, £20,000 town centre contribution and £15,000 wheelchair adaptation contribution.

H Smith Engineers Ltd, Fordcroft Road, Orpington – permission was granted for 28 dwellings on this site. The S106 agreement secured 9 affordable housing units.

Kent County Cricket Ground, Worsley Bridge Road, Beckenham – planning permission was granted for an indoor cricket centre/multi-function sports/leisure facility, health and fitness centre and conference centre, spectator stand, all weather pitches and 48 houses. A payment in lieu to provide or enhance sports facilities was secured by the S106 agreement.

4. POLICY IMPLICATIONS

- 4.1 Development Plan policies play a crucial role in securing appropriate planning obligations. Policy IMP1 of the Unitary Development Plan (saved policies 2004) sets out the Council's approach to Section 106 agreements. There are implications also for the objectives of 'Building A Better Bromley' including, Safer Communities, A Quality Environment and Ensuring that all children and young people have opportunities to achieve their potential.

- 4.2 The sustainability of vibrant town centres is also one of the Council's key priorities and Section 106 funding, where appropriate, can make a significant contribution in achieving one of the Council's main aims.
- 4.3 The Department for Communities and Local Government (DCLG) document 'Planning Obligations: Practice Guidance' sets out ways in which local planning authorities can secure planning obligation. It covers such matters as in-kind and financial contributions, one-off and phased payments, maintenance and pooled payments (until April 2014).
- 4.4 The London Plan (Policy 8.2: Planning Obligations)) requires boroughs to give priority to affordable housing, public transport improvements, tackling climate change, learning and skills, health facilities, childcare provision and the provision of small shops and have clear local policies to these ends.
- 4.5 A Supplementary Planning Document (SPPD) on Planning Obligations was approved by DC Committee on December 2010.

This document also incorporate the implication of CIL regulations which came into force on 6th April 2010. CIL regulation 122 places into law three statutory tests which are based upon the original five policy tests in Circular 05/05, explained under 'Legal Implications' below. Regulation 123 ensures that the local use of CIL and planning obligations does not overlap.

- a) necessary to make development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 4.6 Mayoral Community Infrastructure Levy (CIL) was introduced on 1st April 2012 (London Plan Policy 8.3). Bromley acts as the collecting authority on behalf of the Mayor. Mayoral CIL is collected on new development (as defined under 4 regulations) at a rate of £35 per square metre in Bromley.
- 4.7 Members should note that Lead Officers have been identified for each of the topic areas for which S106 contributions are received as follows:
 Highways, Road safety and Parking – Angus Culverwell
 Local Economy – Kevin Munnerly
 Landscaping – Pat Phillips
 Housing – Kerry O'Driscoll
 Education – Rob Bollen
 Primary Care Trust – Lorna Blackwell
 Community Facilities – Colin Brand
 CCTV – Jim McGowan

5. FINANCIAL IMPLICATIONS

- 5.1 The table below summarises the overall Appendix 3, giving a breakdown across the service areas of all S106 obligations agreed within the last 7.5 years and details of whether the sums are confirmed (eg development has started) or provisional (S106 obligation agreed but development not started): -

AREA	S106 SUMS CONFIRMED	PROVISIONAL S106 SUMS £	TOTAL £
Local Economy, Town Centre, Community Use	2,516,500	70,000	2,586,500
Highways/Traffic/Parking	1,263,061	108,500	1,371,561
Education	2,422,059	507,607	2,929,666
Health/Primary Care Trust	771,501	416,768	1,188,269
Landscape	222,500	65,000	287,500
Housing *	6,325,109	5,084,150	11,409,259
Other	18,000	300,000	318,000
TOTALS	13,538,730	6,552,025	20,090,755

5.2 Of the £13.5m confirmed sums, £9.77m has been received and £4.65m has been spent, leaving an unspent balance of £5.12m. It should also be noted that £2.2m has been received (Holy Trinity development) from the provisional sum and this also remains unspent as at 23rd August 2012.

5.3 The summarised financial position of the unspent balances across the service areas (detailed in Appendix 4) is as follows: -

AREA	BALANCE AS AT 23.8.12 £	CURRENT OUTSTANDING COMMITMENTS £	LATEST BALANCE AS AT 23.8.12 £
Revenue			
Local Economy, Town Centre, Community Use	135,310	55,310	80,000
Highways/Traffic/Parking	609,894	199,563	410,331
Health/Primary Care Trust	488,492	104,724	383,768
Landscape	35,000	0	35,000
Other	15,000	0	15,000
Total Revenue Balance	1,283,696	359,597	924,099
Capital			
Housing	4,507,200	1,146,428	3,360,772
Education	565,653	0	565,653
Local Economy	26,500	26,500	0
Community Facilities	743,504	25,504	718,000
Interest accrued to capital S106 agreements*	59,932	0	59,932
Total Capital Balance	5,902,789	1,198,432	4,704,357
Total Section 106 Balance	7,186,485	1,558,029	5,628,456

5.4 The interest balance relates to two S106 agreements, £56,307 from the development on Land at Biggin Hill for the Biggin Hill Heritage Centre and £3,625 from the Oakwood Court development for housing.

5.5 It should be noted that an additional amount of £19,000 is held as a bond in accordance with the S106 agreement for the Orpington College development.

6. LEGAL IMPLICATIONS

6.1 The power of a Local Planning Authority to enter into a Planning Obligation with anyone having an interest in land in their area is contained in section 106 of the Town and Country Planning Act 1990 (as amended by Section 12 of the Planning and Compensation Act 1991). Planning Obligations made under section 106 comprise both obligations and unilateral undertakings.

Government advice on the use of section 106 is contained within Circular 5/05 'Planning Obligations' (Office of the Deputy Prime Minister, July 2005).

- 6.2 A Planning Obligation may only be created by a person with an interest in the relevant land, and may be created either by means of an agreement with the Local Planning Authority or by means of a unilateral undertaking. An Obligation may restrict development or the use of land, need specific works to take place or need a financial contribution towards a work or service of public benefit.
- 6.3 The main features of a Planning Obligation are:
- It applies to the land, so enforcement of it would be against the person who agreed it (normally the applicant) or their successor in title.
 - It can also be enforced by a legal injunction. Where a person has defaulted on a requirement to carry out works on the land, the Local Planning Authority may also enter onto the land to enforce the terms of the Obligation and to claim back its reasonable costs arising from this action.
 - It can contain a restriction on use of the land or a requirement for works to be undertaken thereon, that can be for an indefinite period, a stated period, or a period defined by reference to some future event, e.g. the completion of specified works.
 - Contribution(s) may be expressed as being due:
 - (a) Singly, on a specified date, or one that can be derived from defined future event(s),
 - (b) In instalments, the amounts of which can be stated or derived from a formula, that are payable on specified dates or on dates based on future events, e.g. stages of the development, and
 - (c) Singly or in instalments, the amounts of which can be stated or derived from a formula, that are payable on specified date(s), or at defined times after, the completion of the development, e.g. to contribute to maintenance needs.
- 6.4 A section 106 Agreement can be varied with the agreement of the Local Planning Authority; there is also a formal application and appeals process in certain circumstances. Section 106 contributions may be time limited in the agreement or undertaking. Even where this is not the case then section 12(3) Planning and Compensation Act 1991 Section allows a person to apply for a planning obligation to be discharged after 5 years and if money has not been spent or there is not a clear intention to spend within a reasonable time a local authority may be made to refund in such cases.
- 6.5 The planning system works on the principle that planning permissions cannot be bought from or sold by a Local Planning Authority. Negotiations to gain benefits from development proposals must take place in a way which is seen to be fair and reasonable. By working in this way, Planning Obligations can improve the quality of development proposals which might otherwise have to be refused.
- 6.6 Planning Obligations must be related to the scale and nature of the development being proposed. CIL regulation 122 came into force under the Community Infrastructure Levy (CIL) Regulations in April 2010 and places into law three statutory tests which are based upon the original five policy tests in Circular 05/05. The three tests are;
- a) necessary to make development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

6.7 The Council acting as Local Planning Authority cannot allow unacceptable developments because of unnecessary or unrelated benefits that the applicant may be offering. Equally applicants cannot be expected to pay for facilities which are only needed to deal with existing shortfalls in the area.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	ODPM Circular 05/2005 Planning Obligations 2008/09 budget monitoring files within ES Impact of Large Developments – Progress Monitoring Report March 2006 Shared file listing all S106 agreements Executive & Resources PDS Committee 26 th March 07 Executive and Resources PDS Committee 16 th July 07 Executive and Resources PDS Committee 2 nd Sept 2008 Executive and Resources PDS Committee 25 th March 2009 Executive and Resources PDS Committee 10 th August 2010 Executive and Resources PDS Committee 9 th June 2010

SECTION 106 AGREEMENTS REQUIRING A RESTRICTIVE OR 'NEGATIVE' OBLIGATION - CHANGES SINCE 31ST OCTOBER 2011

Ref No	Current Status	App No	Address	Nature of Application	Date	Legal Agreement	Gain
276	Agreed	11/02960	Home Farm, Kemnal Road, Chislehurst, BR7 6LY	Detached five bedroom house with curtilage, 5car parking spaces and removal of access drive.	07-Feb-12	For the developer to carry out the footpath works within three months of the planning permission being issued. To give the Council 14 days advance notice in writing of the commencement of development. Subject to having commenced development, not to construct a detached house on the Foxbury Manor land pursuant to 2004 planning permission.	REST
281 & 263	Agreed	11/01808	195-199 High Street, Bromley BR1 1NN	Demolition of existing building and erection of 3 storey building comprising; 2 ground floor units. Unit 1 for retail, financial and professional services (Classes A1/A2). Unit 2 for retail, financial and professional services, restaurant and cafes (Classes A1/A2/A3). 4 two bedroom flats on 1st floor and 2 two bedroom and 2 one bedroom flats on 2nd floor with rear terrace facing Walters Yard.	07-Feb-12	Amended wording in the definitions to incorporate application ref. 11/01808 relating to car parking permit restrictions DEED OF VARIATION.	REST
283	Agreed	1200267	Lyridon, The Drive Chislehurst Br7 6QS	Four bedroom detached house with integral garage and three bedroom detached house with integral garage at land adjacent to Lyridon.	16-Mar-12	Not to commence the development until the existing planting is removed from the site and the site is turfed. The land transfer will only be accepted once a Council officer has inspected to ensure adequate sitelines have been secured and works above completed. The owner will dedicate the site to the Council to become part of the highway maintenance at public expense. The owner will transfer the site to the Council prior to the commencement date.	REST
286	Agreed	11/03077	Arundel Berrys Hill Berrys Green Westersham TN16 3AE	Replacement two storey dwelling OUTLINE	21-Mar-12	The existing buildings on the site shall be demolished and the site cleared within 3 months of the first occupation of the building permitted by planning permission.	REST

Ref No	Current Status	App No	Address	Nature of Application	Date	Legal Agreement	Gain
287	Agreed	10/00237	World of Golf Sidcup BY Pass Road Chislehurst BR& 6RP	Remodelling and redevelopment of existing adventure golf course to provide upgraded 36 hole adventure golf course with structures, landscaping and cycle parking (amendment to scheme permitted under ref 09/02949 to include new cave/waterfall and pump house rock structures).	28-Mar-12	Ashtour Ltd covenants to allow the school users to use the Adventure Golf Course free of charge as set out in the agreement. Ashtour Ltd covenants to allow the general users to use the all weather pitches as set out in the agreement. The use of the facilities for community use is subject to restrictions set out in agreement. UNILATERAL UNDERTAKING.	REST
288	Agreed	09/03618	Compost site on Land off Cookham Road Swanley	Composting facility buildings for reception of food and green waste, anaerobic digestion process, digestate maturation process and conversion of methane gas to electricity together with liquid feed tanks, bays/structures to store finished products, biofilters beds, car parking, improvements to existing secondary vehicular access and upgrading of existing hard surfaces (to replace existing open window composting facility).	30-Mar-12	Obligations relating to approved users of AD facility (see S106 agreement for details).	REST

SECTION 106 AGREEMENTS REQUIRING 'POSITIVE' NON-FINANCIAL OBLIGATION - CHANGES SINCE 31st OCTOBER 2011

Ref No	App No	Address	Nature of Application	Date	Legal Agreement	Gain (Units)	Status	Closed Date
273	04/03955	Allotment Gardens Shirley Crescent, Beckenham, Kent	11 three bedroom and 11two bedroom terraced houses, estate road and 33 car parking spaces.	23-Mar-05		22	AGREED	
274	11/00563	Denton Court, 60 Birch Row, Bromley, BR2 8DX	Demolition of existing sheltered housing accommodation and erection of 4 semi-detached and 23 terraced two storey houses (4 including accommodation in roof) (13 two bedroom, 12 three bedroom and 2 four bedroom), with 40 car parking spaces.	16-Nov-11	10 Affordable units, 2 of these units will be designed for wheelchair users. The owner covenants to pay the health contribution of £40,797 and education contribution of £205,230.62 to the Council within 14 days of the completion of the first sale of any market dwelling. No time limit on spend.	10	AGREED	
275	10/02964	57 Albemarle Road, Beckenham, BR3 5HL	Demolition of Nos 57 and 57b and erection of three/four storey block with accommodation in roof and 2 three bedroom flats with 21 car parking spaces.	07-Feb-12	7 Affordable units.	7	AGREED	
279	06/02821	Holy Trinity Convent School, 81 Plaistow Lane, Bromley, BR1 3LL	Demolition of 2 storey school building and erection of 2 storey 10 bedroom nuns residence and 12 car parking spaces.	03-Dec-09	Original S106 so that bus stop relocation is not linked to development of the new Convent Land. Substitute drawings in original S106 in respect of plans A and B. DEED OF VARIATION.	0	AGREED	
280	11/02619	90 Upper Elmers End Road, Beckenham, BR3 3DY	Modification of legal agreement attached to permission 94/0016 for a replacement detached single storey workshop building, to permanently bind the workshop to 90A Upper Elmers End Road and to continue its use for purposes ancillary to the use of 90A as a residential premises.	21-Nov-11	Amendment to definitions and schedule paragraphs regarding subdivision of units 90 and 90A and numbering. DEED OF VARIATION.	0	AGREED	
282	10/01675	Kelsey House, 2 Perry Hall Road, Orpington, BR6 0JJ	Three storey rear extension and rooftop stairwell extension and conversion of Kelsey House to provide 4 one bedroom, 11 two bedroom and 6 three bedroom flats and erection of three storey block comprising 3 one bedroom, 3 two bedroom and 3 three bedroom flats with 32 car parking spaces and associated bicycle parking and refuse storage.	21-Feb-12	Include 'affordable rented housing' into definition of affordable housing. DEED OF VARIATION.	0	AGREED	

Ref No	App No	Address	Nature of Application	Date	Legal Agreement	Gain (Units)	Status	Closed Date
284	11/03865	Multistorey car park Simpsons Road Shortlands Bromley	Demolition of existing buildings and redevelopment with mixed use scheme comprising multi-screen cinema, 200 flats, 130 bedroom hotel, Class A3 units (restaurant and café) including 1 unit for flexible class A1 (retail shop) ClassA3 (restaurant and cafe) or ClassA4 (drinking establishment use), basement car parking, associated access arrangements (including bus parking), public realm works and ancillary development.	27-Mar-12	23 affordable housing units. To pay the car club contribution of £2,500 prior to the commencement of development, payment to be sent to Highway Authority by LPA. Education contribution of £504,045.51 (see agreement for spending restrictions) to be paid prior to the occupation of any residential units. Health contribution of £197k to be used on health care services in the vicinity. Payable prior to occupation of any residential unit. Town centre contribution of £20k to be used towards pedestrian way finding with area covered by BTCAAP. Development shall not commence until the TCC has been paid. To provide one oyster card (with £15 credit) per residential unit within 28 days of first occupation. Public toilets to be available for use by bus operators 24 hours a day. Affordable housing contribution up to a maximum of £700k in accordance with Development Agreement dated 27.4.12. The developer can request refund of any unspent payment 5 years from the date of payment. Wheelchair housing contribution of £15k per unit where the design of the units cannot fully comply with SELHP standards.	23	AGREED	
285	11/00701	H Smith Engineers Ltd Fordcroft Road Orpington BR5 2DB	Demolition of existing buildings and erection of 2 two storey blocks comprising 8 two bedroom flats, 1 three bedroom detached house, 2 four bedroom semi-detached house and 17 terraced houses (9 two bedroom and 8 four bedroom) with 34 car parking spaces and estate road (houses to be two storey, four bedroom houses to have dormers/accommodation in roof) OUTLINE.	30-Mar-12	9 Affordable units. The owners agree to pay the Council the estimated costs of providing in the event the Council resolves to carry out the footway works in the sum of £41,000.	9	AGREED	
			TOTAL NUMBER OF UNITS SINCE OCTOBER 2011			71		

SECTION 106 AGREEMENTS REQUIRING A 'POSITIVE' FINANCIAL OBLIGATION - CHANGES SINCE 31ST OCTOBER 2011

TAKEN FROM THE PUBLIC REGISTER OF CONTRIBUTIONS														
Ref No.	App No.	Address of application	Nature of Application	Date of s106	Legal agreement	Gain	Rec'd	Community Use/ Town centre / local economy	Highways/ Traffic / parking	Education	Health / PCT	Landscaping	Other	Housing
274	11/00563	Denton Court 60 Birch Row Bromley BR2 8DX	Demolition of existing sheltered housing accommodation and erection of 4 semi-detached and 23 terraced two storey houses (4 including accommodation in roof) (13 two bedroom, 12 three bedroom and 2 four bedroom), with 40 car parking spaces	16th November 2011	10 affordable units, 2 of these units will be designed for wheelchair users. The owner covenants to pay the health contribution of £40,797 and education contribution of £205,230.62 to the Council within 14 days of the completion of the first sale of any market dwelling. No time limit on spend.	10 affordable units Health contribution £40,797 Education contribution £205,230.62				£205,231	£40,797			
284	11/03865	Multi-storey car park Simpsons Road Shortlands Bromley	Demolition of existing buildings and redevelopment with mixed use scheme comprising multi-screen cinema, 200 flats, 130 bedroom hotel, Class A3 units (restaurant and café) including 1 unit for flexible class A1 (retail shop) ClassA3 (restaurant and cafe) or ClassA4 (drinking establishment use), basement car parking, associated access arrangements (including bus parking), public realm works and ancillary development.	27th March 2012	23 affordable housing units. To pay the car club contribution of £2,500 prior to the commencement of development, payment to be sent to Highway Authority by LPA. Education contribution of £504,045.51 (see agreement for spending restrictions) to be paid prior to the occupation of any residential units. Health contribution of £197k to be used on health care services in the vicinity. Payable prior to occupation of any residential unit. Town centre contribution of £20k to be used towards pedestrian way finding with area covered by BTCAAP. Development shall not commence until the TCC has been paid. To provide one oyster card (with £15 credit) per residential unit within 28 days of first occupation. Public toilets to be available for use by bus operators 24 hours a day. Affordable housing contribution up to a maximum of £700k in accordance with Development Agreement dated 27.4.12. The developer can request refund of any unspent payment 5 years from the date of payment. Wheelchair housing contribution of £15k per unit where the design of the units cannot fully comply with SELHP stds.	23 Affordable housing units £2,500 car club contribution £504,045.51 Education contribution £197,000 health contribution £20,000 Town Centre contribution £700,000 max amount affordable housing £15,000 wheelchair housing contribution	No No No No No		£2,500	£504,046	£197,000			£700,000 £15,000

TAKEN FROM THE PUBLIC REGISTER OF CONTRIBUTIONS														
Ref No.	App No.	Address of application	Nature of Application	Date of s106	Legal agreement	Gain	Rec'd	Community Use/ Town centre / local economy	Highways/ Traffic / parking	Education	Health / PCT	Landscaping	Other	Housing
285	11/00701	H Smith Engineers Fordcroft Road Orpington BR5 2DB	Demolition of existing buildings and erection of 2 two storey blocks comprising 8 two bedroom flats, 1 three bedroom detached house, 2 four bedroom semi-detached house and 17 terraced houses (9 two bedroom and 8 four bedroom) with 34 car parking spaces and estate road (houses to be two storey, four bedroom houses to have dormers/accommodation in roof) OUTLINE.	30th March 2012	9 Affordable units. The owners agree to pay the Council the estimated costs of providing in the event the Council resolves to carry out the footway works in the sum of £41,000.	9 Affordable housing units and £41,000 footway works.	No		£41,000					
289	11/01687 & 11/01688	Holy Trinity Convent School 81 Plaistow Lane Bromley BR1 3LL	Extension of time limit to implement permission 06/02820 for demolition of existing school/convent buildings and erection of four 2/3/4 storey buildings for a total of 92 residential units with surface and semi basement car parking comprising of 157 parking spaces and landscaped and recreational area plus alterations to existing access. Extension of time limit to implement permission 06/02747 for conversion of school/convent to 12 two bedroom and 4 three bedroom flats with communal recreational facilities and minor elevational alterations plus conversion of two storey gatehouse into 1 two bedroom and 1 one bedroom units together with conversions of single storey gatehouse into 1 one bedroom dwelling.	29th March 2012	Owner shall make the PIL on either the first transfer of the housing land by the owner or upon implementation of the Permissions whichever occurs first. The PIL will be calculated by reference to the net sales proceeds. No part of of the highways works shall be occupied until the highways works have been completed to the satisfaction of the Council. The Owner shall carry out the highways works at no cost to the Council. The Owner covenants with the Council to pay the health contribution to the Council when the PIL is due. The health contribution shall only be payable if the net proceeds of the sale exceed the sum of £13m and there being 108 units of accommodation assessed at the rate of £856 per unit. The Council agrees to repay any unspent sums within five years from the date of the agreement. The owner shall submit a scheme for MOL for the Councils approval - prior to implementing.		No							

TAKEN FROM THE PUBLIC REGISTER OF CONTRIBUTIONS														
Ref No.	App No.	Address of application	Nature of Application	Date of s106	Legal agreement	Gain	Rec'd	Community Use/ Town centre / local economy	Highways/ Traffic / parking	Education	Health / PCT	Landscaping	Other	Housing
290	11/02140	Kent County Cricket Ground Worsley Bridge Road Beckenham	3 detached buildings for use as indoor cricket training centre/multi-function sports/leisure facility, health and fitness centre and conference centre. Spectator stand for 2000-3000 people. Car parking. All weather/floodlit pitches. 48 detached houses. OUTLINE.	24th March 2012	No part of the development shall be commended until an agreement to grant a lease for a period of not less than 20 years has been entered into with KCCC. No part of the development shall commence until details of matters reserved in condition 1 has been submitted and approved by the Council. A scheme for the construction of the Ground development shall be approved by the Council prior to occupation of the first dwelling. No dwelling constructed after the 27th shall be occupied until the indoor cricket facility has been completed. No dwelling constructed after the 36th dwelling shall be occupied until all wather pitch has been completed. No dwelling constructed after the 44th dwelling shall be occupied until the spectator stand has been completed. The all weather pitches shall not be used until a cheme to make the pitches available for hire to the public have been submitted to and approved by the Council. To continue to make the Cricket ground and pavilion available for recreational use by KCCC for a period of 20 years from the date of		No						£300,000	
TOTAL SECTION 106 CONTRIBUTIONS								£20,000	£43,500	£709,276	£237,797	£0	£300,000	£715,000

REVENUE ITEMS

Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2012	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance as at 23.8.12	Time Limit for spend
		CCTV		£	£	£	£		£	
F0648	197	Orpington Halls High St Orpington	TC contribution of £5,000 for CCTV	(5,000.00)	0.00	0.00	0.00	0.00	(5,000.00)	Aug 2014
		Total for CCTV expenditure		(5,000.00)	0.00	0.00	0.00	0.00	(5,000.00)	

Highway improvement works & traffic schemes										
F0620	104	Bristol Street Motors, Masons Hill/Prospect Place	Highway improvement works	(30,000.00)	0.00	30,000.00	0.00	0.00	0.00	April 2009
F0622	108	Aquila, Golf Road Bickley	£325k Highways works, £10k surveys	(329,400.00)	0.00	120,000.00	0.00	0.00	(209,400.00)	Dec 2012
F0624	139	Nugent Estate, Sevenoaks Way Orpington	£10k for footpath maintenance	(10,000.00)	0.00	10,000.00	0.00	0.00	0.00	Feb 2012
F0629	173	Knotley Springfield Gardens West Wickham	£15k for highway works and £2.5k for traffic order	(15,000.00)	0.00	15,000.00	0.00	0.00	0.00	Oct 2011
F0650	206	J Sainsbury Pallant Way	£20,000 towards bus improvement	(20,000.00)	0.00	0.00	0.00		(20,000.00)	July 2013
F0658	203	Multi-storey car park at Earls Way Orpington	£80k for bus stop enhancement	(80,000.00)	0.00	0.00	0.00	0.00	(80,000.00)	Sept 2014
F0648	197	Orpington Halls High St Orpington	£2,500 for traffic order	(2,500.00)	0.00	0.00	0.00	0.00	(2,500.00)	Aug 2014
F0671	231	117 Widmore Road Bromley	£2500 highways contributions	(2,500.00)	0.00	0.00	0.00	0.00	(2,500.00)	June 2014
F0628	232	Garrard House, 2-6 Homesdale Road Bromley	£2,000 for loading restriction contribution	(2,000.00)	0.00	0.00	0.00	0.00	(2,000.00)	May 2015
F0655		178 Ravensbourne College	£20k Highways and £10k Footpath	(30,000.00)	0.00	0.00	0.00	0.00	(30,000.00)	Jan 2017
		Total for Highway improvement works		(521,400.00)	0.00	175,000.00	0.00	0.00	(346,400.00)	

Road Safety and cycle schemes										
F0622	108	Aquila, Golf Road Bickley	£60k traffic calming	(29,833.34)	0.00	0.00	0.00	0.00	(29,833.34)	Dec 2014
		Total Road Safety & cycle schemes		(29,833.34)	0.00	0.00	0.00	0.00	(29,833.34)	

Local Economy and Town Centres										
F0624	139	Nugent Estate, Sevenoaks Way Orpington	£1m for local economy & £50k town centre	(45,310.00)	0.00	45,310.00	0.00	0.00	0.00	Feb 2012
F0644	187	Tesco Stores, Croydon Road	£50k towards Town Centre Initiatives	(50,000.00)	0.00	0.00	0.00	0.00	(50,000.00)	Jan 2016
		Total Local Economy & Town Centres		(95,310.00)	0.00	45,310.00	0.00	0.00	(50,000.00)	

Parking										
F0618	120	Beckenham hospital, Croydon Road Beckenham	£10k car park, £30k residents parking scheme	(18,000.00)	0.00	18,000.00	0.00	0.00	0.00	Aug 2009
F0621	110	77 Addington Road West Wickham	Contribution to on street parking	(1,000.00)	0.00	1,000.00	0.00	0.00	0.00	Jan 2009
F0647	204	Tesco - Homesdale Road	£40k towards controlled parking zone	(40,000.00)	0.00	0.00	0.00	0.00	(40,000.00)	July 2014
F0645	194	Reliance House	5000 towards 'white lining' for the provision of public and car club parking & restoration of redundant crossovers	(2,658.88)	0.00	2,658.88	0.00	0.00	0.00	Sept 2011
F0646	185	101 Palace Road Bromley	£3000 for white lining car parking spaces and redstone crossovers parking Permit Scheme, Car Club Scheme	(2,904.59)	0.00	2,904.59	0.00	0.00	0.00	Aug 2012
F0671	231	117 Widmore Road Bromley	£2500 towards car club	(2,500.00)	0.00	0.00	0.00	0.00	(2,500.00)	June 2014
F0672	100	Land At Jct With Crowhurst Way & Rookery Gdns		13,929.26	0.00	0.00	(5,527.40)	0.00	8,401.86	N/A
		Total parking schemes		(53,134.21)	0.00	24,563.47	(5,527.40)	0.00	(34,098.14)	

Landscaping										

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Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2012	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance as at 23.8.12	Time Limit for spend
F0627	151 & 25	Cheyne Centre Woodlands Way West Wickham	£35k towards woodland maintenance	(35,000.00)	0.00		0.00	0.00	(35,000.00)	N/A
				(35,000.00)	0.00	0.00	0.00	0.00	(35,000.00)	
Community facilities										
F0612	83	Kelsey Square Beckenham	Community contribution	(10,000.00)	0.00	10,000.00	0.00	0.00	0.00	June 2008
F0658	203	Multi-storey car park at Earls Way Orpington	£30k playspace contribution	(30,000.00)	0.00	0.00	0.00	0.00	(30,000.00)	Mar 2015
				(40,000.00)	0.00	10,000.00	0.00	0.00	(30,000.00)	
Other minor schemes										
F0647	204	Tesco - Homesdale Road	£10k webcam contribution	(10,000.00)	0.00		0.00	0.00	(10,000.00)	Oct 2013
F0681	191/202	102 Martins Rd Bromley	£3,838.80 wheelchair payment	(3,838.80)	0.00	0.00	0.00	3,838.80	0.00	Feb 2016
		Total other minor schemes		(13,838.80)	0.00	0.00	0.00	3,838.80	(10,000.00)	
Education										
F0662	215	Anerley School for Boys, Versialles Rd Penge	Education contribution	(80,724.00)	0.00		0.00	80,724.00	0.00	TBC
				(80,724.00)	0.00	0.00	0.00	80,724.00	0.00	
Housing										
F0628	233	Garrard House 2-6 Homesdale Road BR2 9LZ	Additional £411k housing contribution	0.00	0.00	0.00	(102,750.00)	102,750.00	0.00	Sept 2014
F0659	289	Holy Trinity, Plaistow Lane	£2,173,150 housing contribution	0.00	0.00		(2,173,150.00)	2,173,150.00	0.00	Mar 2017
				0.00	0.00	0.00	(2,275,900.00)	2,275,900.00	0.00	

Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2012	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance as at 23.8.12	Time Limit for spend
Primary Care service										
F0632	172	The George High Street Franborough	£12,228 towards additional primary care infrastructure	(12,228.00)	0.00	12,228.00	0.00	0.00	0.00	Sep 2011
F0633	164	SIRA South Hill Chislehurst	£66,000 for healthcare facilities	(66,000.00)	0.00	66,000.00	0.00	0.00	0.00	June 2011
F0643	180	James Dixon Schl site Anerley Park	£26,496 for Health	(26,496.00)	0.00	26,496.00	0.00	0.00	0.00	Aug 2012
F0663	218	The Partridge, Chipperfield Road	£13,244 for Health care	(13,244.00)	0.00	0.00	0.00	0.00	(13,244.00)	Mar 2014
F0648	197	Orpington Halls High St Orpington	£13,243 for health care	(13,243.00)	0.00	0.00	0.00	0.00	(13,243.00)	Aug 2014
F0670	230	Enterprise Hse, 45 Homesdale Road	£84,296 for healthcare contn	(84,296.00)	0.00	0.00	0.00	0.00	(84,296.00)	Feb 2015
F0667	227	Land Rear Of Nugent Shopping Park, Cray View Close, St Mary Cray, Orpington	£7,695 for health	(7,695.00)	0.00	0.00	0.00	0.00	(7,695.00)	May 2014
F0628	233	Garrard House, 2-6 Homesdale Road Bromley	£35k for Health Care	(35,000.00)	0.00	0.00	0.00	0.00	(35,000.00)	Sept 2015
F0662	214	Anerley School for Boys, Versialles Rd Penge	Healthcare contribution	(105,780.00)	0.00	0.00	0.00	0.00	(105,780.00)	TBC
F0668	228	Land at former 1-23 Orchard Grove Orpington	£98,240 for healthcare contribution	(98,240.00)	0.00	0.00	0.00	0.00	(98,240.00)	June 2014
F0675	237	Oatlands 210 Anerley Road Penge	£26,270 healthcare contribution	(26,270.00)	0.00	0.00	0.00	0.00	(26,270.00)	Mar 2016
				(488,492.00)	0.00	104,724.00	0.00	0.00	(383,768.00)	
Total S106 Revenue Balance as at 31.10.11				(1,362,732.35)	0.00	359,597.47	(2,281,427.40)	2,360,462.80	(924,099.48)	

CAPITAL ITEMS

Housing										
F0633	164	SIRA South Hill Chislehurst	£1,485,000 affordable housing	(44,263.20)	44,263.20	0.00	0.00	0.00	0.00	June 2011
F0628	166	Garrard House, 2-6 Homesdale Road Bromley	Housing	(1,175,000.00)	28,571.80	1,146,428.20	0.00	0.00	0.00	Aug 2012
F0635	167	Oakwood Court, Bromley Road	£725k towards affordable housing	(794,833.00)	0.00	0.00	0.00	0.00	(794,833.00)	June 2015
F0670	256	Enterprise Hse, 45 Homesdale Road	£4,000 - affordable housing contribution	(4,000.00)	0.00	0.00	0.00	0.00	(4,000.00)	Feb 2016
F0681	191/202	102 Martins Rd Bromley	£3,838.80 wheelchair payment	(3,838.80)	0.00	0.00	0.00	0.00	(3,838.80)	Feb 2016
F0628	233	Garrard House 2-6 Homesdale Road BR2 9LZ	Additional £411k housing contribution	0.00	0.00	0.00	(102,750.00)	0.00	(102,750.00)	Sept 2014
F0655	178	Ravensbourne College (Phase 1 Instalment)	Affordable housing contribution of £411k	(282,200.00)	0.00	0.00	0.00	0.00	(282,200.00)	Jan 2017
F0659	289	Holy Trinity, Plaistow Lane	£2,173,150 housing contribution	0.00	0.00	0.00	0.00	(2,173,150.00)	(2,173,150.00)	Mar 2017
Total Housing				(2,304,135.00)	72,835.00	1,146,428.20	(102,750.00)	(2,173,150.00)	(3,360,771.80)	

Education										
F0663	218	The Partridge, Chipperfield Road	£29,140 towards Education	(17,800.00)	0.00	0.00	0.00	0.00	(17,800.00)	Mar 2014
F0648	197	Orpington Halls High St Orpington	£24,409 for Education	(24,409.00)	0.00	0.00	0.00	0.00	(24,409.00)	Aug 2014
F0670	230	Enterprise Hse, 45 Homesdale Road	£111,806 for Education	(111,806.00)	0.00	0.00	0.00	0.00	(111,806.00)	Feb 2015
F0628	233	Garrard House, 2-6 Homesdale Road Bromley	£35k for Education	(35,000.00)	0.00	0.00	0.00	0.00	(35,000.00)	Sept 2015
F0667	227	Land Rear Of Nugent Shopping Park, Cray View Close, St Mary Cray, Orpington	£11,684 for Education	(11,684.00)	0.00	0.00	0.00	0.00	(11,684.00)	May 2014
F0668	228	Land at former 1-23 Orchard Grove Orpington	£174,230 for education contribution	(174,230.00)	0.00	0.00	0.00	0.00	(174,230.00)	June 2014
F0655	178	Ravensbourne College (Phase 1 instalment)	Education contribution	(110,000.00)	0.00	0.00	0.00	0.00	(110,000.00)	Jan 2017
F0662	214	Anerley School for Boys, Versialles Rd Penge	Education contribution	0.00	0.00	0.00	0.00	(80,724.00)	(80,724.00)	TBC
Total Education				(484,929.00)	0.00	0.00	0.00	(80,724.00)	(565,653.00)	

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Dept. Anal.	Public register ref	Address of application	Use of monies	31st March 2012	Movement during 2010/11	Commitments	Movement during 2010/11	Transferred to Capital	Balance as at 23.8.12	Time Limit for spend
Local Economy										
F0636	182	Police Station Widmore Road	£26,500 towards provision of improvements to Bromley Town Centre	(26,500.00)	0.00	26,500.00	0.00	0.00	0.00	Aug 2012
Total Local Economy				(26,500.00)	0.00	26,500.00	0.00	0.00	0.00	
Community Facilities										
F0625	119	Holwood, Westersham Road	£100k towards a Heritage Centre (Darwin &/or Biggin Hill)	(43,942.91)	43,942.91	0.00		0.00	0.00	Dec 2012
F0642	129	Land at Main Road Biggin Hill	£760k towards Heritage Centre	(743,955.00)	450.77	25,504.23		0.00	(718,000.00)	Mar 2014
Total Community Facilities				(787,897.91)	44,393.68	25,504.23	0.00	0.00	(718,000.00)	
Interest										
F0651		Interest accrued to S106 capital items		(86,586.71)	26,654.71	0.00	0.00	0.00	(59,932.00)	None
Total Section 106 Capital balance as at 31.10.11				31.03.09	(3,690,048.62)	143,883.39	1,198,432.43	(102,750.00)	(2,253,874.00)	(4,704,356.80)
Total Section 106 Balance as at 31.10.11					(5,052,780.97)	143,883.39	1,558,029.90	(2,384,177.40)	106,588.80	(5,628,456.28)

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