

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 19 April 2016

Present:

Councillor Peter Dean (Chairman)
Councillor Nicky Dykes (Vice-Chairman)
Councillors Vanessa Allen, Graham Arthur, Douglas Auld,
Kathy Bance MBE, Nicholas Bennett J.P., Eric Bosshard,
Katy Boughey, Lydia Buttinger, Simon Fawthrop, Charles Joel,
David Livett, Russell Mellor, Alexa Michael, Neil Reddin FCCA
and Richard Scoates

59 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Ellie Harmer and Michael Turner; Councillors Neil Reddin and Nicholas Bennett JP attended as their respective substitutes.

60 DECLARATIONS OF INTEREST

No declarations of interest were received.

61 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2016

RESOLVED that the Minutes of the meeting held on 9 February 2016 be confirmed and signed as a correct record.

62 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

63 PLANNING APPLICATION - (DC/15/03053/FULL1) - FLAMINGO PARK CLUB, SIDCUP BY PASS ROAD, CHISLEHURST, BR7 6HL

Description of application – Demolition of existing buildings and erection of two/three storey football stadium (max height 11.3 metres/max capacity 1316) with ancillary kitchen, bar, function room, classrooms, museum, gym/physio rooms, offices, changing rooms and meeting rooms; detached single storey building for additional changing rooms; 2 community sports pitches; relocation of 3 existing football pitches and two 4 storey residential blocks comprising 28 two bedroom flats, with undercroft car parking, refuse and cycle storage; as well as over ground parking for stadium for a total of 393 cars and bicycle parking with access from the A20 Sidcup By-Pass.

Oral representations from the application's agent, Mr B McQuillan, in support of the application were received at the meeting as follows:-

Cray Wanderers Football Club (CWFC) needed a new home ground. The Club involved the community as a whole and 14 schools including Coopers, supported the scheme. Concerns were raised with the current condition of Flamingo Park and what might become of the site should the proposal be unsuccessful.

The importance of retaining sports fields was made clear by the Secretary of State. However, in the last 12-14 years, recreational use at Flamingo Park had ceased and the site itself had deteriorated.

This application was a perfect opportunity to save and rejuvenate the derelict playing field in a similar way as Beckenham Kent County Cricket Club (KCCC) had saved and rejuvenated the former Lloyds Bank playing fields at Copers Cope Road. This was a chance to do for the east of the Borough what the KCCC had realised for Beckenham.

Whilst applications should be considered on their individual merits, consistency in decision making was important to maintain public confidence.

Paragraph 81 of the National Planning Policy Framework referred to positive planning of the Green Belt and paragraph 89 clearly showed that the sports and residential elements of the scheme were appropriate in this context within the Green Belt.

Policy 3.19 (Sports Facilities) of the London Plan also supported development proposals that increased or enhanced the provision of sports and recreation facilities.

The local MP, Bob Neill, had written to the Chief Planner and summarised the planning case for permission being granted.

Approximately 1000 letters of support had been submitted and the application was endorsed by all the sporting consultees. London Sport, Sport England, the FA and Kent FA had confirmed that the application proposed appropriate facilities for outdoor sport and recreation. That being the case, the stadium development was appropriate under paragraph 89 (2) of the NPPF.

Letters in support of the application were also submitted by Chislewick Residents Association and the Chislehurst Society.

A number of letters expressed concern about what would happen if permission was not granted.

The letter from Bromley FC confirmed that the ground share at Hayes Lane would terminate at the end of the 2017-18 season.

At a meeting of the Plans 3 Sub-Committee on 31 March, Members considered the implications of the High Court decision on the Council's challenge to the Bromley Livery Stables appeal decision which granted permission for residential development to replace stables on permitted development land (PDL) in the Green Belt (para 89 (6)). The Council had argued that the change of use to residential was inappropriate in itself. The Judge found that "the mere fact that permission for a new building may also involve a material change of use does not mean that it ceases to be appropriate development." The Council had now accepted this decision.

The centre of Flamingo Park was PDL and the residential development of PDL was appropriate development in the Green Belt by virtue of paragraph 89(6). This included all the buildings and the extensive area of hardstanding stretching from the A20 to the cemetery boundary housing all the commercial uses. The football ground buildings to the west were appropriate facilities for outdoor sport and also appropriate in the Green Belt within paragraph 89(2).

Notwithstanding that the development was appropriate, the applicant had presented a case for very special circumstances should it be required.

The first two reasons for refusal set out in the officer report were not sustainable. The third ground of refusal concerning drainage was no longer an issue and could be addressed by condition.

In response to Member questions, Mr McQuillan clarified that the southwest corner of the site lay approximately 330m from bus stops on Imperial Way, via the Kemnal Road pedestrian footpath. However, the site was located 900m from the opposite direction due to the fact that no bus route operated along the A20 towards Five Ways.

The viability audit had concluded that finance would not be available to fund the provision of affordable housing at the site.

The site was 7.4 hectares in area of which approximately 4.6 hectares were playing fields and would remain so. The difference in footprint was derived from the use of previously developed land consisting of existing buildings and hard surfacing. Members needed to decide whether the proposed flats were an equivalent substitute for this, bearing in mind that 30 flats were accepted in the KCCC's application for an area that was approximately 6 hectares in size.

The applicant would have no objection to conditions being imposed following submission of an archaeological report detailing the significance of the site and the impact of the proposed development.

The Bromley Liveries application had changed planning law in that, whilst it was accepted that individual applications should be considered on their own merit, the provision of domestic properties on previously developed land was also acknowledged by the Courts to be appropriate development within the GB.

Sufficient space would be available to provide motorcycle parking if required.

With regard to biodiversity (page 23 of the report), the applicant had submitted all that was required at the present stage. Possible impacts on the GB and nature of the site could be dealt with by condition.

The applicant had no objection to a condition being imposed to incorporate green roofs to minimise visual impact.

If Members were minded to grant permission, all existing activities at the site e.g. boot fairs, fun fares and nightclub, all of which amounted to some 4000 traffic movements per week, would cease. This would result in a decrease in traffic flow to and from the site.

The Chief Planner reported that letters submitted by Bob Neill MP, Bromley Football Club and Chislewick Residents' Association had been circulated to Members. Two further letters of support had been received which contained similar views to those already submitted. Subsequent to the oral representations made and Members' questions, the Chief Planner also drew the Committee's attention to the full account and advice given on pages 38 and 39 of the agenda in relation to the National Planning Policy Framework (NPPF) Green Belt policy as relevant to the application. The contents of NPPF paragraph 89 were set out in full on page 38 and bullet points (2) and (6) clarified that exceptions depended upon new construction preserving or not having a greater impact on the openness of the Green Belt. The existing and proposed development data relevant to 'openness' was shown on page 39 of the report.

Although Councillor Boughey, Ward Member for Chislehurst, disagreed with the officer recommendation in the report, she congratulated its author for the production of a finely detailed document.

Councillor Boughey stated that Flamingo Park was, historically, a sports and leisure facility for the community, which in the past had provided many football pitches and a large sports pavilion but was now, or had been, home to a nightclub (which had lost its licence after number incidents of anti-social behaviour and drug-taking), a scaffolding yard, van-hire company and had hosted regular car boot sales, fun fairs and circuses, attracting large numbers of people and causing anti-social behaviour and traffic issues within the local area. There was also an extensive enforcement history relating to the site for various unauthorised operational development and uses, including the erection of advertising hoardings, several timber buildings to the front of the site, creation of a buggy track, use of outbuildings for residential purposes, conversion of the building into offices and use as a nightclub, operation of commercial marquee in excess of permitted days, taxi driver training, firework business and siting of containers. Over the years, enforcement action had been taken against the operators but as soon as one was removed, another had taken its place.

The scheme included residential development of 28 flats, which were required for the financial viability of the scheme. As the land was located within the Green Belt, certain criteria had to be met to enable built development. The main consideration was the National Planning Policy Framework and paragraph 80 of the report outlined the purpose of the Green Belt. This served five purposes, one of which was to assist in urban regeneration by encouraging the recycling of derelict and other urban land. Once Green Belt land had been defined, Local Planning Authorities should plan positively to enhance its beneficial use, such as seeking opportunities to provide outdoor sport and recreation.

Paragraph 89 of the report stated that new building in the Green Belt was inappropriate unless very special circumstances could be demonstrated. There were a number of exceptions to the definition of inappropriate development – provision of appropriate facilities for outdoor sport and recreation was one and the partial or complete redevelopment of previously developed land, whether redundant or in continual use was another.

The recent court case in which the Council had challenged a Planning Inspector's decision regarding redevelopment at Bromley Livery Stables had been lost as a result of the Judge upholding the Inspector's conclusion that the livery stables and associated buildings constituted built development in the Green Belt and as the site was considered a brownfield site, redevelopment was appropriate. This same criteria must then apply to all the buildings and hardstanding at Flamingo Park which should be considered as a Brownfield site.

Councillor Boughey feared that if Members did not support the current application, the site could and would, be redeveloped solely for residential purposes. The Brownfield area was in the centre of the site and ran parallel with the A20, almost cutting the site in half. The worst case scenario would be built development without any sports or recreational facilities and Members were in danger of acting too rashly in passing up an opportunity to regenerate the site back to recreational sports use for Cray Wanderers F.C. and the wider community.

It should be recognised that good sporting facilities were more often than not provided by collaboration between established sports clubs, operated by people not only with a real interest in the game but also able to provide the finance to facilitate the building and development of them. A very good recent example was the redevelopment of Kent County Cricket Ground in Beckenham and just recently, a planning application was approved to improve the facilities at Bromley Football Ground in Hayes Lane; both schemes were only possible because of the inclusion of community leisure use and/or residential housing.

The Chislehurst Society supported the application in principle and Sport England, TfL and Thames Water had raised no objections. London Sport supported the proposal stating it was a great example of how to make the best of former sports facilities and there were circumstances where enhancing

capacity and quality could only be achieved with appropriate enabling development.

With regard to noise and lighting, it should be remembered that the site was currently a football ground and could be used for that purpose at any time without the benefit of further planning permission. The flat roof design of the residential development had been criticised as not being in keeping with the local surrounding residential properties however, this style of structure would minimise impact on the Green Belt. The residential buildings were sited some distance away from the nearest houses, so its design should be considered in its own right.

Although there were other important issues which needed to be addressed, any concerns regarding materials to be used, planting, screening, drainage, access and parking provision could be covered by planning conditions. The scheme would bring a much abused derelict piece of land back into sports use, provide community facilities and much needed housing.

Councillor Boughey therefore supported the proposal and moved that the application be granted permission subject to conditions to cover the different aspects mentioned above.

Whilst Councillor Bosshard, Ward Member for Chislehurst was in favour of redevelopment of the site, he was concerned about the financial cost of such a scheme. He considered the proposed stadium buildings should be reduced as they were too large, too intrusive and would visually cut the site in half. The two proposed blocks of flats were also too high in comparison to the existing buildings. More sensitive shaping of the development would help to maintain the openness of the area. Councillor Bosshard formally moved to defer the application to ask the applicant to redesign the scheme in order to reduce the visual impact on the area.

Councillor Fawthrop considered the principle of providing sport in the area was a good one. However, the Club appeared hasty in its attempt to complete the whole development all at once. The Council would effectively be 'playing banker' by granting permission for the provision of housing which would ruin the nature of the site and GB land. Councillor Fawthrop seconded the motion for deferral to seek a more modest scheme.

Councillor Joel was supportive of the scheme and considered very special circumstances had been proven. Cray Wanderers were a long-standing team with heritage in Bromley. The mixed development with simple, flat roofs, was not out of character with the surrounding area. Parking spaces for motorcycles should be provided. Councillor Joel seconded the motion to grant permission.

Whilst fully aware of the need for GB protection and the requirement for very special circumstances to be proven, Councillor Auld commented that the site had markedly degenerated over time. The scheme would benefit the local

community and visually, would be clean, neat and tidy. The site would be controllable by the Council.

Councillor Arthur agreed that CWFC was part of the heritage of the Borough. He considered the scheme to be imaginative and creative. Any concerns could be resolved via condition.

Whilst Councillor Scoates supported the stadium proposal, he objected to the provision of housing which was inappropriate, excessive and would damage GB land. He considered that the inclusion of housing to finance the scheme could not be seen as very special circumstances and sought legal advice in regard to this. Councillor Scoates moved that the application be refused. He also requested an update from officers on the Bromley Common Liveries decision.

In response, the Legal Officer reported that the question of whether the residential development was inappropriate depended upon whether the development fell within one of the exceptions contained in the NPPF paragraph 89 as referred to on page 38 of the report.

Having visited the site, Councillor Livett reported that this once tremendous facility had greatly declined. He suggested the Council should, by way of conditions, ensure that development of the stadium and residential accommodation go hand-in-hand.

Councillor Mellor raised concern that income generated from the scheme would not be sufficient to maintain the ground financially and referred to the KCCC scheme which had a 'major' backer. Despite this, he acknowledged the site was currently an 'eyesore' and any scheme which improved the area would be of benefit to the community. In the event that the application was permitted, Councillor Mellor requested a restriction be added to prohibit future residential development to protect against further development to provide finance for the ground.

The Legal Officer advised that the applicant had a right to apply for further development. However, it was possible for a Legal Agreement to be drawn up where the applicant agreed to phase-in the development i.e. stadium first, followed by the residential element.

Councillor Bennett JP congratulated officers on the report but was also concerned about what would happen if the Club went into receivership. However, he was happy to support permission subject to archaeological, landscaping and trees conditions together with a condition to ensure the stadium was built before the residential element of the scheme.

Referring to the resultant increase in GB footprint (page 39 of the report) and the impact this would have on the site as a nature conservation area, Councillor Buttinger favoured deferral of the application to allow appropriate development to come forward and stated that the Committee should not be persuaded by neglect of land to justify development.

Whilst Councillor Michael wished to see the provision of improved sporting facilities, she was concerned that the deterioration of the land was being used to argue for development. Councillor Michael was also concerned about financial viability and the increase in built development in coverage and height and agreed with the proposal to defer the application for a more modest and sensitive scheme to be designed.

Councillor Reddin commended the quality of the report but agreed that a rough site should not justify development. Approval would, however, be pragmatic along with conditions.

It was suggested that if deferred, a more modest scheme could be submitted, allowing members to highlight their concerns and raise issues like planning conditions and S106 Agreements etc.

The Chief Planner informed Members that in the officers' view, the application included inappropriate development. This was also the view of the GLA as was evident from Appendix 1 of the agenda. The proposed floorspace was materially larger than the existing floorspace (as shown on page 39) and did not meet the 'openness' and 'purpose' criteria of NPPF paragraph 89. Members therefore needed to consider whether there were very special circumstances which clearly outweighed the harm to the Green Belt. Matters such as the sporting and recreational need for the proposal, the availability of alternative sites and the current development of the site should be carefully considered along with the visual impact and any other benefits.

Members were also informed by the Chief Planner that if the application was approved, permission could be subject to conditions and/or planning obligations produced by officers under delegated power of the Committee and in consultation with the Chairman before being referred to the Mayor of London and the Secretary of State (as a departure application).

A vote to defer the application to reduce the size of the buildings fell at 4-11.

Members having considered the report, objections and representations, RESOLVED (by a vote of 11-6), that PERMISSION be GRANTED subject to conditions/obligations to be prepared by officers under delegated powers in consultation with the Chairman and SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON or the SECRETARY OF STATE after referral.

64 PETITION - KNOLL AREA OF SPECIAL RESIDENTIAL CHARACTER (ASRC)

Report CSD15091

As requested by Members at a full meeting of the Council held on 22 February 2016, DCC Members considered a verified petition submitted by the Knoll Residents Association requesting the Council to designate an area of

Petts Wood and Knoll Ward (including a small part of Orpington Ward), as an Area of Special Residential Character.

It was reported that the Head of Planning Strategy would meet with the petitioner to discuss the finer details of the proposed ASRC before progressing this matter further.

RESOLVED to recommend to the Executive that the merits of establishing a Knoll Area of Special Residential Character be formally considered through the Local Plan process and the Petition be included as a submission seeking this change.

65 TECHNICAL CONSULTATIONS ON CHANGES TO THE PLANNING SYSTEM

Report DRR16/044

Members considered suggested responses to the Government's two consultations relating to changes to the technical consultation on implementation of planning changes (February 2016) and consultation on upward extensions in London (February 2016).

Having read the suggested responses, the Chairman was satisfied that a safe strategy had been adopted; one which would not over-complicate things as they stood.

The Chief Planner reported the Local Plan was currently being prepared and would include a list of Brownfield sites put forward for designation as development land. He also agreed that reference to the temporary provision of schools would be reflected in the response paper.

RESOLVED that, subject to the amendment above, the formal response to the consultations as set out in the report be agreed.

As this was the final meeting of the 2015/16 Municipal Year, the Chairman thanked Members of DCC, Plans Sub-Committees and officers for their support in what had been a very good year.

The meeting ended at 8.45 pm

Chairman