



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 8 April 2016

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Nicky Dykes (Vice-Chairman)
Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Kathy Bance MBE,
Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop, Ellie Harmer,
Charles Joel, David Livett, Russell Mellor, Alexa Michael, Richard Scoates and
Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **TUESDAY 19 APRIL 2016 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

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

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

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2016 (Pages 1 - 6)**

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 Wednesday 13 April 2016.

5 PLANNING APPLICATION - (DC/15/03053/FULL1) - FLAMINGO PARK CLUB, SIDCUP BY PASS ROAD, CHISLEHURST, BR7 6HL (Pages 7 - 82)

6 PETITION - KNOLL AREA OF SPECIAL RESIDENTIAL CHARACTER (ASRC) (Pages 83 - 86)

7 TECHNICAL CONSULTATIONS ON CHANGES TO THE PLANNING SYSTEM (Pages 87 - 106)

.....

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 9 February 2016

Present:

Councillor Peter Dean (Chairman)

Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Kathy Bance MBE, Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop, Ellie Harmer, Charles Joel, David Livett, Russell Mellor, Alexa Michael, Richard Scoates and Michael Turner

Also Present:

Councillor Peter Morgan

51 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Nicky Dykes.

52 DECLARATIONS OF INTEREST

No declarations of interest were received.

53 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 10 DECEMBER 2015

RESOLVED that the Minutes of the meeting held on 10 December 2015 be confirmed and signed as a correct record.

54 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following written question was submitted by Mr Clive Lees, Chairman, Ravensbourne Valley Preservation Society:-

‘In respect of 14 Highland Road BR1 about which a planning enforcement complaint was made on 26 January 2015, we should be grateful to learn what progress has been made in regularising the situation and if appropriate, an indicative timetable of future progress.’

The Chairman’s response was as follows:-

‘I can confirm that an application has been submitted to the Council and registered under our ref DC/16/00384/RECON in connection with Conditions 2,8,12,13. Minor Material Amendment to DC/08/02582/FULL 1 in order to

allow changes to the approved landscaping details with the removal of, reconfiguration of windows, relocation of refuse storage area and cycle storage area.

Once the application has been validated, the case will be allocated to Stephanie Gardiner in Development Control West. Neighbour consultation will take place in accordance with Council procedures once this has been through the validation process.'

55 PLANNING APPLICATION - (15/04759/FULL1) - FOOTZIE SOCIAL CLUB, STATION APPROACH, LOWER SYDENHAM, LONDON SE26 5BQ

Report DRR16/026

Description of application – Demolition of the existing buildings and redevelopment of the site by the erection of a basement plus part 8 part 9 storey building comprising 253 residential units (128 x one bed; 115 x two bed and 10 x three bed units) together with the construction of an estate road, car and cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public.

The Planning Officer reported the following:-

Correspondence

A copy of a letter from Relta Limited dated 8 February 2016 was e-mailed and tabled to Members, together with an earlier Relta letter dated 26 January 2016.

The letter of 8 February 2016 included a draft report (also tabled) which was a critique of the deliverability of sites within the Bromley Town Centre Area Action Plan (BTCAAP), although it noted that 413 dwellings may be delivered over the coming five years. The earlier letter of 26 January 2016 expressed Relta's concerns about the Housing Zone bid for Bromley Town Centre and sought information about that bid.

Officer Report – Supplementary Comments to the Agenda

The officer report (p32) addressed the issue of housing need and supply. It noted that the five-year housing land supply paper was agreed by the Council in June 2015 and concluded that the Borough does have a five-year housing land supply. This was of particular relevance to the consideration of the planning application. The Housing Supply Policy in the London Plan Policy 3.3 (March 2015) and the principal evidence on which it was based, were both recent. The Strategic Housing Land Availability Assessment 2013 (SHLAA) was evidence of an adequate housing land supply in the Borough. The Development Plan process, as noted on page 33 of the agenda, was underway and would consider the longer term land allocation in due course. The Housing Zone was currently awaiting a Mayoral announcement.

In conclusion, the Planning Officer reported that the officer recommendation remained as set out in the agenda (subject to the update below).

The Planning Officer gave a summary of the following update which was circulated to the Committee in writing:-

Update to Officer Report

Following publication of the report, comments from the Council's Housing Team were received and summarised as follows:-

- Whilst it was appreciated that the proposed split was reflective of the wider mix on site, the proportion of one bedroom units proposed for the affordable housing element was quite high.
- Ideally the Housing Team would prefer a split with a larger proportion of family sized units and to lose some of the one bedroom units to achieve this.
- This would be preferable in management terms and better reflective of the housing needs in the borough at this time, with more than 60% of need for 2 bedroom accommodation.

Similar comments were made in respect of the previous application and the proposed unit mix had been considered in detail in the officer report and found to be acceptable in this case. This information did not therefore alter the conclusions of the report or the officer recommendation.

Update to Recommendation

As a result of the requirement to refer the application back to the Mayor of London following any resolution to determine the application by the Council, a formal decision on the application would not be issued within the statutory 13 week determination period, which expired on 10 February 2016.

The applicant's agent had advised in correspondence received following publication of the report that in the event of the Committee resolving to grant permission, an extension of time would be agreed. However, should the Committee decide not to approve the application, the applicant would proceed to submit an appeal following expiry of the statutory period set for the determination of the application.

The recommendation in the officer report was therefore updated to:
RECOMMENDATION: REFUSE (SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON) OR IN THE EVENT THAT AN APPEAL AGAINST NON-DETERMINATION IS LODGED, RESOLVE TO CONTEST THE APPEAL for the reasons set out in the report.

Councillor Mellor, Ward Member for Copers Cope, commended Mr Hamilton for producing an excellent, well-crafted report which considered both the merits and demerits of the current application.

On the basis that his views remained consistent with those reported during consideration of the previous application on 24 September 2015, Councillor Mellor moved that permission be refused.

Councillor Fawthrop seconded the motion for refusal.

Referring to the comments from consultees (page 19 of the report), Councillor Auld stated that should a further variation to the application be submitted in the future, consideration must be given to the fact that very special circumstances had not been demonstrated to outweigh the harm to the openness of MOL and that the applicant would be required to conduct a financial viability assessment to demonstrate that the maximum reasonable amount of affordable housing was being delivered.

Members having considered the report and objections, **RESOLVED that the application BE REFUSED (SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON) OR IN THE EVENT THAT AN APPEAL AGAINST NON-DETERMINATION IS LODGED, RESOLVE TO CONTEST THE APPEAL** for the reasons set out in the report.

56 LAND AT HAVELOCK RECREATION GROUND - APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN

Report CSD16029

Members considered the legal position and evidence submitted in relation to an application to register land at Havelock Recreation Ground, Bromley, as a Town or Village Green. After completion of the statutory requirements, it was the duty of the Council as registration authority, to decide if the area should be registered, or whether a public inquiry should be held for an Inspector to make a recommendation in this respect.

It was reported that Ward Members for Bromley Town, Councillors Rutherford, Dykes and Harmer, strongly supported the application to recognise Havelock Recreation Ground as a town green. As demonstrated in the report, the application met the basic standards and the analysis showed that the application had all the characteristics of a town green – the land was used by a significant number of people for lawful pastimes and had been for a long time.

The argument appeared to come down to whether access to the ground was "as of right". The Ward Members believed that this condition was also met. Havelock Recreation Ground was left to the children of Raglan Road School as a facility for the community. Bromley Council was looking after the land on behalf residents who were using it as of right.

The Chairman reported Havelock Recreation Ground was already designated for community use. However, the Council as land owners, were at liberty to recommend to the Executive that the land be registered as a town or village green as it was within the Council's gift to do so.

Being familiar with the site, Councillor Michael considered it to be the only piece of land available for recreational purposes within an area of high density housing and should, therefore, be safeguarded as public amenity use. Councillor Michael moved that Members recommend to the Executive that the land be voluntarily registered as a town or village green. Councillor Fawthrop seconded the motion.

The legal representative clarified the technical meaning of 'by right' and 'as of right'. He explained that land used by the public of a recreation ground where the Council owns the land for that use, falls within the category of 'by right' as opposed to 'as of right' which is where the public have no right to use the land but continue to use it as if they do. Registration as a town or village green would afford the land extra protection against any application to redevelop the site.

RESOLVED to recommend to the Executive that Havelock Recreation Ground be voluntarily designated as a Town or Village Green.

**57 MARKETING AND DEVELOPMENT BRIEF: OPPORTUNITY
 SITE B TWEEDY ROAD**

Report RR16/025

Members considered further design guidance outlining the form and style of development considered acceptable for Tweedy Road, Bromley, designated as Opportunity Site B within the Bromley Town Centre Area Action Plan.

The site was currently being used as a works compound for the Bromley North Village Public Realm improvements and it was anticipated that temporary use of the site would cease on completion of the works at the end of February 2016. Executive approval was being sought to market the Opportunity Site for sale and possible joint venture options.

It was confirmed that the final marketing document proposed a layout of three residential blocks consisting of a total of 24 units and all tenders should comply with this.

Councillor Allen considered the current approach for marketing the site to be too prescriptive and that other proposals may be just as beneficial to the Council.

The Chairman moved that the additional guidance be endorsed; this was seconded by Councillor Fawthrop.

RESOLVED that the additional guidance be endorsed for marketing purposes.

**58 RESPONSE TO CONSULTATION ON PROPOSED CHANGES
 TO NATIONAL PLANNING POLICY**

Report DRR 16/024

Agreement was sought on the Council's response to the Government's consultation on changes made to the National Planning Policy Framework in order to increase the delivery of housing. These changes would impact on planning decisions and on local policy being developed in the emerging Local Plan.

Concern was raised in regard to the inclusion of starter homes and the impact this would have on housing areas, together with the fact that they would be exempt from CIL charges. Starter homes would also become part of the normal housing stock after a five year period. Members agreed that the word "potentially" be deleted from the Council's suggested response set out at paragraph 3.47 on page 115 of the report.

Referring to the delivery of housing on land allocated in plans, Councillor Fawthrop suggested that the Government be asked what it was doing to encourage builders to build.

In regard to supporting housing development on brownfield land and GB land (page 111), it was agreed that certain scenarios which gave rise to Member concerns be specified in the Council's response.

Councillor Bance considered that some brownfield sites in Bromley could be developed and the Council's response did nothing to meet NPPF in regard to attaining housing targets.

It was suggested that options for rebalancing housing development across the country, could be discussed as a separate issue at a future meeting of the DCC.

RESOLVED that, subject to the variations mentioned above, the suggested responses set out in the report, form the basis of the Council's response to the NPPF consultation.

The meeting ended at 8.00 pm

Chairman

Report No.
DRR16/043

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 19th April 2016

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

Title: DC/15/03053/FULL1 - FLAMINGO PARK CLUB, SIDCUP BY PASS ROAD, CHISLEHURST, BR7 6HL

Contact Officer: Claire Harris, Planning Officer
0208 461 7391 E-mail: claire.harris@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Chislehurst

OS Grid Ref: E: 544788 N: 172119

Applicant : Cray Wanderers Football Club

Objections : YES

Description of Development:

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; re-location 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

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 16

Proposal

The proposal is for the demolition of all existing buildings and cessation of all existing uses which are not supportive of recreational and community use and re-development of the site

with a sports village to include a 1316 (reduced from 2000 max.) capacity football stadium and facilities which are required as a home base for Cray Wanderers FC.

The proposed stadium would be substantial in scale measuring approximately 7m in height in the general spectator areas to the south/west/north rising to 11.3m in height on the east, and 83m in width x 115m in length. It would be located adjacent to the western boundary of the site bordering Kemnal Road. The stadium itself would comprise 280 standard seats, 56 press seats and 70 disabled seats set at first floor level and 56 VIP seats set at second floor. The remainder is laid out for standing spectators at first floor level.

Adjoining the stadium on the eastern side a substantial 2/3 storey club house building is proposed comprising:

At ground floor:

- Gym/physio/plant room/laundry;
- Tea bar;
- Changing rooms;
- Atrium;
- Waiting area;
- Additional physio;
- Reception/club shop;
- Office/security;
- Kitchen/storage/waste holding area;
- restaurant;
- toilets;

at first floor:

- club with satellite kitchen;
- toilets;
- classrooms;
- museum;
- atrium;
- function room;

at second floor:

- boardroom;
- atrium;
- toilets;
- classroom;
- VIP viewing area.

In addition, a single storey detached building is proposed adjacent to the club building to the south providing additional changing rooms.

The principal stadium elevation is on the eastern side, facing the main football pitch elevated at ground level above the height of the existing terrain and with an array of windows, main entrances and indicative signage being proposed. The northern and southern elevations also include public entrances, fenestration and staircases with some additional signage proposed on the northern facade. The south-western corner of the building sits lower in the ground with some excavation being proposed and the western facade is predominantly blank other than for the second floor spectator viewing area.

The predominant material for the external surfaces of the stadium is steel cladding and roof with blue and white bricks for the club building and powder coated aluminium fenestration, curtain walling and louvres. Two roof ducts projecting approximately 2m above roof height are proposed to provide kitchen extraction/ventilation along with 4 floodlighting poles projecting a further 6m above roof height.

Two additional pitches, one for 5 a side, the other for 7 a side use are proposed towards the southern edge of the site and will be laid with an artificial '3G' surface. While three 11 a side grass pitches are to be re-located to the eastern side of the site. It is the intention of the applicant that these pitches, along with the main stadium pitch will allow for community use of the site.

The proposal also includes the construction of 2 residential blocks of 4 storeys plus basement car parking extending between both blocks to provide a total of 28 two bedroom flats with 42 car parking spaces and refuse and cycle storage. This enabling development is proposed in order to provide funding to help realise the remainder of the scheme.

The residential buildings would be set into a raised-up bank along their eastern sides with four storeys of accommodation at a height of 12m visible above ground level (with the top floors set back from the main bulk of the buildings). The site levels fall towards the western side of the building where a significant level of excavation is proposed to provide access to the undercroft parking area. A 3m (approx.) high blank façade is presented on the western elevation running in-between the two residential blocks at lower ground floor level, giving them the appearance of five storeys at a height of 15m on the western elevation.

The two residential buildings are identical in appearance with the upper facades are punctuated with entrances, fenestration and balconies serving all elevations and a central vertically glazed stairwell on the western elevation. A palette of aluminium fenestration, red bricks, white render and glass balustrades are proposed for the materials.

Vehicular access to the site would be via the existing access off the A20 and a new access road with mini roundabout is proposed within the site leading to the residential blocks and visitors car parking area (9 spaces); a permanent parking area with 102 spaces for the stadium and football pitches and an ambulance and maintenance access; a temporary 'green' overflow parking area with a total of 210 spaces and 3 coach bays and a smaller car park for 20 cars. Amendments are also proposed to the existing A20 kerb line.

The remainder of the site, save for the eastern playing fields, would be hard and soft landscaped around the curtilage of the stadium building along with tree planting and landscaping to the western side of the visitors car parking area and around the boundaries of the residential element where a 1.8m high boundary fence with 300mm high trellis is also proposed.

The application is accompanied by the following supporting documents, with their findings summarised as follows:

Planning Statement

This document gives background information relating to the applicant, Cray Wanderers FC (CWFC), lists the documents submitted as part of the application, describes the site and surrounding area, details of the existing uses on the site, details of the pre-application consultation with the Council, details of the proposal and the applicant's assessment of the proposal in relation to relevant development plan policies. The applicant believes that this proposal represents a sustainable form of development when assessed against relevant policies.

In particular the statement asserts that the proposed stadium and club facilities are appropriate development in the Green Belt by virtue of paragraph 89 of the NPPF which regards the *“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 purpose of including land within it”* as an exception to inappropriate development. The document also refers to other sites in Bromley where it is considered that the granting of planning permission is relevant to the consideration of the current application, including a 6.28 ha site in Beckenham where permission was granted on Metropolitan Open Land for a sports ground to be developed with 3 detached buildings containing sports facilities, conference and banqueting facilities, leisure and health club and a 2000-3000 spectator stand, along with all-weather pitches, car parking and 48 dwellings for Kent County Cricket Club (application ref.11/02140).

The statement asserts that the redevelopment of what the applicant considers to be previously developed land (PDL) in the centre of the site is appropriate development in accordance with the NPPF and that it would still be appropriate even if it was not enabling development. It considers the existing development in this case to be the pavilion building and the open air uses unrelated to open air recreation on the hard surfacing around it. Officers accept that the site contains a proportion of what can be defined as previously developed land, however, it is important to recognise that some of the current and recent development and uses on this site do not benefit from planning permission and are not authorised. For reasons that will be demonstrated throughout this report Officers do not accept that the development is appropriate development in the Green Belt in accordance with paragraph 89 of the NPPF.

The applicant acknowledges that some of the uses on the site are unauthorised and considers that their removal, *“together with the fencing, temporary buildings, vehicle bodies, scaffolding storage and other structures and open storage which they rely on and their replacement with well landscaped parking areas will further increase the openness of the Green Belt”*.

The document also sets out relevant planning history relating to an application made by CWFC at a site in Sandy Lane for refusal of planning permission (under ref.12/01388) for a stadium with a capacity for over 5000, an 1800 bedroom hotel and 182 residential units which was refused on 6th November 2012. The proposal is positively compared to this previous application; however such comparison is of very limited value given the clear unacceptability of that scheme, a fact acknowledged in the application documents.

Although the applicant considers that the development proposed is appropriate in the Green Belt for the reasons set out above, they have presented a case for very special circumstances focusing on five main aspects: the sporting benefit; the lack of alternative sites; community benefits; the appearance and openness of the Green Belt and the role of the redevelopment of the previously developed land (as discussed above).

Further submissions by e-mail (dated 3rd March, 14th March and 4th April) (summary)

The applicant's agent made further submissions by e-mail, setting out their consideration of the acceptability of the proposal against the NPPF; the relevance of a recent High Court decision (Bromley Livery Stables); the definition of “openness” with reference to a quote from LJ Sullivan (contained within a High Court judgement in *Timmins v Gelding BC* (2014 EWHC 654)), and the relevance of other recent decisions for development in the Green Belt in Bromley, including Bromley FC, Westerham Riding Stables and Old Elthamians. The correspondence also draws attention to the appeal decision in relation to the Council's

refusal to grant planning permission for a cemetery on Flamingo Park and the adjacent Kemnal Manor which recognised the importance of the site as a recreation resource.

This information is addressed in the considerations section of the report. Copies of the correspondence are available to view on the application file.

Design and Access Statement (prepared by Brouard Architects)

This statement sets out the context of the site, its constraints and opportunities (from the applicant's perspective) and an assessment of the proposal against relevant development plan policies and national guidance. The applicant considers that this development would enhance the beneficial use of the Green Belt in a similar way to Kent County Cricket's use of the County Ground Beckenham; will provide opportunities for outdoor sport and recreation where none currently exists and will retain visual amenity and improve derelict land.

The statement sets out that the development proposed is appropriate in the Green Belt, including the development of previously developed land with a modest residential scheme and the development included within the stadium, required for the financial viability of the scheme, which will accord with the NPPF and protect the openness of the Green Belt.

The statement describes how the main stadium building and redeveloped pavilion are located in the area of what they consider to be previously developed land and have been designed and orientated to preserve the openness of the Green Belt. It is contended that "*The height of the buildings and their orientation reflect that of the buildings being replaced*" (p.10).

Furthermore, the proposed pitches, it states, including the main stadium, 2 artificial pitches and the re-located grass pitches will allow for the maximum community use and compensate for the provision of the overspill parking area.

The footprint of the new stadium pitch would be 7420sqm (internally); the covered seating 3106sqm; the club house 1883sqm; additional changing rooms 132sqm and the residential buildings each 581sqm. 10,438sqm would be developed with roads, pedestrian walkways, parking and servicing areas with a further 6209sqm for the overflow parking area, leaving 44,265sqm for external pitches, landscaping, apartment gardens, public park and other green areas.

The statement sets out the landscape strategy for the site which seeks to provide a natural setting for the development and not to screen or hide it. Existing valuable planting is to be retained and new planting introduced.

The statement describes the layout of the site as having been designed with Secured by Design concepts and inclusive to disabled users. In addition 3 of the flats are wheelchair accessible. The statement also details positions of proposed fire hydrants, hose reels and access for a pumping appliance as dictated by London Fire Brigade guidelines.

Statement of Community Involvement (prepared by LBA consulting, dated October 2015): concludes that extensive measures including an online questionnaire, flyers and a website including an option to receive newsletters, were undertaken to obtain comments from the public and that the majority of feedback on the proposals has been positive.

Arboricultural Report (prepared by Chartwell Tree Consultants Ltd, dated July 2015): 22 trees are to be removed as part of the proposal. The report concludes that the loss of these will not have a significant detrimental impact on visual amenity given that the majority of trees to be removed are primarily visible to the internal areas only. Furthermore, the report

states that the site is to be heavily populated with planted trees which will mitigate the removal. In addition, the adoption of a detailed Arboricultural Method Statement should ensure there are no adverse effects as the result of any excavations and construction operations.

Landscape Planting Schedule and Establishment Notes (draft) (prepared by JBA consulting, dated October 2015): Outlines the proposed methodology for preparing the site for preparation.

Landscape and Visual impact Assessment (prepared by LBA consulting, dated September 2015): this report identifies the key landscape and visual receptors along with an assessment of the potential effects of the proposed development. Five viewpoints into the site were identified and visual assessments carried out. The viewpoints which would be most notably changed by the development are along Footscray Road to the north of the site, the Public Right of Way (footpath) Kemnal Road along the western boundary of the site and Kemnal Park Cemetery to the south where the effects are considered to be moderate-substantial at most from these viewpoints.

It is noted that the report proposes screening in the form of trees and trellis to mitigate the visual impact of the development and acknowledges that higher visibility of the development may occur in winter months when vegetation cover is minimal.

The report also recommends that associated infrastructure including security fencing should use colours that minimise visibility and visual impacts when seen against the largely open landscape and colours should be matt in order to reduce reflection.

In addition, the landscape character of the site is assessed and is classified as 'Open Green Space'. However, it describes the site as being fragmented and partly degraded and of lower quality in comparison to other nearby sites. Nevertheless the report acknowledges the recreational value of the site as a green space within an area that is dominated by residential development, particularly to the north. It represents relatively open views towards wooded skylines. However, there are very few significant or sensitive landscape elements and the value of the site is considered to be medium and susceptibility medium-low with overall sensitivity medium.

The report recognises that the football stadium will introduce new built element within the Open Green Space the scale and massing of which will be greater than existing elements. However, much of the surrounding green space will remain open. Within the immediate site area (localised to around 100m of the application site) the magnitude of change will be high and the effect moderate-substantial, which is notable.

Views from the more sensitive Open Space to the south, including the Conservation Area, are considered in the report to be very limited. The report concludes that *"any views of the proposed football stadium and associated infrastructure from the surrounding residential properties will not be so oppressive or dominant such that living conditions will be unacceptably harmed"*.

Open Space Assessment (prepared by JBA consulting, dated September 2015): the report provides a succinct assessment of the impact of the proposed development on the provision of Open Space in the local vicinity. The report finds that there is a need to introduce greater Public Open Space provision within Chislehurst Ward and neighbouring wards. It concludes that the proposals to bring the football pitches back into community use provide net benefit to the local area, however, it accepts that this is limited in extent for pedestrians users.

Ecological Appraisal and Species Surveys (prepared by JBA consulting and Middlemarch Environmental, dated September 2015): The applicant has submitted a preliminary ecological appraisal, which has recommended the production of a Biodiversity Management Plan that includes detailed mitigation method statements, details of agreed enhancements to include species to be used for landscaping, locations of bat boxes and bird boxes and locations of any new tree and shrub planting, as well as a management strategy for trees and shrubs to ensure the wildlife value of the site is maintained during the operational phase.

The Daytime Bat Survey revealed a number of features on the site with potential interest to roosting bats and a further nocturnal bat survey was commissioned which confirmed that no bat roosts were present. If no development is commenced within 12 months the surveys will be required to be updated.

Heritage Assessment (prepared by Heritage Collective, dated October 2015): This statement appraises the effects of the development on the significance and setting of the designated heritage asset Chislehurst Conservation Area and assesses the development's impact on views from various vantage points to determine the visual impact on the setting of the Conservation Areas. It concludes that the proposed development will not have a greater impact on the setting of the Conservation Area than the current building although there will be an increase in height this will not harm the rural character of the Conservation Area. The report also asserts that while there will be some visibility of the development from Kemnal Park cemetery to the south of the application site this will not result in harm to the significance of the Conservation Area.

Air Quality Assessment (prepared by Air Quality Consultants, dated August 2015): The report concludes that the construction works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these measures in place any residual effects are not expected to be significant. The report also asserts that the scheme will reduce the amount of traffic being generated by the development and therefore will be beneficial to local air quality.

Flood Lighting Impact Assessment (prepared by JBA consulting, dated September 2015): The scheme proposes six floodlight locations for the main stadium – four columns in the corner measuring 15m high and two central columns mounted on the roof of the stadium measuring a total of 15m high. In addition, the 5-a-side pitch will include four 8m masts; the 7-a-side pitch – four 10m masts. The report considers the impact that the floodlighting will have on the Green Belt and nearby residential dwellings. The report concludes that the stadium floodlights would not give rise to any sky glow and that some overspill lighting will fall into the adjacent car parks. Furthermore, the proposed residential apartments are over 60m from the stadium and there will be no direct views of the lamps/reflectors, neither would there be significant illumination falling on windows of apartments.

The report also sets out that the proposed floodlighting to the artificial pitches would overspill onto the grassland surrounding the apartments but with very little on the buildings themselves. However, there will be a significant amount of glare to residents of the proposed apartments (within the upper limits recommended by the Institution of Lighting Professionals (ILP)). The report recommends the use of "flat glass" type lights which emit no upwards light in the interest of the Green Belt designation of the site; the operating hours of the lighting are controlled and *"measures such as curfew time or limiting the days of the week can often enable a solution satisfactory to all parties to be reached"*.

Draft Construction Logistics Plan (CLP) (prepared by Mayer Brown, dated October 2015): This draft document will be updated to a final status prior to commencement of the

construction phase and submitted to the Council prior to formal adoption. The Developer will be responsible for any amendments or revisions to the final CLP.

Phase 1 Contamination Assessment (prepared by LBA consulting, final report updated February 2016): The report identifies limited potential for historical contamination sources to be present beneath the site and potential off-site contamination sources are limited to the relatively new cemetery to the south. The aquifer situated beneath the site is within a Source Protection Zone however there are unlikely to be any significant pathways between the potential contamination sources and the receptors identified. The report concludes that low to moderate risk is likely to site users from, the risk to groundwater is low and the risk to surface water is very low. It further recommends that clearance and removal of superficial materials including fly-tipped materials will largely mitigate the impact of potential contaminants. Furthermore, construction works should be vigilant towards any potential sources of soil contamination identified during excavation works, particularly in areas designated for playing fields and soft landscaping.

Noise Assessment (prepared by Acustica, dated September 2015): The report has considered the potential noise impact on existing residential dwellings and the proposed apartments. The assessment considers the potential for noise from the use of the stadium during match days, the use of the proposed external pitches, vehicle movements associated with the proposed car park and the use of the function room and mechanical plant. The report concludes that no significant noise impacts would result from the proposed stadium use during daytime although minor impacts might arise during the use of the stadium in the evening. However, given the existing/past uses of the site and the limited number of occasions on which these noise levels will occur, the conclusion is that impact is not considered to be significant.

Ventilation Strategy Proposal (prepared by Chapman BDSP, dated 22/10/15): This report concludes that the ventilation systems proposed for the football club will comply with the recommendations of the acoustic report and where necessary will incorporate attenuation to meet these recommendations and ensure they do not affect nearby properties. Furthermore, the kitchen ventilation systems and exhaust positions have sufficient separation from nearby properties for nuisance odours to be prevented.

Utilities Report (prepared by JBA consulting, dated September 2015): The report sets out the response to the Developer's initial utility queries related to the proposed development at Flamingo Park, including water supply, foul and surface water drainage, electricity supply and gas supply. It concludes that the site has connection to all the major services and no matters have been raised that would prohibit development.

Town Centre Impact (prepared by JBA consulting, dated September 2015): The report concludes that the proposed development will have limited impact on the retail sector and trade in surrounding town centres, given that it does not consist of any A1 or A2 uses. The majority of D2 facilities available in surrounding town centres are mostly limited to indoor leisure facilities and the report considers that the development will bring substantially different provision so as not to compete but complement their ongoing use. The report also ascertains that the development will attract more people to surrounding town centres on match days to access services which are not available on site (A1, A2, C1, etc).

Flood Risk Assessment (prepared by JBA consulting, dated September 2015): This report has been submitted because although the site is designated as Flood Zone 1 (low fluvial risk), the total site area exceeds 1 hectare. Also the site is at high risk from surface water flooding in some areas. The report sets out that the site layout has been designed to place the least vulnerable receptors on the areas most at risk however the stadium will be in such a location as to be at medium risk of surface water flooding and the culvert would have to be

rerouted to accommodate the stadium. Final site levels will therefore be important. The report concludes that there is a very low fluvial risk, however there is a culvert running under the site which would need to be re-routed and along with the site level works this could represent a flood risk to the site and potentially elsewhere. The report concludes that this will need to be considered at detailed design and be suitably managed.

Surface Water Management Details (prepared by JBA consulting, received 11/02/16): This sets out the proposed measures for managing surface water run-off from the site as well as existing features of the site. The report concludes that the development will not result in an increase in flood risk to other nearby areas.

Transport Assessment (prepared by Mayer Brown, dated July 2015): This sets out the scope of the assessment which considers the trips arising from the existing site and proposed development; considers access to the site by alternative transport modes; and considers the appropriateness of the site access arrangements and any relevant policy considerations. A Framework Travel Plan has also been provided (summarised below).

The report finds that the proposed residential development would be likely to generate around 11 vehicle movements per hour at peak times, with the leisure uses presenting an additional 34 vehicle movements if fully occupied. On match days the football club would be likely to attract in the order of 43 vehicle movements in any one hour. It concludes that the proposed traffic generated by the development is not likely to result in any material harm.

The report asserts that the existing footway would be adequate to accommodate pedestrian and wheelchair users and, as the overall pedestrian and cyclist flows are not expected to be particularly high, the width is likely to be sufficient for its use as a shared path. However, in the event that flows increase in the future, there is room in almost all places to widen the path to the recommended min width for a shared pedestrian/cycle path. Additionally, the width of the verge is also wide enough in most locations to install a crash barrier if desired.

The southwest corner of the site lies approximately 330m from bus stops on Imperial Way, via the Kemnal Road pedestrian footpath. There are bollards in place along this link which would prevent wheelchair and cycle access and which the report acknowledges would have to be removed to enable accessibility for all users. The footpath is also overgrown with vegetation, unpaved and in need of improvement to make it suitable for larger numbers of people, especially wheelchair users.

The report considers that the proposed use of the site would reduce the likelihood of pedestrians crossing the A20 to access the existing uses and no material risk to road users is anticipated as a result of the development. The applicant is prepared to consider advanced signing if required.

Overall, the assessment concludes that the site is presently accessible to bus routes from Imperial Way and national rail services from New Eltham station (16 minute walk or 5 min cycle ride); is well-connected to the existing pedestrian infrastructure; is directly accessible to the A20 and in turn the M25 and central London; and that the proposals are unlikely to materially affect the level of accidents occurring in the vicinity of the site.

Furthermore, the report ascertains that, subject to some minor alterations to accommodate the swept path of coaches, the existing site access and the number of trips arising from the development are considered acceptable and that the development accords with national and local transport planning policy.

Framework Travel Plan (dated January 2016): The Travel Plan includes measures to provide information on the web and in printed form about location and form of facilities,

services and incentives, disruptions to public transport and details of shuttle bus service on match days. The Plan states that cycling and use of public transport will be supported in a range of ways and that the site is linked to the surrounding areas by a well-lit network of pedestrian footways. Supporters will also be encouraged to car share. Within 12 months of occupation of the additional facilities, a survey is to be undertaken to establish modes of travel of staff and visitors.

Archaeological Desk Based Assessment (prepared by Archaeology Collective, dated Feb 2016, received 11/03/16): The report considers that the possibility of encountering as yet, unknown archaeological remains of any period cannot be discounted. However, it is likely that previous activity on the site would have resulted in disturbance and removal of below-ground deposit. As such the report concludes that the site has low potential of archaeological remains to be present and an archaeological watching brief held on intrusive groundworks associated with the scheme would be sufficient to mitigate the effects of the proposal on any surviving archaeological remains.

Statement of Community Impact (prepared by JBA Consulting, final report up-dated March 2016): The statement sets out the background to Cray Wanderers Football Club (CWFC) and includes statistics on the life expectancy of people living in the Cray Valley which it says is lower than averages in Bromley and London. The report sets out a list of community groups involved with CWFC. The report concludes that the loss of club ground facilities would lead to job losses and impact school/academy facilities. The proposed development, it says, would secure the future of CWFC and be a centre for encouraging sport in the community, inspiring a generation of the Crays.

Alternative Site Assessment (prepared by JBA consulting final report updated March 2016): The report considers 15 alternative sites within 2 miles of 'The Crays'. The main reasons given for none of them being suitable relate to planning constraints, site availability, the presence in the Green Belt and site viability. Poor accessibility to public transport, inadequate transport links and harm to neighbouring amenities also featured as some of the reasons for sites not being considered suitable. Proximity analysis was undertaken to establish the accessibility of the alternative sites considered from the FC's historic home pitch at Star Lane. The report concludes that the majority of sites, including Flamingo Park, are within 4 miles driving distance of the Star Lane site and therefore *"highly accessible via private transportation"* and *"all sites are all accessible by one or more of the following modes of transport from Star Lane: walking; bus and train"*. An assessment was also undertaken on the number of public transport routes for each alternative site considered for the proposal.

The conclusions of the report are that the majority of the alternative sites were constrained by development pressures and site previously occupied have been subsequently developed brownfield sites. Furthermore, many of the sites have also encountered issues of viability and affordability. The report asserts that the existing uses at Flamingo Park make it less desirable to general development proposals and therefore the level of development proposed can be designed to provide facilities required whilst *"respecting context of the site and minimising the impact on the Green Belt"*. Furthermore, it ascertains that *"the proposed development will make use of the existing sports facilities and leisure centre already at the location and therefore does not require a major redesign of the layout"*. It concludes that the chosen site is overall more *"economically viable and accessible due to its decent transport connections and central location"*.

Energy Statement (prepared by Energy Report, dated 04/04/16) (updated): This report has been submitted following comments received from the GLA and outlines how the applicant considers that the proposed development will meet the energy requirements as specified by the London Plan and has been prepared in accordance with the principles of the London Plan Energy Hierarchy.

Amendments to the previous report include:

- Removal of the Air Source Heat Pump (ASHP) for hot water generation, replaced by a Gas boiler;
- Replacing the space heating system with an ASHP instead of a Gas boiler;
- Photo Voltaic power generation has been reduced on the Sports and Leisure building to 28kW (from 60kW);
- Air tightness has been improved to 3 for the Sports and Leisure building;
- Improvements have been made to lighting.

The applicant confirms that the residential element is predominantly unchanged from the original proposal.

The report concludes that the small size of the development and distance to the potential district heating network make the connection to the decentralised energy network unfeasible. Photovoltaic Panel and Air Source Heat Pump have been identified as the only feasible technologies for incorporation into this development.

A 28kWp photovoltaic system roof mounted on the flat roof the both residential building and the Sports and Leisure building and an Air Source Heat Pump providing Space heating to the Sports and Leisure facility will provide a 36.3% reduction in Emission rate over the Target Emission Rate as set out by Part L1A and L2A in accordance with the Policy 5.2 'Minimising Carbon Dioxide Emissions' of the London.

Location

The 7.5 hectare (75,000sqm) site is located on the A20 Sidcup Bypass, which is part of the Transport for London Road Network (TLRN). The A20 is also the boundary between the boroughs of Bromley and Bexley and a major arterial route linking London to Kent. The site is bounded to the north and east by the A20, to the south Kemnal Park Cemetery and Kemnal Road to the west which is a private access road providing pedestrian access only. There is a gated pedestrian access to the site off Kemnal Road.

The site forms part of the Green Belt and is partly designated a Site of Interest for Nature Conservation (SINC). It is bordered to the south by the Chislehurst Conservation Area. The trees bordering the site to the south are included within a blanket Tree Preservation Order (TPO). The site also lies within an area of archaeological interest and is within Flood Zone 1.

The site represents the northern tip of a 'green wedge' that extends south to Chislehurst Common, much of which is designated Conservation Area. The surrounding areas are characterised by a mix of residential development on the opposite side of the A20, falling within the London Borough of Bexley to the north and the London Borough of Bromley to the east. Further open space lies to the south and to the west of the site is World of Golf.

Vehicular access to the site is directly from the A20 and it is only accessible from the westbound carriageway. The site has poor connections for non-car modes of travel and is beyond a reasonable walking distance to any National Rail stations or bus routes. As such the site has a poor public transport accessibility level (PTAL) rating of 0 (on a scale of 0-6b where 6b is the most accessible).

The site is relatively flat with the exception of an approximately 2.5m level difference giving level access to both the lower ground and the ground floor of the existing club house. The site can be divided into three main areas: eastern grass fields, a hard surface of tarmac and gravel at the centre and western grass fields. There are several buildings which have the

benefit of planning permission and/or lawful uses: the pavilion building, most recently used as a nightclub and containing 2 flats (1338m²); the smaller single storey pavilion - former bowling green pavilion (232 m²); the brick building (old groundsman's WC & tea room) (13m²) and the old rugby posts store (41m²). Historically, the site has also been used for fun fairs and boot fairs seemingly under temporary use permitted development.

The site was once a popular sports ground with 4 pitches and good ancillary facilities used by a number of football teams, however, it has been allowed to fall into a poor state of repair and currently there are a number of unauthorised uses operating from the site including a van hire business, container storage, double glazing business, motor vehicle parking and scaffolding companies. The site is currently subject to enforcement investigation.

There are also other sports facilities in the area including the Old Elthamians Sports Club to the south and World of Golf to the west.

Consultations

Comments from Local Residents and Amenity Societies

Nearby owners/occupiers were notified of the application by letter. Site notices were displayed and an advertisement was placed in the local press. Around 950 letters of support and around 68 letters of objection have been received in relation to the application. Representations are summarised below.

- Social benefits to local community
- Would like underground drainage to be maintained as exists until construction complete
- Would like permanent boundary treatments to be considered during main demolition and construction phase
- Would like detailed security strategy
- Not clear how a full stadium attendance will impact A20 and how site egress management will be carried out effectively
- Massing and visual impact not of immediate concern subject to more details of planting, screening, etc
- Benefit to the area providing valuable community facilities
- Proposal will restore land to its intended use
- Facility would provide a fantastic hub that could encourage participation in sport and great leisure facility
- Will provide jobs, education and state of the art facilities
- Huge improvement to derelict site
- Shortage of suitable facilities in fiveways area
- Would allow families to watch football without paying costs of fully professional football
- Team deserves new ground
- Club needs own ground to survive
- Are losing more sports and recreation grounds to housing developments and those remaining are poorly maintained
- Size of investment proposed means ground will be kept in excellent condition and made available for public and private use
- Will raise profile of Cray Wanderers
- Would provide a focus for young people and somewhere for them to go, doing something enjoyable
- Huge shortage of housing so ticks all boxes
- Will help regenerate area
- Support application to bring Cray wanderers back to the Cray area

- Benefits go beyond commercial return but generate enthusiasm and inspiration for the young to get involved in sport
- Impact on traffic would be minimal during weekdays
- Dual carriageway should be capable of handling the increase in traffic for short periods
- Will promote health and well-being
- Giving local charity a base and building some affordable housing for residents
- Bromley would benefit from additional revenue that project would bring
- Site is currently under-utilised, dilapidated and an eyesore
- Wholly appropriate within the Green Belt and level of development represents a special circumstance in ensuring the viability of the project
- Even better if it stops the nightclub and boot sales
- Cray Wanderers Community Scheme is an exceptional contributor to the community
- Development will be at no cost to the Council
- Will be an attractive site enhancing a higher level of activity and leisure and raise asset value of surrounding areas
- Scheme is visionary and long overdue in community
- Far away enough from any residential facility to be considered a hindrance
- One of the few venues in the area which is easily accessible to local transport and other amenities e.g. shops
- A football club with such heritage and within walking distance of Sidcup/New Eltham/Eltham/Chislehurst would be of benefit to the area
- Would give children a place to go
- Will provide entertainment and pride to area
- All children should have access to multi-sport coaching
- School and community can use all-weather pitches
- New design of building and the openness it gives lends itself to this site
- The Old National dock Labour Board ground would be ideal although would prefer the existing building to remain and form part of new structure
- Site is close to the Crays
- Number of people using boot fairs far exceed projected vehicle numbers at the new ground
- Problem of extra traffic
- Scheme will become a legacy for future generations
- Not a huge facility that will negatively affect local residents or infrastructure
- A strong community tends to be a place of lower crime
- Would help reduce obesity problem
- Ideal location for a sports village
- Would complement neighbouring golf, skiing and fitness centres
- Provide amazing opportunities for children in area, especially for disadvantaged children
- There should be adequate screening in the way of planting and vegetation on any boundary to limit sight and sound pollution and any flood lighting should be kept to a minimum
- Current use of land is bordering on sleazy and does not reflect well on community
- Application safeguards use of space for recreational purposes
- Two bedroom flats are in huge demand for first time buyers
- Would put an end to anti-social behaviour and history of incidents at Flamingo Park
- Already excess congestion along A20
- Do not want extra traffic to park in an already overcrowded area on match days let alone using roads as a cut through to the by-pass
- Not enough parking on match days
- Residential use is a dangerous precedent that could open the flood gates for further development
- Rise in pollution levels

- A20 London bound already has significant problems on a daily basis from traffic – football stadium and facilities will increase problems
- Fiveways junction is inadequate as it stands
- Boot fairs made this stretch of road unusable and created more traffic on other local residential roads in Chislehurst and Sidcup
- Challenge logic of the crowd calculations for future years
- Is the club/council saying they do not intend to increase attendance and promote club following this huge investment? If not how will they be able to fund stadium?
- Work on fiveways junction is prerequisite
- Footbridge at end of Thaxted Road will enable car users to park in roads and walk to stadium
- The local neighbourhood is in Greenwich, don't want Cray Wanderers on our doorstep, should stay in own area
- Loss of green spaces
- Last answer to housing shortage should be to build on Green Belt land
- Once green space is gone it is gone forever
- Building of a Premier Inn on corner of fiveways is going to have a negative impact – this will make things worse
- Noise levels during matches will be excessive/intolerable
- Concerned about large volumes of HGVs using Larchwood Rd as short cut to A20 during construction phase
- Interfere with residents own enjoyment of property especially during good weather
- 393 cars leaving at the same time after a match would cause unimaginable traffic problems and jams
- Noise from crowd would be intrusive on people tending to graves/attending funerals at adjacent cemetery
- Need green spaces not football stadiums
- Area is part of the Green Belt which provides much needed break in urban development to allow air to clear
- Extra litter
- Footscray Road already used as a bypass to the A20
- Have been several serious accidents in the past when people have tried to cross the Bypass, climbing over the crash barriers
- Emergency services would have difficulty getting anywhere locally
- Local bus service inadequate to cope with amount of people who will be using it
- Insufficient parking proposed for capacity of stadium
- Although Cray Wanderers need their own ground this is not a suitable location
- Concerned they might be stretching themselves with 2000 capacity as recent home game only had 103 spectators
- Will be late night noise from all aspects, late kick-offs for week day games, parties, etc
- Public disorder offences, urinating and litter
- Clashes between supporters should be a park area for multiple use not just football
- Increased traffic danger to children
- Would need a bridge (across A20) close to the entrance
- Capacity should be higher if club is to progress
- Should be no negative effect on world of Golf site next door
- Meets social inclusion aspects
- Applicants always work to highest standard with integrity and professionalism
- Parking over other people's driveways and on grass verges
- Licensed bar on premises will allow people to drink and make more noise when they leave
- Increased pressure on police resources to attend incidents at site
- Traffic lights at fiveways are in no way equal to the task of getting traffic away from the area quickly and efficiently

- With amount of facilities listed this is a 24/7 operation not merely a weekend sports event
- Light pollution from 15m high stadium lighting
- Capacity could rise giving rise to noise impacts
- Building could affect local run-off water when green space is lost
- Four storey residential blocks will be very imposing on area which is primarily 1930s two storey houses
- Precedent for raising stadium height is in place
- Local infrastructure already saturated
- Likelihood of rock concerts
- Residential dwellings next to a football stadium doesn't fit
- Overdevelopment
- Local schools and doctors already over-subscribed
- Greenwich LA have provided pitches for community use less than 1.4 miles away at Coldharbour leisure centre
- Concerned over dilapidation of wildlife habitats
- Access to Flamingo Park is very limited with no convenient pedestrian routes from any railway station or bus stop
- Access via motor vehicles is only accessible from one side of the A20
- Impact on protected species
- Two playing fields bordering the A20 will infringe upon the boundary shrubbery/treeline
- Extra lighting will not greatly affect residents
- outer pitches could be an attraction to smaller, local club
- openness would be maintained or even improved by proposal
- residential development will not exceed ridge height of any existing buildings
- green screening around residential car parking area adds further to "green" aspect of the site
- no connection between Cray Wanderers and Flamingo Park
- one of few places to see a concrete-free skyline in the suburbs.

Chislehurst Society – in principle support an application seeking to restore this site to an active sports ground; argument that the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it is less clear; would look for assurances that the residential scheme is the minimal to enable the core sporting/community scheme to be successfully completed; would have anticipated longer deceleration/acceleration lanes either side of site entrance to the A20 so as to minimise interference with traffic flow; believe there are precedents within the Borough of sports ground being rejuvenated using resources released from the site by 'enabling residential development'.

London Sport – support proposal; great example of how we can make the best of an existing (or former) sports facility; significant opportunity through this scheme to utilise potential investment from a range of sources including the football club, the FA and Football Foundation and private investment through enabling development; would provide much-needed accommodation for the Cray Wanderers Community Scheme; inclusion of an artificial 3G pitch will go towards meeting the major deficit of a good quality AGP across London; does not want to lose any greens space what could be used for sport but recognise there are circumstances where enhancing capacity and quality is only achieved with appropriate enabling development.

Additional representations received after the publication of this report will be reported at the committee meeting.

Comments from Consultees

GLA stage 1 comments (summary – full comments attached as Appendix 1):

London Plan Policies on land use principles (Green Belt), housing, urban design, inclusive access, flooding, biodiversity, archaeology, sustainable development and transport are relevant to this application. The application does not fully comply with these policies and cannot be supported in principle at this stage. Further information is needed in order to fully comply with the London Plan. The potential remedies to issues of non-compliance are set out below:

- **Land use principles:** The proposal is inappropriate development within the Green Belt and 'very special circumstances' have not been demonstrated to outweigh the harm to the openness and character of the Green Belt.
- **Housing:** No affordable housing is proposed. The applicant states that the proposed residential development is intended to cross-subsidise the proposed football stadium and associated sports facilities. However, there are differences between the reports done by the Council's consultant and the applicant's consultant regarding the cost of construction and the overall deficit. As such, further information, especially a viability assessment using the Three Dragons' development control toolkit or other recognised appraisal methodology, is required to determine whether the proposal complies with London Plan affordable housing policy. Furthermore, only two-bedroom units for private sale are included in the proposed development. The proposal therefore does not meet the requirements needed to achieve a mixed and balanced community.
- **Urban Design:** The overall layout of the scheme is simple and legible which is welcomed. The inclusion of a public park is also commendable but as mentioned earlier there is some concern about the location of the car park across from the residential blocks. Of greater concern is the proposed development's inability to integrate into the surrounding communities to the north of the site. Access to public transportation is poor and there is an absence of walking and cycling routes that easily connect the scheme to shops and bus routes. Furthermore, the proposed development ranges from two to four storeys in height and will have a significant impact on the openness and character of the Green Belt in this location, which is a strategic concern.
- **Inclusive access:** All of the proposed 28 units meet the sixteen Lifetime Home standards and three are fully wheel chair accessible, which equates to the required 10% of the total number of units. Whilst the application details the provisions to be made for disabled access into and within the building elements, further information clarifying safe and inclusive access to the rest of the site is required before this aspect of the scheme can be appropriately assessed.
- **Flooding:** The submitted flood risk assessment states that the proposals will ensure that there is no increase in surface water run-off. This is proposed to be achieved by a combination of permeable paving and sub-surface geo-cellular storage below the car park with a discharge to the culverted watercourse. A 2l/s/ha discharge rate limit will be applied to the drainage from impermeable areas. Whilst this approach meets the volume requirements to ensure that there is no increase in discharge rate, it is not compliant with the London Plan Policy 5.13 drainage hierarchy. The site has plenty of space to include surface features such as basins, ponds and swales and the football stadium may benefit from a water harvesting system for

toilets and irrigation uses. Therefore the applicant is required to re-consider a more sustainable approach to managing surface water within the site. This should be provided prior to any stage 2 referral to the Mayor.

- **Biodiversity:** The applicant has submitted a preliminary ecological appraisal, which has recommended the production of a Biodiversity Management Plan. Further information, including the Biodiversity Management Plan, is required to determine whether the application complies with London Plan Policy 7.19.
- **Archaeology:** Historic England has recommended the submission of an archaeological report detailing the nature and scope of the assessment and evaluation, agreed to by GLAAS, and carried out by a developer appointed archaeological practice before any decision on the planning application is taken. The report will need to establish the significance of the site and the impact of the proposed development. Further information as recommended by Historic England is required to determine whether the application complies with London Plan Policy 7.8.

- **Sustainable development:** The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 63kWp of Photovoltaic (PV) panels on the roof of the development. A roof layout drawing should be provided to demonstrate that there is sufficient space to accommodate the proposed PV array.

The applicant is proposing ASHP for the domestic hot water only for the Sports and Leisure centre with the space heating to be provided by gas boilers. This approach is not supported as the technology selection does not appear appropriate for its end use. The applicant should therefore revise the heating strategy for the scheme. The applicant should also clarify how the ASHP will operate alongside any other heating/cooling technologies being specified for the development. The applicant should therefore review the carbon emission savings for the scheme and provide the figures. The carbon dioxide savings appear to fall short of the target within Policy 5.2 of the London Plan, and as such the applicant should provide the requested information relating to the carbon emission figures so that the total reduction can be determined. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

- **Transport:**

Highway Impact:

The impact of the development on the A20 is inconclusive at this time. As the model outputs have not been appended to the Transport Assessment, they will need to be provided so that TfL can advise on their suitability.

Bus Network:

The development site is located over 900 metres away from the nearest bus service and TfL considers this to be an unacceptable walk distance. TfL, however, believes that bus trips generated by the development can be accommodated within the existing bus network capacity and will therefore not be seeking mitigation for bus service improvements. Further information on the proposal to operate a free bus service from St Mary Cray to the site for supporters on match days should be provided. *Vehicular Site Access:*

A detailed plan of the junction access including pedestrian friendly crossing and proposed road markings should be provided as well as a Stage 1 Road Safety Audit prior to determining if the proposals relating to vehicular access to the site are adequate.

Pedestrian and Cycle Access:

Whilst a new pedestrian crossing at this location would be desirable to improve walking access from the north of the A20, TfL has concluded that at

this stage this is not considered to be feasible due to limited pedestrian numbers, the high speed of the road, and high implementation costs. The proposal does not accord with London Plan Policies 6.7 and 6.10.

Car and Coach parking:

TfL considers the total stadium car parking proposed as a significant over provision. Furthermore, the total level of stadium car parking, TfL contends, has not been adequately justified by the applicant and advises the applicant to consider a phased increase based on demand.

Cycle parking:

The residential cycle parking provision will be provided in accordance with the London Plan. TfL advises that shower and locker facilities should be provided for those members of staff wishing to cycle to work. Additionally, visitor parking spaces should be located in an accessible area close to building entrances and all cycle parking spaces should be safe, secure and easily accessible from cycle routes and appropriate signage put in place.

Construction and servicing:

A Construction Logistics Plan (CLP) and A Delivery and Servicing Plan (DSP) will need to be produced and secured by condition.

In response to the GLAs comments, on 11 March 2016, the applicant submitted the following additional or updated information:

- Supporting letter prepared by JBA consultants: this letter asserts that openness and visual impact are different concepts and that openness is the absence of built development. They conclude that the development proposed will not harm the openness of the site or the openness of the Green Belt in general. Furthermore, they state *"there will be less development on the site than the existing in terms of footprint and floor space and the height is not exceeded"*.

They go on to say that the development accords with the five purposes of the Green Belt as set out in the NPPF and that the proposals support points 2 and 5, namely safeguarding the countryside from encroachment by securing the continued sporting use of the site and assisting in urban regeneration through the recycling of derelict and other urban land to high quality landscape.

The applicant also contends that whereas the currently private land is closed other than for scheduled events, the proposal would provide access to the site by introducing community use which could be secured by planning condition. Furthermore, it would create significant outdoor sport and recreation opportunities, as well as improving the biodiversity and visual amenity of the site.

They reiterate the reasons they believe that very special circumstances exist and why the enabling development should be allowed. In short, although the viability report produced on behalf the applicant and the assessment of it by the Council's consultant differ, both reports point to a short fall in funding which, the applicant reaffirms, will be met through borrowing/private resources. They claim that without the residential development to borrow against they are not able to raise the required funds. The applicant is also prepared to discuss with the Council the sequencing of the development and agreeing as part of a s106 that the stadium will be 50% built before the sale of the 1st residential unit in order to reassure the Council that the stadium, and not just the residential development, will be built.

In regard to affordable housing, the applicant considers that Market Value based assessment is considered sufficient in accordance with RICS guidance. Both the

Colliers and Aspinall Verdi assessment concluded that the scheme will be completed at a significant loss *“therefore the scheme should be exempt from the inclusion of social housing under existing guidance”*. Furthermore, the applicant considers that 2 bed flats would provide the highest margin while minimising the footprint of the development and the development would therefore suit the market needs for smaller properties and first time buyers.

With regard to flood risk and drainage the applicant states that the drainage hierarchy was followed for the site to determine the appropriate surface water management option. Disposal of surface water into deep bore soakaways in the underlying chalk was not seen as feasible due to the site being within a source protection zone, therefore storage options were considered. Above ground storage options were considered in the form of basins or ponds, however, these were not deemed suitable due to the loss of recreation space (in contradiction to Sport England’s comments). Detail of the proposed site surface water has been agreed with the borough drainage engineer as part of their function as the Lead Local Flood Authority.

- Community Access Statement (draft report): This concludes that the proposed development will provide a variety of different sized pitches all of which will be made available and accessible for both community and educational activities and gives the names of a number of teams and community schemes, as well as Coopers School, who have all expressed an interest in using the facility. Furthermore, the facility will be available for private hire. Discounted and free tickets for match days and pitch hire will also be available to local families, disadvantaged groups and local schools in order to promote social inclusion.
- Cray Area Sporting Needs Assessment (draft report): This report sets out the requirements of CWFC and why they require the development to prevent the club from closing down. Furthermore, Sport England “raises no objection” to the planning application as it is considered to meet Exception 5 of the Playing Field Policy in that “the artificial pitch will be used by the youth teams in the club for both training and affiliated matches”, and thus provide a “sufficient benefit to the development of the sport”.

The report goes on to describe the lack of sports and leisure centres within the Chislehurst and Cray Valley areas and states that there are no outdoor sports facilities or pitch areas in the wider vicinity.

- Supporting letter from A Pollock (owner and operator of Flamingo Park): explains that the decline of the site’s usage was as a result of his strategic change in business direction to move away from renting of sports pitches to nightclub and boot sale activities, and not as a result of any change to public transport provision.
- Updated Cray Wanderers Alternative sites assessment: As originally submitted and summarised above.
- Updated Community Impact statement: As originally submitted and summarised above.
- Updated Design and Access statement sheets 17, 18.1 and 18.2: Clarifies area of existing playing fields (4.6ha) and outlines rationale behind the application of inclusive design principle within the proposal, including disabled access.
- Updated site layout: outlines inclusive access to the rest of the site.

- Updated Flood Risk Assessment Appendix B (SW drainage): As originally submitted and summarised above.
- Updated Energy Statement: As originally submitted and summarised above.
- Archaeological Desk Based Assessment: As originally submitted and summarised above.
- Supporting letter from Mayer Brown (Transport Consultants): States that a typical match attendance would be around 124 people. As set out in the TA, the site access effectively reaches capacity at an attendance figure of 1300 supporters. Beyond this, the site access would experience congestion at the end of the game which would be confined to the site itself. On the rare occasions that the site attracted large numbers of supporters it will be subject to careful management and staggering of the release of vehicles from the site.

Furthermore, the letter states that the parking provision proposed was set to provide a balance between the typical attendance figures and the “worst case scenario” and there would need to be around 62 permanent spaces to cater for the average attendance. The applicant is prepared to reduce the level of permanent parking on site, but they are mindful of the concerns relating to overspill parking on the surrounding roads. The applicant is prepared to accept the suggestion of a phased increase in parking as suggested by TfL.

The letter also confirms the following:

- 16 cycle spaces are proposed for the stadium and 10 for the pitches;
- Shower and locker facilities will be provided for staff;
- The club has a 22 seater shuttle bus to transport supporters to and from the St Mary's Cray area;
- The club is committed to the promotion of sustainable travel measures such as car share schemes, information packs, etc, the costs of which will be borne by the club itself;
- the full PICADY models and site surveys were appended to the Transport Assessment.

Transport for London (TfL): The entire site is located beyond an acceptable walk distance to any National Rail Stations or bus routes. As such, the site has been estimated to have the lowest Public Transport Accessibility Level (PTAL) of 0, on a scale of 0 – 6b where 6b is the most accessible.

Vehicular Site Access:

TfL would recommend that a detailed plan of the junction access including proposed road markings is provided. It is considered that the tapers will widen the access junction mouth and make things more difficult for pedestrians walking along the A21 southern footway and crossing the access. Therefore a suitable pedestrian-friendly crossing design, such as a raised table, should be investigated. In addition, once the junction design is finalised, TfL would recommend that a Stage 1 Road Safety Audit is undertaken prior to determination.

Trip Generation:

Trip generation for the existing site has been based on site observations of the existing uses, which is acceptable. The trip generation assessment for the proposed uses, appear reasonable.

Highway Impact:

A PICADY model has been produced to model the site access on a typical match day and match day with full stadium attendance. Whilst the results indicate that the site access will operate within practical capacity during a typical match day, the junction will exceed theoretical capacity during one of the full stadium attendance scenarios and includes queue of 46 vehicles. The model outputs have not been appended to the TA and will need to be provided.

The TS has only undertaken sensitivity test assuming 1300 spectators. If capacity was to increase to 2000 we would want to see an assessment as with 1300 spectators the junction is well over capacity (however the impact of this is inside the site and not on the A20). With an additional 700 spectators this problem would only be exacerbated.

TfL also require consideration as to how visiting traffic such as cars and coaches would turn back to the east along the A20 with the proposed left turn in left turn out arrangement (coming into the site from the north west direction A20 traffic can turn at the roundabout at Frongal Corner, the junction with the A222).

Car parking:

Given that the average match day attendance is 124 supporters and that the number of occurrences when spectator number has exceeded 500 is limited (15), it is considered that the total stadium car parking provision proposed is a significant over provision. Furthermore, it is not considered that adequate justification for the total level of stadium car parking has been provided. TfL advises the applicant to consider a phased increase based on demand assessed through surveys and balanced against other public transport provision, rather than the total 332 stadium spaces proposed.

A car park management plan, secured by the S106 agreement should be produced and approved by TfL to ensure that there are measures in place to minimise traffic congestion on match days.

4 of the 51 residential car parking spaces will be Blue Badge. Whilst this is welcomed by TfL, for the development to be in accordance with the London Plan, 1 Blue Badge parking space should be provided for every accessible unit. Assuming 10% of the units are accessible, an additional 1 Blue Badge parking space should be provided for the development.

Electric Vehicle Charing Points (EVCP) including passive provision will be provided in accordance with the London Plan, which is welcomed by TfL.

Cycle Parking:

The residential cycle parking provision will be provided in accordance with the London Plan, which is welcomed by TfL. Whilst it is acknowledged that cycling is unlikely to be a popular mode of transport for football supporters accessing the site, only 6 spaces are proposed for the stadium use and a further 6 spaces for the football pitches. The cycle parking spaces numbers detailed within the TA and Figure 4.6 do not correspond. The TA states that the locations for future provision will be safeguarded should the demand arise. TfL will request a section to be included within the S106 which states that should monitoring of the supporters cycle parking regularly identify high occupancy, then additional cycle parking provision will need to be provided. Shower and locker facilities should be provided for those members of staff wishing to cycle to work. Visitor parking spaces should be located in an accessible area close to building entrances. All cycle parking spaces should be safe, secure and easily accessible from cycle routes and appropriate signage, should be provided.

Pedestrian and Cycle Access:

Whilst a new pedestrian crossing at this location would be desirable to improve walking access from the north of the A20, TfL have investigated various options to improve pedestrian movement across the A20 within the vicinity of the site, including an at-grade crossing and a new temporary footbridge. At this stage none of these options are considered to be feasible due to limited pedestrian numbers, the high speed of the road, and high implementation costs.

The closest bus route to the site is the 162 on Imperial Way which is located beyond an acceptable walk distance (640m) south west of the site boundary. However, it is acknowledged that football supporters are more likely to walk longer distances to access a stadium (up to 30 minutes). Whilst stops for routes 233 and 321 are located closer to the site as the crow flies, this doesn't take account of the lack of permeability across the A20. It is considered that bus trips generated by the development can be accommodated within the existing bus network capacity. Therefore mitigation for bus service improvements will not be sought for this development.

Further information regarding the proposed free shuttle bus service to the site for supporters from St Mary Cray on match days should be provided.

Travel Plan:

The Travel Plan submitted does not include any existing mode share information, refers to another football club in the site description and fails to provide any targets. The Plan also lacks 'an estimate of the cost of the key measures over the lifetime of the travel plan (such as information provision, car sharing membership, interest free loans and mileage allowance)'. The Plan is expected to 'Demonstrate how these costs will be met and by whom'. TfL expects the final travel plan to be secured, monitored, reviewed, and enforced through the s106.

Freight and Servicing:

A Construction Logistics Plan (CLP) will need to be produced and the final detailed version, including vehicle numbers, origin and destination of construction trips and phasing and implementation plans, should be secured by condition. A Delivery and Servicing Plan (DSP) should also be produced and secured by condition.

Historic England: the application site lies in an area of archaeological interest. An archaeological assessment should therefore be carried out and submitted prior to determination of the application.

In response to the above, the applicant has submitted additional supporting information (prepared by JBA consulting, dated 03/02/16) and an archaeological assessment.

Subsequently, Historic England have concluded that the area contains a low potential for prehistoric archaeology and that this interest can be secured by condition requiring the implementation of a programme of archaeological observation and recording.

London Borough of Bexley: The A20 Sidcup Bypass lies within the LB Bexley and a planning application would therefore need to be made to Bexley for any alterations to the current access arrangements. There are concerns that the future transport impacts of the proposals have been underestimated and that the scope of the network assessment is too limited. The transport assessment (TA) should assess the potential impact of an increase in the number of supporters. The assumptions relating to trip rates and parking demand are based on surveys of existing supporters attending the ground at Bromley, which is far more accessible by other transport means than the application site. The proposed modal share for cars is therefore likely to have been underestimated.

No consideration of the assignment of development trips on the adjacent highway network both to and from the site is provided in the TA – an assessment of the potential impact on Five Ways junction should also be provided. These issues could result in a material increase in vehicles using roads within Bexley Borough.

Significant on street parking issues in Bexley have been generated by the use of this site in the past, and there are concerns that the level of parking provided in this scheme has not been fully justified and may be inadequate for future needs.

Sport England: It is understood that the site forms part of, or constitutes a playing field as defined in the Development Management Procedure Order. The consultation is therefore statutory and Sport England has considered the application in light of the National Planning Policy Framework (in particular paragraph 74) and its policy to protect playing fields. Essentially Sport England will oppose the grant of planning permission for any development which would lead to the loss of a playing field, unless one of the 5 exceptions applies:

- An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no specific significance for sport
- The development is ancillary to the use of the playing field and does not affect the quantity/quality of the pitches
- The development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of the playing pitch
- Playing field lost would be replaced with equivalent of better in terms of quantity, quality or accessibility
- The proposed development is for indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of the playing field.

The proposed development sited on an existing area of playing field is considered to meet exception E5 (above). Therefore no objections are raised; however conditions are required in order to secure the use of the facilities for community football to address the loss of the full-sized playing pitch. Also a condition is required that the relocated natural grass pitches receive the required remedial work to ensure their use by the club and community.

Natural England: The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the LPA to determine whether the application is consistent with national and local policies on the natural environment.

Thames Water: no objections. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. Based on the current surface water and foul water strategies Thames Water would not have any objection to the above planning application. If there are any changes to the surface water or foul water strategies Thames Water should be re-consulted.

Environment Agency: No comments as fall outside our remit as a statutory planning consultee – please consult your Local Authority's drainage team about managing surface water drainage from the proposal.

Highways Development Engineers: 42 car parking spaces are proposed for the residential units along with 9 visitor's parking spaces and 62 cycle storage spaces, which is acceptable. The swept path provided for the refuse collection vehicle is for a slightly smaller one than tends to be used by Bromley but there does not appear to be any pinch points. Waste services should be consulted.

Given the surveys of how the supporters are likely to travel to the site the permanent parking area is likely to be sufficient to accommodate the supporters on match days and the demand for the situation where all the other pitches are in use at the same time. Consequently, TfL have said that the proposed parking is an overprovision and it should be introduced in phases when the additional demand is established. This is acceptable in principle (from a highways perspective) but it is unclear how it would be achieved. The initial landscaping/use of the temporary car parks would also need to be agreed.

There appears to be limited scope for non-car trips to the site. The A20 forms a barrier to the north of the site and the nearest crossing facility, a bridge, is about 520m to the west of the entrance. The bus stops along Imperial Way seem closer to the site than TfL suggest as there is a gate at the south-west corner of the site accessible from footpath 35.

The proposal is unlikely to have a significant impact on any roads in Bromley although potentially people could park in Imperial Way and walk to the site. However, the current lack of hard surfacing on the public footpath, lack of lighting and bends do not make it conducive to increased usage. There is a suggestion in the TA that this could be opened to cyclists however it is a registered right of way and therefore it is not clear what access rights the landowner has over it. There are currently large bollards on the link from Imperial Way to prevent motorbikes using the path.

Following the previous comments the applicant's Transport Consultants have provided some additional information including a revised Travel Plan. TfL have also provided further comments. TfL still have concerns about having the full permanent parking provision unless the attendance numbers rise and a need for the parking is shown. As well as increasing over time there may be the situation of a particular match with a higher attendance. The club would need to make arrangements for this in advance but there also needs to be a suitable surface available.

The main highway issue with the site is likely to be the access. The A20 is part of the TLRN and TfL, as the highway authority, have comments on the proposals. They do not seem to have raised any objections to the access arrangements but are likely to require conditions and a s106 should permission be forthcoming.

The most recent Travel Plan submitted has been assessed through the Transport for London (TfL) ATTrBuTE system and does not meet the minimum requirements to be considered acceptable.

Environmental Health Officer:

Air Quality:

No objections subject to air quality conditions.

Noise:

The acoustic assessment submitted as part of the application uses measured input data from another football club who appear to have an average attendance of around 300 people whereas the proposed stadium will have a capacity of over 1300. In this case the impact would be over 56dB at nearest dwellings to the South. The assessment also fails to point out that noise levels must be combined to give the total at the dwellings which in this example would be combined with PA noise of 55dB leading to a total noise level of 58.5dB or >10dB over ambient background in this location.

There are also concerns over PA noise level which may be a constant irritation when in operation, particularly when playing music, and the assessment finds a noise of up to 5dB above background from this which would be very clearly perceptible to affected residents. A noise level of 5dB above background for a non-music source is often considered to be

indicative of an adverse effect, for music\PA noise adverse effects are likely to occur at lower levels. Match days would also bring the potential for other noise which is not easily assessed such as noise from shouting \ chanting \ general people noise around the stadium, use of horns etc. If minded to grant permission you would have to accept that there is likely to be an adverse impact on residents from noise from the development on match days.

In respect of the other football pitches the stated levels are sufficiently below background that adverse effects are unlikely to be significant if hours of operation are controlled. This noise must also be considered in light of the existing permitted use which includes football pitches. Noise from the bar\function room and Plant noise could be adequately controlled by condition.

Lighting:

The submitted report finds that flood lighting impacts will not be significant at existing or proposed residential and will comply with ILE guidance. Conditions recommended relating to hours of use and that the floodlighting is installed in accordance with the report. The report does not deal with general external or car park lighting on site so details of general site and car park lighting details should be submitted for approval by condition.

Land Contamination:

The contamination Phase 1 desk study finds that no further assessment is necessary however I do not agree with its conclusions. A site walkover does not appear to have taken place. The site has been used for a variety of purposes, many potentially contaminative and often illegal or outside its granted planning permission. The site owner has been prosecuted in the past for waste offences, including burning waste on the land. The submitted conceptual site model states: *'The proposed site development involves large areas of modified ground works including roads, car parks, stadium and residential infrastructure. This hardstanding will provide an effective barrier between any contamination within the upper strata and site users'* however the site also includes sports pitches, soft landscaping and most significantly external residential amenity space so this is not the case. Recommend a condition is attached requiring a contamination assessment and relevant areas of the site should be targeted for soil sampling, in particular the proposed residential garden\amenity area. The site is within a groundwater source protection zone and the Environment Agency should be consulted.

Kitchen Extraction:

The plans do not detail the specification for the kitchen extraction system. I would suggest that the applicant is asked to amend plans so that the kitchen duct discharges vertically rather than horizontally in order to maximise air dispersion.

In response to the above comments, the applicant has submitted additional supporting information (prepared by JBA consulting, dated 03/02/16) regarding noise impact and kitchen venting which is summarised as follows:

- The noise levels stated in the report provide a robust assessment;
- In Acustica's opinion the noise levels for the PA system and crowd noise should not simply be combined for a cumulative impact;
- This noise level has been calculated from the nearest point of the stadium and does not consider any screening provided by stadium building itself. Therefore a worst case assessment and actual noise levels would be expected to be lower than the predicted noise levels;
- It is not appropriate to compare LAeq noise levels of the type of noise sources predicted on site, such as match-day football and PA system, with background noise levels;

- The proposed development needs to be considered in line with the fact that the existing site is already associated with noise from the existing weekly use for car boot sales etc and as the location of a seasonal fairground amusement park;
- Odour abatement is not required due to the position and detailing of the kitchen stack relative to the nearest buildings (according to DEFRA guidance);
- Although not required the Engineers have incorporated the extra measure of discharging the kitchen exhaust at high level above the stadium to aid the dispersion of odours from the stack.

An updated land contamination report was also received (as summarised above).

Following this the Environmental Health Officer has stated that the applicant's interpretation of the DEFRA guidance is wrong and a basic level odour abatement plant should be included to protect general amenity in the area. This can be conditioned.

With regard to noise, the level of noise predicted at the nearest (i.e. the proposed) dwellings is likely to be higher than stated in the report. None of the existing lawfully permitted uses create equivalent noise levels to a similar regularity. View remains that you would have to accept that there is likely to be an adverse impact on residents from noise from the development on match days.

With regard to contamination the measures proposed in the assessment (removal of visible waste/watching brief) are unacceptable and a programme of soil sampling is recommended primarily in the soft landscaped/amenity areas and sports pitches. Conditions are therefore required.

Metropolitan Police Designing Out Crime Advisor: Should the application proceed it should be able to achieve the security requirements of Secured by Design utilising the relevant guidance. Secured by Design standards are specifically mentioned in the Design and Access statement. Recommend condition.

Drainage Advisor: It is not clear what changes are proposed to the 3 practise pitches including any re-profiling of the ground that may cause flooding elsewhere. Storage should be provided for the permeable and impermeable areas. It is not acceptable for the proposed apartments and their associated highway to drain unattenuated to the sewer.

The surface water drainage strategy subsequently submitted (on 11/02/16) shows 1685m³ of storage being provided. This is acceptable. The Windes calculations have demonstrated that the control flows from all areas of the proposed development to be a rate of 9.64l/s/ha for all events including the 1 in 100 year plus climate change. The submitted calculations have also shown two discharge points into the existing culvert. The additional information carried out by JBA Consulting to assess the potential drainage impact of the three grass football pitches located on the eastern half of the site has demonstrated that the pitches are only affected along their flanks by the flow paths in other terms those three pitches will be fit for purpose during high storm event. Conditions recommended.

Public Rights of Way Officer: the section of Kemnal Road adjoining the western boundary of the site is a private road. However, Public Footpath 35 runs along this section of Kemnal Road and there are only pedestrian rights over it. The applicant should satisfy himself as to what, if any, private vehicular rights the site has over this length of road.

Advisory Panel for Conservation Areas: The proposal for a major development on this site with floodlights is entirely contrary to the character of the Conservation Area and its setting as described in the SPG, hence object to the application.

In response to the above, the applicant has submitted additional supporting information (prepared by JBA consulting, dated 03/02/16) regarding conservation areas summarised as follows:

- Confirm development is not within a conservation area;
- APCAs point is therefore limited to effects on the setting of the conservation area;
- In this case the effect can be described as small or negligible or low, rather than significant.

Planning Considerations

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

BE1 Design of New Development
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE13 Development Adjacent to a Conservation Area
BE16 Ancient Monuments and Archaeology
C1 Community Facilities
C2 Community Facilities and Development
ER7 Contaminated Land
ER9 Ventilation
ER10 Light Pollution
G1 The Green Belt
H1 Housing Supply
H2 and H3 Affordable Housing
H7 Housing Density and Design
H9 Side Space
IMP1 Planning Obligations
L1 Outdoor Recreation and Leisure
L2 Public Rights of Way and Other Recreational Routes
L6 Playing Fields
NE2 Development and Nature Conservation Sites
NE3 Nature Conservation and Development
NE5 Protected Species
NE7 Development and Trees
NE13 Green Corridors
T1 Transport Demand
T2 Assessment of Transport Effects
T3 Parking
T7 Cyclists
T8 Other Road Users
T9 and T10 Public Transport
T11 New Accesses
T12 Residential Roads
T15 Traffic Management
T16 Traffic Management and Sensitive Environments
T18 Road safety

Affordable Housing Supplementary Planning Document (SPD)
Planning Obligations Supplementary Planning Document (SPD)

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

A consultation on draft Local Plan policies was undertaken early in 2014 and the Council recently finished consulting on the next stage in the preparation of its Local Plan, focusing on draft site allocations, a limited number of revised draft policies and designations. The weight attached to the draft policies increases as the Local Plan process advances.

The most relevant draft Local Plan policies include:

- 5.1 Housing Supply
- 5.3 Housing Design
- 5.4 Provision of Affordable Housing
- 6.1 Community Facilities
- 6.2 Opportunities for Community Facilities
- 7.1 Parking
- 7.3 Access to services for all
- 8.1 General Design of Development
- 8.3 Development and Nature Conservation Sites
- 8.6 Protected Species
- 8.7 Development and Trees
- 8.12 Green Corridors
- 8.14 The Green Belt
- 8.22 Outdoor Recreation and Leisure
- 8.23 Outdoor Sport, Recreation and Play
- 8.25 Public Rights of Way and Other Recreational Routes
- 8.37 Development Adjacent to a Conservation Area
- 8.41 Ancient Monuments and Archaeology
- 8.42 Tall and large buildings
- 10.3 Reducing Flood Risk
- 10.4 Sustainable Urban Drainage Systems
- 10.5 Contaminated Land
- 10.6 Noise Pollution
- 10.7 Air Quality
- 10.8 Ventilation and Odour Control
- 10.9 Light Pollution
- 10.10 Sustainable Design and Construction
- 10.11 Carbon reduction, decentralise energy networks and renewable energy
- 11.1 Delivery and implementation of the Local Plan

In strategic terms, the application falls to be determined in accordance with the following policies of the London Plan (March 2015):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening

- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood risk assessment
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.16 Green Belt
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

The London Plan SPG's relevant to this application are:

Housing (2012)
 Providing for Children and Young People's Play and Informal Recreation (2012)
 Accessible London: Achieving an Inclusive Environment (2014)
 Sustainable Design and Construction (2014)
 Mayor's Housing Standards Policy Transition Statement (2015)
 Draft Interim Housing (2015)

On 14th March 2016 , Minor Alterations to the London Plan (MALPs) were published to bring the London Plan in line with national housing standards and car parking policy. The most relevant changes to policies include:

- 3.5 Quality and Design of Housing Development
- 3.8 Housing Choice
- 5.3 Sustainable Design and Construction
- 6.13 Parking

Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) must also be taken into account. The most relevant paragraphs of the NPPF include:

- 14: achieving sustainable development
- 17: principles of planning
- 47-50: housing supply
- 56 to 66: design of development
- 69 – 70, 73 - 74: promoting healthy communities
- 79, 80, 87-89: Green Belt

96 – 103: climate change and flooding

109 -111, 118, 120 - 121, 121: nature conservation and biodiversity

The NPPF makes it clear that weight should be given to emerging policies that are consistent with the NPPF.

Planning History

Planning history for this site includes:

87/02961: Replacement plant and machinery stores. **Permitted.**

88/01261: Single storey extension to main clubhouse for use as indoor shooting range with structure and balustrading on roof. **Refused.**

90/01090: Single storey rear extension to clubhouse for use as indoor shooting range with balustrading on roof. **Refused.**

95/00113: Single storey rear extension to clubhouse for use as indoor shooting range. **Refused.**

98/00317: Detached single storey building for workshop and general storage. **Permitted.**

02/00828: Demolition of existing sports pavilion and associated buildings and structures; change of use of sports field and former parkland to use for human burials and disposal of ashes; erection of a building comprising a crematorium, chapels with associated facilities; associated access and parking areas, laying out of Garden of Remembrance (OUTLINE). **Refused.**

06/00371: Off-road buggy track with pit stop movable marshal control towers for use Monday to Sunday (inc) 10:00am to 10:00pm. **Refused.**

06/00373: Application for day market (Thursdays) open to public 8.30am to 3.30pm with car parking. **Refused.**

06/03704: use of land for sale and display of portable garden buildings (retrospective application). **Refused.**

07/02974: Use of land for sale and display of portable garden buildings and associated tree planting to boundaries. **Refused.**

09/00813: Use as motorcycle training area. **Permitted.**

09/03464: Use of ground floor and ladies toilets at first floor for mixed use comprising of bar/dance floor for persons including (a) those already using Flamingo Park site (such as sportspersons, boot fair attendees etc) and (b) those using the site for unrelated scheduled social events limited to 20 Fridays and 37 Saturday per calendar year. **Existing use/development is lawful.**

09/03055: Single storey extension (to existing sports pavilion) (retrospective application). **Permitted.**

10/02156: Single storey extension to existing conservatory of nightclub and enlargement of existing terrace area. **Permitted.**

10/02890: Use of ground floor and ladies toilets at first floor for mixed use comprising of bar/dance floor from Thursday to Saturday every week and Sundays over bank holiday weekends. **Permitted.**

12/02615: Use of existing car park for storage of hire vehicles and erection of single storey associated office building. **Refused.**

14/03385: Use of part of existing car park for purposes of storing hire vehicles and erection of portable office building. **Refused.**

There is also an extensive enforcement history relating to this site for various unauthorised adverts, operational development and uses, including the erection of advertisement hoardings, several timber buildings to the front of the site, creation of a buggy track, use of outbuilding for residential purposes, conversion of building into offices, use as a nightclub, operation of commercial marquee in excess of permitted days, fun fair, taxi driver training, fireworks business and siting of containers.

The following investigations are currently on hold pending the outcome of this planning application:

- Change of use of a car park and motorcycle training area to a rental car (A2 Car Hire) operating from wood cabins erected on site;
- Change of Use to various Businesses including Cash For Your Clothes, Firework Sales, Scaffolding Storage areas and Car holding spaces.

Assessment and Conclusions

The main issues to be considered are:

- Principle of Development including whether development is inappropriate in the Green Belt;
- The case for Very special circumstances including sporting benefits, community benefits alternative site assessment and the need for the Enabling Development;
- Scale, layout and design and Visual Impact
- Impact on nearby residential dwellings
- Parking and cycling provision and Highways impacts
- Trees, Ecology and landscaping
- Housing Issues
- Density
- Flooding and Drainage
- Archaeology
- Sustainability and Energy
- Pollution and Contamination
- Planning Obligations
- Environmental Impact Assessment

Principle of Development and Green Belt

Section 9 (paragraphs 79-92) of the NPPF sets out the national Green Belt policy. The National Planning Policy Framework (2012) post dates the Bromley UDP (2006). The NPPF gives the up to date reference point for Green Belt policy.

In assessing the current application, several paragraphs of the NPPF are of relevance: -

Paragraph 79

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

So the Green Belt aim is to prevent urban sprawl by keeping land open. An essential characteristic of Green Belt is its 'openness'.

Paragraph 80 sets out the purposes of the Green Belt: - *Green Belt serves five purposes:*

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

Paragraph 80 in effect expands upon the aim of ‘preventing urban sprawl’.

Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (Para.81, NPPF).

London Plan (2015) Policy 7.16 ‘Green Belt’ notes that *“the strongest protection should be given to London’s Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.”*

Under NPPF paragraph 87 states that: *‘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.*

The NPPF goes on to expand upon ‘very special circumstances’ in paragraph 88: *‘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’.*

To be ‘clearly outweighed’ implies well beyond in balance.

The NPPF, at paragraph 89 sets out the following exceptions to what it considers *inappropriate* in Green Belt, it states that:

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

- *buildings for agriculture and forestry; (1)*
 - *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; (2)*
 - *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (3)*
 - *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (4)*
 - *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or (5)*
 - *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. (6)*
- (Bullet point numbers added for convenience of reference)

The construction of new buildings in the Green Belt is then, inappropriate unless it is included in one of the exceptions in NPPF paragraph 89 (or paragraph 90).

It is therefore relevant to consider whether the proposal is an exception under NPPF paragraph 89 as it includes new buildings. Of particular relevance to the current proposal are

points (2) and (6). In each of these points (2) and (6) in paragraph 89 above, the term 'openness' is used and this merits some further explanation.

The concept of 'openness' refers to the absence of building, it is land that is not built on. The size of the buildings (in terms of footprint, floor space or building volume) put simply whether they are larger, is relevant to the assessment of a greater impact on 'openness' and whether there is an exception under paragraph 89.

By contrast, the visual impact is a further assessment. This relates to factors such as the aesthetic quality of the proposal and its prominence in the landscape. The visual impact of the proposal relates to the assessment of very special circumstances.

Therefore at this part of the report we will assess 'openness' whilst 'visual amenity' follows later.

Table (1) Existing and Proposed Development Data (Using applicant figures)			
<u>BUILDINGS</u>		<u>GIA sqm</u>	<u>SURFACES sqm</u>
EXISTING	<u>Pavilion</u>	<u>1338</u>	<u>13,577 existing – tarmac/gravel car park</u>
	<u>Bowling Green Pavilion</u>	<u>232</u>	
	<u>Groundsmen WC/Tearoom</u>	<u>13</u>	
	<u>Rugby posts store</u>	<u>41</u>	
	<u>Total EXISTING</u>	<u>1624 sqm</u>	<u>13,577 sqm</u>
PROPOSED			<u>10,438 proposed (roads, parking etc) + 6,209 (overflow grasscrete parking)</u>
	<u>Flats (basement)</u>	<u>1377</u>	
	<u>Upper floors</u>	<u>3386</u>	
	<u>Stadium</u>	<u>6740</u>	
	<u>Total PROPOSED</u>	<u>11,503 sqm</u>	<u>16647 sqm</u>
	<u>DIFFERENCE</u>	<u>+ 9879 sqm</u>	<u>+ 3070 sqm</u>

Paragraph 89 refers to previously developed land and to openness. It is therefore necessary to consider both.

The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

Officers accept that the site contains a proportion of what can be defined as previously developed land and the site should be assessed in terms of NPPF paragraph 89 including point 6 therein. It is important also to recognise that there are uses and development at the site which do not benefit from planning permission, and the site is currently subject to enforcement investigation.

The only buildings which appear to benefit from planning permission are the pavilion building (**1338sqm** GIA), most recently used as a nightclub and containing 2 flats; the smaller single storey former bowling green pavilion (**232 sqm**); the brick building (old groundsman's WC & tea room) (**13sqm**) and the old rugby posts store (**41sqm**). This results in a total floorspace of existing built development of 1624sqm (GIA). These structures, along with the **13,577sqm** gravel/tarmac hardstanding at the centre of the site, can therefore be considered as the built upon land.

The following structures have no planning history related to them and no evidence has been provided to demonstrate the period of their siting or why they should be taken into consideration as part of the overall GIA. As such it is assumed that they are unauthorised or temporary.

- steel container close to the A20 (15sqm)
- hut close to the A20 (36sqm)
- wooden building close to the A20 (46sqm)
- 9 steel containers alongside the brick building (135sqm)
- 4 steel containers to the south of the site (107sqm).

The residential blocks will replace the sports pavilion, share a 1,377sqm lower ground floor parking space and have a combined GIA of 3,386sqm on the upper floors. The applicant proposes to erect part of the stadium building on what is now tarmac/gravel along with roads, car parking and pedestrian paths. The remainder would be constructed on an open sports field to the west.

The proposed club house would have a footprint of 1883sqm and a total GIA of approx. 4428sqm set over three storeys. The proposed car parking, paths and access roads at the centre of the site including the grasscrete overflow car park would equate to approximately 16,674sqm in area.

In conclusion, there is an increase in the size of development as proposed and the site includes previously developed land.

There is a clear increase in the floorspace between the existing buildings on the site and the proposed buildings on the site as is evident from the Table. They are materially larger. There is a link between the specific site and the wider Green Belt as substantial weight is given to

any harm (para 88) in general. The loss of unbuilt land (e.g. parts of the stadium site) and the increased size of the buildings (e.g. the residential accommodation) are not consistent with preserving the openness of the Green Belt (NPPF paragraph 89 point 2, in relation to outdoor recreation). The residential accommodation does have a greater impact on the openness of the Green Belt than the existing development (point 6 in relation to other development) and in each case, this also conflicts with the purposes of including land within the Green Belt.

In the absence of falling into one of the exceptions in Paragraph 89, the proposal amounts to inappropriate development in terms of Green Belt national and local policy. It therefore should not be approved except in very special circumstances as by definition it is harmful to the Green Belt.

Very special circumstances

As set out above, the proposed development is considered inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential to harm the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

The applicant, although not accepting that the development is inappropriate, has presented a case for very special circumstances focusing on 5 aspects: the sporting benefit; the lack of alternative sites; community benefits; the appearance of the openness of the Green Belt and the role of the redevelopment of previously developed land. In part, these have been addressed above.

Sporting and Recreation Benefit:

The NPPF, at paragraph 73 recognises the important contribution that access to high quality open spaces and opportunities for sport and recreation can make to the health and well-being of communities and says that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss (Para.74, NPPF).

Policy L1 of the UDP sets out the Council's position regarding proposals for outdoor recreational uses on land designated as Green Belt. As well as needing to constitute appropriate development, proposals should aim to provide better access to the countryside; any activities relating to the use or development proposed should be small-scale and not adversely affect either the character or function of the designated area; and should be accessible by a choice of means of transport. Like the NPPF, policy L6 also resists the loss of playing fields or sports grounds except where a surplus has been revealed.

The London Plan, at policy 3.19 '*Sports facilities*', states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported and the net loss of such facilities, including playing fields, will be resisted. It also supports multi-use facilities where possible. Additionally, the policy supports the use of floodlights where there is an identified need and no demonstrable harm to the local community or biodiversity but indicates that where sports facilities are proposed on existing open space, they will need to be considered carefully in light of policies on Green Belt and protecting open space.

The applicant contends that the proposal is in accordance with National Planning Policy in so far as the application seeks to bring disused playing fields back into use. Furthermore, they envisage it having a significant number of other benefits including replacing an unattractive night club building with purpose-built stadium facilities and the cessation of the boot fairs and traffic problems which they cause; increasing the range of sporting and leisure facilities available to the community and providing a home to Cray Wanderers FC, which in turn will provide a viable future for the club and the ground. The Club's current ground at Hayes Lane in Bromley currently makes it more challenging for the Club to contribute fully to the involvement with the Crays community and does not support the growth of the club.

The site has approximately 46,000sqm of playing fields (as confirmed by Sport England). The application proposes 42,640sqm of playing fields in the proposed development, including grass and artificial pitches, which means there would be a net loss of 3,360 sqm of playing fields. Sport England has raised no objections to the proposal in terms of the loss of the playing fields and, on balance, the proposal would provide an indoor/outdoor sports facility which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing fields. The Football Association and Kent Football Association have also both expressed support for the development.

While Officers acknowledge that the proposal would provide a useful sporting facility in the area, with obvious benefits to health, and that the amount of playing fields that would be lost as a result of the development appears to be minimal, the applicant fails to acknowledge in their *Sporting Needs Assessment* the nearby playing fields to the south of the application site at the Queen Mary and Westfield College Sports Ground and adjacent St Bartholomew's Medical School Sports Ground, Perry Street, Chislehurst where a number of football, cricket and rugby clubs play.

There are also concerns over the site's inaccessible location by means of transport other than the car, given the site's low PTAL rating of 0 and location beyond an acceptable walking distance to any National Rail or bus routes. Furthermore, while the proposed re-location of the west playing fields would enable this part of the site to remain as 'open', this would not outweigh the impact that the proposed football stadium and associated paraphernalia would have on the openness of this Green Belt site and its permanence. In this instance the sporting benefits of the proposal would not outweigh the harm to the Green Belt which would result. In addition, the incompatibility of existing uses is not a strong enough argument, in itself, to justify that 'very special circumstances' exist.

Lack of Alternative Sites

The alternative site assessment which was submitted as part of the application considers 15 alternative sites within 2 miles of 'The Crays'. The main reasons given for none of them being suitable relate to planning constraints, site availability, the presence in the Green Belt and site viability. Poor accessibility to public transport, inadequate transport links and harm to neighbouring amenities also featured as some of the reasons for sites not being considered suitable.

In support of the current site selection, the applicant states that the criteria used for selecting the site included availability, viability, size and access in terms of transport/highways links and accessibility to the people of the Crays.

When fully defined and contextualised, accessibility cannot only refer to distance but must also consider the ease of getting to and from a location via both public and private transportation. Thus, a site that is outside of the 2 mile radius could potentially be more accessible than one within depending on the availability and connectivity of public transport and other access points. As discussed earlier, the application site is in an area classified as having no accessibility to public transport and located in the Green Belt. Officers are therefore of the opinion that insufficient justification has been provided that a more suitable alternative sites is not available and that very special circumstances have not been demonstrated in this regard.

Community Benefits

The NPPF says that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities and local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see (Para.69).

The applicant states that there is a wide ranging community programme inclusive of 12 youth teams, an Academy and a number of sports and community centre based sports programmes and courses. It is envisaged that the new facilities would enhance and expand the applicant's community programme, youth teams and Academy run in conjunction with Coopers School, as well as other educational and community activities along the model of Dartford FC. The applicant has confirmed that the Westmeria Counselling service is no longer a part of the application.

There is clearly support for the proposal from Bromley residents as well as those based further afield, taking into account the volume of supporting letters received during the course of the application. Should the application be acceptable in all other respects the community scheme would have to be secured as a planning condition supported by a document detailing how the site and facilities would be made available to the community for use.

Also of consideration is Policy C1 of the UDP which says that proposals for community facilities which meet the needs of an identified health, education, social, faith or other needs of particular communities will normally be permitted provided that it is accessible by members of the community it is intended to serve. The London Plan, at Policy 3.16 also requires that social infrastructure facilities (including recreation and sports and leisure facilities, see para.3.86) are accessible to all sections of the community (including older and disabled people) and be located within easy reach by walking, cycling and public transport.

Access to the proposal for the intended users of the development and the wider community is of concern given the site's poor public transport links and inaccessibility to pedestrians and cyclists. The applicant has acknowledged in their Open Space Assessment that the proposal would only have a small area of benefit for pedestrian users given the presence of the A20, and suggest that the foot bridge crossing located to the north west of the site entrance would provide a serviceable route to local bus stops. This footbridge is located 630m to the north-west corner of the site. The transport assessment accompanying the application confirms the footpath width from the footbridge to the site entrance as measuring between 1 and 2.4m which, in some places, is below the minimum width of paths for wheelchair users according to the 2002 Department for Transport best practice guidance on access to pedestrian and transport infrastructure and below the minimum width for off-carriageway bicycle paths.

Furthermore, the footpath features no tactile paving at the site entrance or the entrance to the golf range north-west of the site and no crash barriers. While the transport assessment concludes that the existing footway is adequate to accommodate pedestrian and wheelchair users of the proposed development and says that there is also scope for widening footpaths and installing crash barriers "*in most locations*", as it stands existing pedestrian access to the site is not considered convenient for future users of the site and, accordingly, Transport for London (TfL) have recommended that a pedestrian friendly crossing design for the site access is investigated. The applicant agrees that a new pedestrian crossing would be favourable; however, they say that it is not feasible at this stage without permitting further residential development on the Flamingo Park site.

They also suggest that they would "*support the council should they seek to include a pedestrian crossing as part of their future redevelopment of the neighbouring World of Golf site*", however, this would be subject to separate planning process. In the absence of specific proposals, little weight should be given to this in considering the current application.

The proposed shuttle bus service to the site from St Mary Cray on match days is welcomed and should be secured as part of a legal agreement, should the application be acceptable in all other respects. Nevertheless, the constraints of the site in relation to its accessibility via more sustainable transport modes is contrary to local and strategic policy and will have an impact on who will be able to take advantage of these facilities. Social exclusion rather than inclusion could ensue if local schools and disadvantaged groups are unable to easily access the new facility. The resulting community benefits of the proposal would therefore not outweigh the harm which would cause to the Green Belt by reason of inappropriateness.

Appearance and Openness of Green Belt and Role of Enabling Development

The applicant states that the enabling development comprises two components:

- *those contained within the stadium which can be used on non-match days and match days alike; and*
- *the residential development of the former pavilion building.*

As set out above, Officers consider that there is insufficient justification for the amount and type of development proposed within the stadium as the proposed 'enabling development' would fail to generate sufficient income for the future running of the club and maintenance of the stadium.

The former pavilion building would be demolished and the two previously mentioned 4 storey residential blocks comprising 24 two-bedroom flats and four two-bedroom penthouses, with undercroft car parking, refuse and cycle storage would be constructed which the applicant says would provide an element of cross-funding for the construction of the football stadium: "*residential development is an essential element of the scheme and is required to cross subsidise the stadium development*". Furthermore, "*The proposed residential apartments are assessed to represent the minimum residential development necessary to cross-subsidise the stadium and ensure that the proposed development is viable*" (letter from Aspinal Verdi, February 2016).

- The viability report which was submitted in support of the development sets the total cost of construction, including the purchase of land, marketing, CIL and other incidentals. The profit expected from the proposed residential development will be used to cross-subsidise the proposed football stadium and associated facilities. However, there still remains a significant cost gap to fund the development of the stadium. The applicant asserts that this deficit can be funded by a substantial bank loan, grant funding from Sport England, Football Foundation, Lottery, Kent FA (grant

applications to be finalised and submitted following a grant of planning permission) and significant shareholder investment.

The advice received by the Council from the independent consultant indicates a significant difference of opinion regarding the resulting cost gap to fund the stadium, with a larger deficit projected. In particular there is disagreement regarding build costs and the value of the units compared to values achieved in the area. It is the independent consultant's view that the construction costs have been underestimated.

The proposed units in the scheme are large, ranging between 95sqm and 145sqm in gross internal area (GIA). The minimum space standards for 2 bedroom 4 person dwellings as set out in the London Plan is 70sqm GIA. The proposed units are therefore excessive in size, too large for the intended market and are likely to have to be sold at a discounted rate to account for this. Furthermore, their location opposite a football stadium may have a negative effect on the value of the units.

The applicant has responded to the Council's finding stating that the lower construction costs will be achieved by using local contractors and professionals who will not be looking to extract profit from the scheme, as well as the reuse of the material from the existing buildings in the construction of the base of the road and car parking.

However, given the discrepancies between the Council's and the applicant's findings it is not considered that the principle or quantum of the proposed 'enabling' residential development is sufficiently justified for this site or whether it would actually enable the football club to be developed, particularly given the significant cost gap to fund the stadium and the uncertainty over whether applications for grant funding will be successful.

The applicant cites the approval of Kent County Cricket Club's application ref.11/02140/OUT (on Metropolitan Open Land) as evidence to support its position. However, as each planning application is assessed on its own individual merits, and this is particularly true of 'very special circumstances' cases. The above development cannot be accepted to establish a basis for allowing this particular development or type of development on Green Belt land.

Furthermore, the applicants assertion that the development will "*keep the land permanently open*" by removing "*all the activities on the site in the buildings and on open land which compromise openness*", is not a strong enough argument to justify that 'very special circumstances' exist. On the contrary, it is considered that the proposed football stadium, club facilities, residential development and all their associated infrastructure would have a significantly greater harmful impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The benefits of the enabling development would not outweigh the harm which would be caused to the Green Belt by reason of inappropriateness.

Scale, layout, design and visual impact

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (Para's 56-57, NPPF).

Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

optimise the potential of the site to accommodate development; respond to local character, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; and ensure that development are visually attractive as a result of good architecture and appropriate landscaping (Para.58, NPPF).

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

The London Plan at policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people's access to social and community infrastructure (including green spaces). Development should enable people to live healthy, active lives, maximise the opportunities for community diversion, inclusion and cohesion and the design of new buildings and spaces should help reinforce the character, legibility, permeability and accessibility of the neighbourhood. Furthermore, buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass and contributes to a positive relationship between the urban structure and natural landscape features (policy 7.4, London Plan).

Consistent with this policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP) requires new developments to be imaginative and attractive to look at; complement the scale, form, layout and materials of adjacent buildings and areas; development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features; the space about buildings should provide opportunities to create attractive settings and security and crime prevention measures should be included in the design and layout of buildings and public areas. The emerging Draft Local Plan takes a similar stance.

The proposed football stadium and facilities would be located on the western side of the site on an existing playing field with development in the form of hard standings and car park extending to the north and south site boundaries. The remainder of development would be focused to the centre of the site with the eastern side remaining undeveloped for playing fields. The retention of open land to the eastern side if the site is welcomed, however, as discussed above, the proliferation of built development across the remainder of the site would have a significant visual impact.

Notwithstanding the Green Belt issues already highlighted, the football stadium and club facilities would be located in such a position as would fail to respect views of the existing landscape and open areas, particularly given its substantial scale and massing. In addition, the use of a combination of aluminium, white and blue bricks and steel cladding would emphasise the visual impact of the development where the use of high quality, sympathetic materials including a substantial green roof, in accordance with policy 5.11 of the London Plan, would be seen as more appropriate.

No information has been provided to ascertain whether green roof or wall planting has been explored, however, none is proposed for either the stadium building or the residential development. A palette of aluminium fenestration, red bricks, white render and glass balustrades are proposed for the residential blocks, the specifications of which would need to be agreed through condition, should the application be acceptable overall.

The flat-roofed design and massing of the two residential buildings is not typical of building design in this area where the general character of development on the opposite side of the

A20 is traditional semi-detached dwelling houses. While it is acknowledged that the application site is somewhat of a 'stand-alone' site in the Green Belt, there is a need to encourage local distinctiveness and a "sense of place" particularly through the use of vernacular materials. The proposed residential blocks would fail to respond to local character nor would they have sufficient regard to this Green Belt setting where a more sensitive design approach, including the use of green roof and wall planting, would be expected to reduce the visual impact of the development. Indeed, as acknowledged earlier in this report, where the existing pavilion building appears at ease in this open green setting, the proposed four storey residential blocks would appear substantial in scale and bulk, given their height, flatted appearance and flat-roofed design. Furthermore, the proposed palette of materials, which includes a significant proportion of white render, would further highlight the visual impact of the development, particularly in views across the open sports pitches to be retained to the east of the site, in contrast to the existing facing brickwork and tiled, pitched roof of the pavilion building.

The Landscape and Visual Impact Assessment submitted by the applicant confirms that there is potential to reduce the visual prominence of the development through the planting of trees and vegetation to break up the overall mass of the buildings. A planting scheme is referred to in the Assessment, which is proposed to infill gaps in trees along the northern and eastern boundaries of the site, and plant trees around the residential accommodation and in the car parking areas of the site. The applicant submits that over time, this would help to partially screen and break up the building mass.

The starting point with any development proposal should be to provide a high quality design response, rather than reliance upon screening to reduce the visibility and impact of a development in its local context. The proposed tree planting would itself result in a significant change to the open character of this site over time, as has been illustrated in the submitted visuals. This is particularly the case in respect of Viewpoint 1 (Footscray Road) where the effects of 20yrs+ mature screen planting alongside the northern site boundary is illustrated. The existing view currently allows for an open vista into the site and across the sports pitches. However, the presence of a line of coniferous type trees alongside the A20 would itself restrict the current views across the open land.

Having regard to the above, it is considered that the development would therefore be detrimental to the existing landscape and visual amenities of the area

While the layout of the site is legible there are concerns over the ability of the proposed development to connect and integrate with the surrounding neighbourhoods, given the poor access to public transport and the absence of walking and cycling routes to the site. This is particularly problematic in respect of the residential development, which would be isolated from adjacent residential areas and local services and would be likely to result in the need for future occupiers to rely heavily on the use of a car to access basic local amenities. As such the proposal would not be able to achieve the standards of inclusive and accessible design as required by the London Plan.

Furthermore, the internal layout of the proposed residential blocks which include a shared car park at lower ground floor level, would result in the provision of a blank frontage for almost the full extent of the western elevation at ground floor level. As a result, there would be minimal opportunity for natural surveillance of this area, resulting in a hostile environment for pedestrians, particularly those accessing Block B via the southern entrance door. With no passive surveillance the access road and entrance spaces will feel dangerous and will be vulnerable locations for anti-social behaviour and crime. Paragraph 58 of the NPPF, Policy 7.3 of the London Plan, Policy BE1 of the Bromley UDP and the General Design Guidance SPG (Ease of Movement), state that developments should design out opportunities for such behaviours. The design and access statement sets out how the stadium has been designed

to meet the space requirements of the Green Guide to Safety at Sports Grounds and sets out how the development can achieve Secured by Design standards, which is acceptable. In conclusion, the scale, layout, design and visual impact overall does not meet the requirements of UDP Policy BE1 and related parts of the London Plan and NPPF.

Impact on adjacent residential amenities

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of visual impact, general noise and disturbance and traffic and parking impacts.

The nearest residential dwellings to the application site are those located to the north and north-east on the opposite side of the A20. The impact on dwellings to the south and west, although further afield, must also be assessed in terms of potential noise impact.

A number of objections have been received in relation to the visual impact of the development, noise impact from the stadium itself and concerns over the proposed floodlighting.

As acknowledged in the Visual Impact Assessment existing views from properties to the north of the site which currently enjoy views of unobstructed open space extending into the adjoining Chislehurst Conservation Area will be notably changed by the proposed development. While tree screening and trellis has been proposed to help mitigate the visual impact, it is not considered that this would overcome the harm to nearby residents as a result of the loss of views across open Green Belt land in an otherwise built-up area.

With regard to noise impact, the nature\character of the noise associated with the proposed development includes music which can cause significant nuisance to neighbours even at very low levels and also irregular\impulsive noise from a crowd. The submitted acoustic assessment states that although there will be some impact to both existing and proposed residents it judges these to be insignificant in light of the level of noise and the fact it would be primarily associated with match days and so is infrequent. However, even taking into account the assessments preferred methodology of measuring a typical 1 hour period split between crowd noise and PA noise, the assessment reveals that the noise level would be above the ambient recommended levels at the dwellings to the south west.

There is disagreement between Officers and the applicant over the methodology undertaken for assessing noise from the stadium on match days and doubt as to whether the noise level at the nearest (i.e. the proposed) dwellings will be as low as stated in the report. As such it is considered that there would be a significant adverse effect from noise from the stadium on match days. However, it is not clear from the submissions how regularly match days occur.

The other sports pitches are to be used by community groups and would typically operate between 09:00 and 21:00 hours though it is not stated on which specific days. The noise levels expected from these pitches are sufficiently below background noise levels that significant adverse effects are unlikely, provided hours of operation are controlled.

On balance, given the likely frequency of match days, the noise impact from the development is unlikely to be significantly harmful to neighbouring residents' amenities as to recommend refusal of the application on noise grounds.

With regard to floodlighting, the submitted report finds that flood lighting impacts will not be significant at existing or proposed residential dwellings and, subject to conditions relating to

hours of use and that the floodlighting is installed in accordance with the report, the proposed floodlighting would not result in an undue loss of amenity to nearby residents.

If the development is considered acceptable in all other respects, conditions controlling days and hours of use (including use of floodlighting), numbers of matches per year, restrictions on the use of the stadium and pitches to sporting/recreational uses only and details of general site and car park lighting are recommended.

A significant number of objections have been received from local residents in the Boroughs of Bexley and Greenwich regarding the traffic and parking impacts of the development, in particular with regard to congestion along the A20 being exasperated by the development as well as users of the development parking in local residential streets. The London Borough of Bexley has also raised concerns in this respect. These issues will be examined in the next section of the report.

Parking and cycling provision and Highways impacts

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site and whether safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. All developments which generate significant amounts of movement should be required to provide a Travel Plan. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP and the London Plan should be used as a basis for assessment. New development should provide cycling parking and cycle changing facilities and planning briefs and masterplans should clearly demonstrate how new development will contribute to creating a high quality, connected environment for cyclists. Proposals should ensure that cycling is promoted and that the conditions for cycling are enhanced. They should also seek to take all opportunities to improve the accessibility of, amongst other places, leisure facilities (para.6.35, London Plan).

Furthermore, the quality and safety of London's pedestrian environment should be improved to make the experience of walking more pleasant and an increasingly viable alternative to the private car. Planning briefs and masterplans should include principles to encourage a high quality, connected pedestrian environment. Walking issues should be addressed in development proposals, to ensure that walking is promoted and that street conditions, especially safety/security and accessibility for disabled people, are enhanced (Paras.6.37-6.38, London Plan).

The London Borough of Bexley have commented that the existing uses at the site have frequently resulted in on-street parking within residential roads to the north of the A20 with pedestrians crossing at dangerous locations. Furthermore, they are concerned that both the future transport impacts of the proposals have been underestimated and the scope of the network assessments are too limited and do not take into account the impact of development trips on the wider highway network, particularly if CWFC achieve promotion in the future and the maximum stadium capacity of would be required to increase to 2000.

A stadium capacity of 1300 was assessed in the transport assessment submitted and the results indicate that while the site access will operate within practical capacity during a typical match day, the junction will exceed capacity during one of the full stadium attendance scenarios and will result in a queue of 46 vehicles along the A20. The A20 is part of the TLRN and TfL, as the highway authority, have not raised any specific objections to the access arrangements. However, conditions and a legal agreement would be required should permission be forthcoming. A stage 1 road safety audit would also be required.

In terms of parking, 153 car parking spaces are proposed, including 51 for the residential use and the remaining 185 for the stadium. However, a further 230 car parking spaces are proposed in a 'green overflow car park' for the stadium use. Given that the average match day attendance is said to be 124 and that the number of occurrences when spectator numbers have exceeded 500 is limited, this is considered to be a significant over-provision of car parking and Transport for London have recommended a phased increase in parking provision based on demand assessed through surveys. However, Officers are concerned that a phased increase would lead to pressure for further development on the Green Belt in the future which may be difficult to control. Also, in the absence of any information within the transport assessment regarding the anticipated impacts of the development on the surrounding residential roads, it is not clear whether or not a reduction in car parking would have a harmful impact on road safety in the surrounding road network.

Taking into account the high level of on-site car parking currently proposed, the lack of pedestrian crossing points across the A20 and the lack of hard surfacing and lighting on the Kemnal Road public footpath which do not make it conducive to walking, on balance, Officers do not consider that the proposal is likely to result in a significant impact on parking or road safety in the surrounding road network.

As set out above, there appears to be limited scope for non-car trips to the site given the site's low public transport accessibility level and lack of convenient pedestrian (particularly wheelchair users) and cycling routes to the site. While the applicant in their Transport Assessment has suggested that walking conditions along the Kemnal Road footpath could be improved and opened to cyclists, including removing the bollards, this is a public right of way with only pedestrian rights over it.

While TfL acknowledge that football supporters are more likely to walk longer distances to access a stadium (up to 30 minutes), this doesn't take account of the lack of permeability across the A20. Furthermore, a new pedestrian crossing at this location would not be feasible.

A travel plan has been submitted with the application, however this is considered inadequate in its current form and, overall, the application fails to demonstrate that the development has been located and designed to give priority to pedestrian and cycle movements, have access to high quality public transport facilities and, overall, that safe and suitable access to the site can be achieved for all people. The proposal would therefore be contrary to policies 6.7 and 6.10 of the London Plan.

The residential development will include cycle parking within the lower ground floor as well as 6 stands externally in accordance with London Plan standards. The applicant has clarified the number of spaces proposed for the football/leisure use - 16 for the stadium and 10 for the pitches – this is considered acceptable in principle but should be monitored for future demand through the travel plan and increased as necessary.

Conditions relating to cycle parking and shower/locker facilities for cyclists will be required should the application be acceptable in all other respects. A stage 1 Road safety audit, a

final construction management plan and a delivery and servicing plan would also be required. 1 additional Blue Badge parking space should be provided for the residential element of the development so that it accords with the London Plan.

To summarise, given the lack of a convenient pedestrian crossing across the A20 or pedestrian access from the south of the site, the proposal is unlikely to have a significant effect on the surrounding road network. However, the application site has limited access via sustainable transport modes and has failed to demonstrate that safe and suitable access to the site can be achieved for all people.

Trees, Ecology and landscaping

Policy NE7 of the UDP requires proposals for new development to take particular account of existing trees on the site and on adjoining land. Policies NE2 and NE3 seek to protect sites and features which are of ecological interest and value while policy NE5 prohibits development which would have an adverse effect on protected species. Planning Authorities are required to assess the impact of a development proposal upon ecology, biodiversity and protected species. The presence of protected species is a material planning consideration. English Nature has issued Standing Advice to local planning authorities to assist with the determination of planning applications in this respect as they have scaled back their ability to comment on individual applications. English Nature also act as the Licensing Authority in the event that following the issue of planning permission a license is required to undertake works which will affect protected species.

This application was accompanied by an ecological appraisal, bat and reptile surveys (the details of which were set out in earlier sections of this report). The reports are considered to be acceptable in terms of identifying potential impacts on ecology and required mitigation and the proposed development is unlikely to have any significant adverse effects on any ecological receptors. Further surveys are recommended in the future with regard to the presence of bats at the site.

The application was accompanied by a landscaping masterplan, planting schedule and arboricultural report, the results of which are summarised above.

There are no tree preservation orders with regard to existing trees within the application site. The landscaping details received as part of the application indicate that a number of trees will be retained as part of the scheme. This includes the coniferous screening that exists along the northern boundary. The application provides an opportunity for the Council to be involved with the revised landscaping of the site. The specifications of new tree planting are yet to be confirmed but should include the planting of landmark trees. There is no objection to the proposed removal of trees as set out in the applicant's submission.

In the event that this application were acceptable in all other respects it would be appropriate to request a detailed landscaping strategy by way of condition which would need to include sufficient and robust replacement tree planting, native species to improve ecology and habitats and ecological enhancements such as bird and bat boxes.

It would also be appropriate to attach conditions requiring detailed bat surveys to be undertaken prior to any tree works being carried out and restrictions on work being undertaken to trees during breeding season. A Biodiversity Management Plan should also be carried out prior to works commencing.

Housing Issues

While the principle of residential development on this site is considered unacceptable for the reasons set out above, the merits of the scheme in terms of the quality and type of living accommodation proposed is discussed below:

At regional level, the 2015 London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure, supported by effective and attractive design, adequate infrastructure and an enhanced environment. Policies 3.11 and 3.12 of the plan confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision and priority should be accorded to the provision of affordable family housing.

UDP Policy H7 outlines the Council's criteria for all new housing developments and seeks the provision of a mix of housing types and sizes.

Unit Size Mix:

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types taking into account the housing requirements of different groups. Policies within the Bromley UDP do not set a prescriptive breakdown in terms of unit sizes. Each application should be assessed on its merits in this respect.

The proposal includes 28 residential dwellings as 'enabling development' consisting of 24 two-bedroom flats and four 2-bedroom penthouses. The applicant considers 2 bed flats would provide the highest margin while minimising the footprint of the development as well and asserts that they would fulfil "*a very buoyant market for smaller properties and a real local need for first time buyers*" (letter from JBA consulting dated 9/3/16).

As set out above, Officers consider that the units are too large for the intended market and would not generate sufficient returns. Furthermore, the proposal does not meet the requirements needed to achieve mixed and balanced communities.

Affordable Housing:

The development is considered liable for the provision of affordable housing on site as set out in the Policy H2 and contributions by way of planning obligations under Policy IMP1. Policy H2 requires 35% affordable housing (on a habitable room basis) to be provided.

A lower provision of affordable housing can only be accepted where it is demonstrated that the viability of the scheme cannot support policy compliant provision. The applicant has submitted a Financial Viability Appraisal and affordable housing report which confirms that the development would not be able to support any affordable housing due to the fact that the proposed residential development is intended to cross-subsidise the proposed football stadium and associated sports facilities. The provision of affordable housing, the applicant further asserts, would necessitate an increase the amount of residential development to provide sufficient cross-subsidy, which would be contrary to Green Belt policy.

The assessment has been independently reviewed by an expert consultant appointed by the Council and it has been confirmed that the scheme is not viable with nil affordable housing and nil section 106 contributions, and would still generate a large profit deficit.

However, as mentioned previously, there are differences between the reports done by Colliers and the applicant's consultant regarding the cost of construction and the overall deficit and as such the GLA have requested further information, especially a viability

assessment using the Three Dragons' development control toolkit or other recognised appraisal methodology to determine whether the proposal complies with London Plan affordable housing policy.

The GLAs position on this matter is noted. If this application were considered to be acceptable in principle this particular issue would have been discussed further with the applicant and GLA in order to find an appropriate solution.

As it stands, it is not considered that the principle or quantum of the proposed 'enabling' residential development is sufficiently justified given the projected cost-gap and uncertainties over the remainder of the funding for the development of the football club.

Standard of Residential Accommodation:

The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements.

UDP policies H7 and BE1 seek to ensure that development proposals deliver satisfactory living accommodation to serve the needs of the particular occupants and provide adequate private or communal amenity spaces. The Mayor's Draft Interim Housing SPG (2015) sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. Standard 4.1.1 of the draft SPG sets out minimum space standards for new development. The proposed units range from between 95 and 145 square metres in gross internal area which far exceeds London Plan minimum standards of 70sqm for 2 bed 4 person flats.

In addition, 90% of homes should meet building regulation M4(2) – 'accessible and adaptable dwellings' and 10% of new homes should meet building regulation M4(3) – 'wheelchair user dwellings'. Three wheelchair accessible dwellings are proposed which is acceptable. In the event that the scheme was to be recommended for approval compliance with this standard might be secured by condition.

Developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight (standards 5.2 and 5.5, Draft Interim Housing SPG).

The flats at ground, first and second floors all follow a similar layout with 4 flats arranged around a central core with either west or east facing principle elevations. However, the flats in the north side of block B and those in the southern side of block A appear to be only single aspect. Furthermore, the floor plans submitted appear to show some of the first floor units as having no windows where windows are shown in the elevational drawings. The GLA have also expressed concern over the location of a car park opposite to the residential blocks even with the attempt to provide screening with the provision of a public park. It is considered that the detailed design could be improved to offer a better standard of amenity for future occupiers in accordance with the aims and objectives of the Mayors Housing SPG.

Each dwelling will be provided with private amenity space in the form of residential gardens or balconies and given the site's Green Belt setting, residents would also benefit from

extensive open space for recreation and amenity. The location of a car park opposite to the residential blocks, however, raises some concern even with the attempt to provide screening with the provision of a public park.

Development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs (London Plan policy 3.6). Given the scale of the housing component and taking into consideration the provision of private residential gardens and a publicly accessible park and playing field, the proposed development would comply with Policy 3.6.

Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan, and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The applicant has calculated the density of the residential development to be 7 habitable rooms per hectare (based on whole site area of 7.5 ha) and 96 habitable rooms per hectare (based on fenced off residential area of 0.5 ha). Officers calculations based on whole site area are 12 habitable rooms/hectare and 3.75 units/hectare. The applicant acknowledges that housing density is significantly lower than the suggested densities in the London Plan and state that this is to preserve the openness of the site: *"Much denser use of the site is possible but this would be to the detriment to the openness of the site"* (letter from JBA consulting dated 9/3/16).

Development plan policies related to density are intended to optimise not maximise development and a numerical calculation of density is only one consideration. It is also necessary to consider the quality of the development in relation to the surrounding context. As discussed above the principle of redeveloping this site for residential use is considered to be unacceptable as it would be inappropriate in the Green Belt and insufficient justification has been presented for the quantum and massing of residential development proposed.

Flooding and Drainage:

The site is within Flood Zone 1 which is at low risk from flooding. However, development may increase surface water flood risk by increasing impermeable surface area and thus runoff volume which existing drainage systems are unable to cope with. In such cases mitigation measures will be required. Policy 5.13 of the London Plan requires developments to utilise sustainable urban drainage systems (SUDS), unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in line with the hierarchy in policy 5.13.

There are major flooding issues to the north of the A20 and any additional flow to the existing culvert is likely to increase flooding downstream. A flood risk assessment and an addendum to the surface water management strategy (received 11/02/16) were submitted in support of the application and are summarised above.

The approach to flood risk on site is considered acceptable and accords with policy 5.12 of the London Plan, however, in relation to sustainable drainage, the GLA have raised concerns that whilst the proposed drainage strategy meets the volume requirements to ensure that there is no increase in discharge rate, it is not compliant with the London Plan Policy 5.13 drainage hierarchy. Consequently, the GLA suggest the use of surface features

such as basins, ponds and swales and a water harvesting system for toilets and irrigation uses.

The supporting text to policy 5.13 also recognises the contribution 'green' roofs can make to SUDS. As previously discussed, no green roof has been proposed as part of the stadium complex or the residential scheme and the applicant has stated that the roof area could be used to accommodate PV panels. This is regrettable as it is possible for PV panels to be positioned on top of living roofs. Indeed the provision of living roofs below photo-voltaic panels optimises the efficiency of the PVs bringing additional sustainability benefits to the development. It is considered that the lack of a living roof is a missed opportunity to make a positive contribution in terms of SUDs, ecological benefits and visual amenity.

Notwithstanding the lack of green roof provision and the concerns raised by the GLA, the Council's Drainage Officer has raised no objection to the proposal subject to conditions requiring submission of a detailed drainage strategy. However, the GLA has requested that a more sustainable approach to managing surface water within the site is considered prior to the application being referred back at stage two.

The GLAs position on this matter is noted. If this application were considered to be acceptable in principle this particular issue would have been discussed further with the applicant and GLA in order to find an appropriate solution. As it stands, the proposal is considered unacceptable in that it does not accord with policy 5.13 of the London Plan.

Archaeology

The application site lies in an area of archaeological interest. The NPPF (Section 12) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss... Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (Para.133-134, NPPF)

The applicant submitted a desk based Archaeological Assessment (DBA) on 10th March. The findings of the report are summarized above. The Council are still awaiting comments from Historic England in response to the report. Members will be updated verbally at the meeting.

Sustainability and Renewable Energy

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean, green principles.

In accordance with the energy hierarchy in policy 5.2 of the London Plan, updated following the implementation of the 2013 Building Regulations (see the Mayor's guidance: *Energy Planning (guidance on preparing energy assessments)* (2015)), developments should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible. The strategy shall include measures to allow the development to achieve a reduction in carbon dioxide emissions of 35% above that required by the 2013 Building Regulations. The development should also achieve a reduction in carbon dioxide emissions of at least 20% from on-site renewable energy generation. If a reduction of 20% is not feasible, the energy assessment should explain why.

A response to the matters raised by the GLA and an updated energy assessment were submitted on 04/04/2016 and are summarised above. The assessment investigates the feasibility of a range of renewable energy technologies and is proposing to install Photovoltaic (PV) panels on the roof of the development. However, no roof layout drawing has been provided to demonstrate that there is sufficient space to accommodate the proposed PV array and for Officers to make an assessment of the visual impact.

Air Source Heat Pumps (ASHPs) have now been replaced by Gas Boilers for hot water generation but space heating is now to be provided by ASHPs, the use of which the GLA expressed concerns over. However, the assessment now demonstrates that the proposal can achieve the minimum 35% reduction in carbon emissions required by policy 5.2 of the London Plan and, on balance; the proposal is considered acceptable in respect of energy and sustainability.

If this application were considered to be acceptable in all other respects, conditions requiring final designs of the development with the renewable energy technologies incorporated would be necessary.

Pollution and Contamination

The phase 1 contamination assessment has been updated and its findings are summarised above. It concludes that no further assessment is necessary. However, given the past uses of the site which have included fly-tipping, illegal waste treatment, motorbike training, etc, there are likely to be a number of potential contaminants. As such a programme of soil sampling is recommended primarily around the proposed residential amenity space, soft landscaping and sports pitches.

The site is also located adjacent to an Air Quality Management Area and air quality, contamination and odour abatement conditions would be necessary to mitigate impacts of the development if it was considered acceptable in all other respects.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

The viability assessment submitted as part of the application and assessed by the Councils' independent consultant confirms that it would not be viable to provide s106 contributions and the proposal would still generate a significant profit deficit. In this instance the application is considered to be unacceptable in principle and matters of detail. Even if the development was considered acceptable in planning terms, given the potential health and education benefits of the development, it would be considered unreasonable to seek financial contributions in this respect. However, the development would be subject to Mayoral CIL.

Environmental Impact Assessment

The Council issued a Screening Opinion on 6th June 2015 pursuant to Regulation 5 confirming that the development would not be likely to have significant effects on the environment by virtue of its nature, size or location, thereby not generating a need for an Environmental Impact Assessment. It was considered that the application could be fully and properly assessed by way of technical reports without the need for a full EIA.

Summary

The proposed development has been assessed against section 9 of the NPPF 'Protecting Green Belt Land'. The construction of new buildings in the Green Belt are regarded as inappropriate with specific exceptions. The proposal does not comply with the relevant exceptions in Section 9 and is therefore inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 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, substantial weight should be given to any harm to the Green Belt.

Officers have considered the very special circumstances put forward by the applicant and have given substantial weight to the harm caused by the inappropriate development on the Green Belt relative to the benefits of the scheme which include the sporting and community benefit, the regeneration of this run-down site and role of the enabling development and landscaping improvements to the Green Belt.

In addition, there are some fundamental issues in terms of amount, layout, scale and detailed design of the proposal that would seriously threaten the character, place-making and functionality of the area, quality of the proposed buildings and the surrounding landscape and open space, as well as giving rise to a poor standard of amenity for future residents.

It is also considered that proposed measures to deal with surface water management have not been sufficiently explored and do not comply with the London Plan which requires development to manage surface water run-off as close to its source as possible in line with the drainage hierarchy drainage hierarchy in policy 5.13.

Officers do not consider that the harm to the Green Belt by reason of inappropriateness visual impact, lack of accessibility for walking and cycling and poor access to public transport links and the question of how beneficial the enabling development would be to develop the football club, are clearly outweighed by the benefits of the development. Therefore very special circumstances do not exist and the application is considered to be unacceptable and contrary to national and development plan policies which seek to protect Green Belt.

Overall, the adverse impacts of the development together with the restrictions under Green Belt policy significantly and demonstrably outweigh the benefits, in spite of the general presumption in favour of sustainable development.

Consequently it is recommended that this application be refused for the reasons set out below.

This application must be referred to the Mayor before determination in accordance with the request of the GLA in its Stage One Response (referable under Category 3D – development on land allocated as Green Belt which would include construction of a building with a floor space of more than 1000 sqm; and Category 3F – development for use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use).

Background papers referred to during the production of this report comprise all correspondence on file ref 15/03053 and other files referenced in this report, excluding exempt information.

Amended docs: 14/07/15; 22/07/15; 06/08/15; 07/09/15; 25/09/15; 23/10/15; 02/11/15; 23/11/15; 24/11/15; 11/02/16; 11/03/16; 04/04/16

RECOMMENDATION: REFUSE (SUBJECT TO ANY DIRECTION BY THE MAYOR OF LONDON) for the following reasons:

1. The development of this site as proposed is considered to be inappropriate development in the Green Belt and is by definition harmful to the Green Belt. The substantial level of harm that would arise from the development by way of harm to the Green Belt, impact on its openness and visual impact, along with the constraints of the site in terms of accessibility is not outweighed by any sporting or community benefits that would arise or benefits of enhancing the landscape, visual amenity and biodiversity; or improving damaged and derelict land in the Green Belt. Very special circumstances therefore do not exist. As such the proposal is not sustainable development and is contrary to the aims and objectives of the NPPF (2012) and Policies 7.16 of the London Plan (2015) and G1 of the UDP (2006).

2. The proposal, by virtue of its scale, form, design, layout and its inability to integrate into the surrounding areas, would fail to respond to local character or reflect the identity of local surroundings and would result in an adverse impact

on the landscape, detrimental to the visual amenities of the area and harmful to the amenities of future occupiers of the development, contrary to the aims and objectives of the NPPF (2012), Policies H7 and BE1 of the UDP and Policies 7.1, 7.4 and 7.6 of the London Plan.

3. This site is characterised as having areas of high surface water flood risk. The approach taken to sustainable drainage is not compliant with the drainage hierarchy in policy 5.13 of the London Plan which requires a more sustainable approach to managing surface water within the site and which aids in the delivery of other policy objectives of the London Plan, including water use efficiency and quality, biodiversity, amenity and recreation. As such it has not been demonstrated that an appropriate solution to managing drainage can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.13 of the London Plan.

This page is left intentionally blank

GREATER LONDON AUTHORITY

planning report D&P/3855/01

26 February 2015

Flamingo Park Club - Chislehurst

in the London Borough of Bromley

planning application no. 15/03053/FULL1

Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Demolition of existing buildings and erection of two/three storey football stadium with ancillary facilities; 2 community sports pitches; re-location 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 overground parking for the stadium for a total of 393 cars and bicycle parking.

The applicant

The applicant is **Cray Wanderers Football Club**, and the architect is **Brouard Architects**.

Strategic issues

The main strategic issues are whether '**very special circumstances**' exist to justify the proposed **football stadium** on **Green Belt**, a **residential** element in the form of enabling development and the provision of **more than 200 car parking spaces**.

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 110 of this report.

Context

1 On 22 January 2016 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 29 February 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 3D and 3F of the Schedule to the Order 2008:

- **Category 3D:** *Development (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.*
- **Category 3F:** *Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.*

3 Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The site is 7.5 hectares and is located on the A20 Sidcup Bypass, which is part of the Transport for London Road Network (TLRN). The A20 Sidcup Bypass is also the boundary between the boroughs of Bromley and Bexley and a major arterial route linking London with Kent. The site is bounded by the A20 Sidcup Bypass to the north and east, Kemnal Park Cemetery to the south and Kemnal Road (a private access road) followed by a golf course to the west. The main access to the site for both pedestrians and vehicles is via the west bound carriageway of the A20 Sidcup Bypass. There is also pedestrian access from Kemnal Road on the south-western corner of the site.

7 The site is relatively flat and can be divided into three main areas: eastern grass fields, a hard surface of tarmac and gravel at the centre and western grass fields. It is currently occupied by sports pitches and a pavilion building and is used for a range of activities including football pitch hire, car boot sales, night club, van hire, scaffolding companies and funfairs. The activities outside of sports and recreation are lawful under a Certificate of Lawful Use Existing (09/03464/ELUD).

8 The site lies in an area of archaeological interest and forms part of a wider expanse of Green Belt land constituted predominantly of sites that fall within the Chislehurst Conservation Area. There are also other outdoor sports facilities in the vicinity such as the Old Elthamians Sports Club and Esporta Health & Racquets Club to the south and World of Golf to the immediate left. The surrounding areas are characterised by a mix of residential and further open space.

9 The nearest rail station, New Eltham, is over 1 kilometre away and the closest bus stop is located 965 metres away on Imperial Way. Given these distances, the entire site is located beyond a reasonable walking distance to any National Rail stations or bus routes. As such, the site has a low public transport accessibility level of 0, on a scale of 0 to 6b where 6b is the most accessible.

Details of the proposal

10 The applicant, Cray Wanderers Football Club (CWFC), is currently sharing a ground with Bromley Football Club (FC) on a yearly licensing agreement that is nearing expiration. The existing situation is not ideal and there is a need for a facility that is in line with the club's current requirements and long term goals and aspirations. As such, CWFC is seeking an alternative ground that provides security of tenure, a football stadium that meets the Football Association's Category D standards, an opportunity to generate income and further develop the range of community and sporting facilities currently offered by the club.

Case history

11 No pre-application meeting was held with GLA officers; however, a previous application with proposals to develop a similar complex on a far larger scale and on another Green Belt site in Bromley was submitted to the Mayor for consideration in 2012.

12 That application, Ref no. DC/12/01388/OUT, sought outline planning permission to develop a 'sporting village' comprising 24,000 sq.m. of development (excluding pitches) and including the following: a 5,000 capacity stadium, a 115-bed hotel, leisure centre with a 20 metre pool, a creche and 182 residential units. The application did not comply with London Plan Policy 3.16 as it represented inappropriate development in the Green Belt including a significant amount of inappropriate 'enabling development' and also failed to justify the harm caused to the openness and character of the Green Belt in the location by the 'very special circumstances' argument presented. The application was subsequently refused by the Bromley Council.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- | | |
|---------------------------|--|
| • Land use principles | <i>London Plan;</i> |
| • Green Belt | <i>London Plan;</i> |
| • Housing | <i>London Plan; Housing SPG; Draft Interim Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;</i> |
| • Affordable housing | <i>London Plan; Housing SPG, Draft Interim Housing SPG;</i> |
| • Density | <i>London Plan; Housing SPG; Draft Interim Housing SPG;</i> |
| • Urban design | <i>London Plan; Shaping Neighbourhoods: Character and Context Draft SPG;</i> |
| • Inclusive access | <i>London Plan; Mayor's Accessible London SPG;</i> |
| • Flooding | <i>London Plan;</i> |
| • Biodiversity | <i>London Plan;</i> |
| • Archaeology | <i>London Plan;</i> |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change and Energy Strategy; Mayor's Water Strategy;</i> |
| • Transport and parking | <i>London Plan; the Mayor's Transport Strategy;</i> |
| • Crossrail | <i>London Plan; Mayoral Community Infrastructure Levy.</i> |

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plans in force for the area are; the 'saved' policies of Bromley Council's Unitary

Development Plan, originally adopted on 20 July 2006 with the majority of policies saved in 2009, and; the London Plan (Consolidated with Alterations since 2011).

15 The following are also relevant material considerations:

- Bromley Council's Draft Policies and Designations Local Plan (consultation closed March 2014);
- Minor Alterations to the London Plan (Draft 2015)
- The National Planning Policy Framework and National Planning Policy Guidance.

Principle of land use

Green Belt

A semi-professional club currently playing in the Ryman Division One South of the National League System, CWFC is seeking full planning permission for the development of a 'sporting village' comprised of the following:

- A 1,316 capacity stadium (FA Category D standard) and ancillary facilities (6,740 sq.m.).
- Two 4-storey residential blocks comprising 28 two-bedroom units with undercroft car parking (4,763 sq.m.).
- A full size 3G AstroTurf football pitch (7,420 sq.m.).
- A 7-a-side 3G AstroTurf pitch (2,630 sq.m.).
- A 5-a-side 3G AstroTurf pitch (1,419 sq.m.).
- 341 over ground car parking spaces and cycle parking

16 As stated previously, the entire site is located on Green Belt land and is bounded by Chislehurst Conservation Area at its southern boundary. London Plan Policy 7.16 'Green Belt' notes that *"the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance."*

17 The national guidance referred to above is outlined in the National Planning Policy Framework (NPPF) at paragraphs 88-92, which makes it clear that, with few exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate development. The NPPF also states that *"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."*

18 The NPPF further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and '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.

19 The applicant contends that based on the exceptions outlined in the NPPF, the proposed development does not constitute 'inappropriate development' and has put forward arguments to justify the appropriateness of the proposal. The applicant, however, acting on the advice of Bromley Council, also submitted reasons to justify that 'very special circumstances' exist and given the similarity of the arguments presented both will be addressed simultaneously.

Very special circumstances

20 The applicant seeks to demonstrate that the following 'very special circumstances' exist:

- Sporting benefit
- Lack of alternative sites
- Community use
- Need for enabling development
- The role of the redevelopment of PDL

Sporting benefit

21 The applicant contends that the proposed provision of enhanced sporting facilities meets the exception expressed in paragraph 89 in the NPPF both in terms of the intended use and the preservation of the openness of the Green Belt. The applicant further asserts that paragraph 74 in the NPPF supports the proposed sporting facilities because the application seeks to bring disused playing fields back into use.

22 Sport England has confirmed that the playing fields were used by many teams participating in the various local leagues with Orpington, Bromley and District Sunday League using the facility for many of its teams; but the use of the facility has declined and during the past three seasons no football teams have used the pitches. A desktop survey of the venues currently being used by teams playing in all divisions of the Orpington, Bromley and District Sunday League shows that the playing fields are all located close to bus routes and or rail stations. The site's poor public transportation links could therefore be a contributing factor to the decline highlighted by Sport England.

23 The Football Association, however, has indicated that there is a need for the proposed facilities and both Kent Football Association and London Sport support the proposal, with the latter citing the inclusion of a 3G Artificial Grass Pitch (AGP) and a significant opportunity to utilise potential investment from a range of sources including the football club, the FA & Football Foundation and private investors as positive attributes. In addition, Sport England has stated that the proposed stadium pitch and changing facilities could potentially meet exception E2/E5 of their policies. Policy Exception E5 refers to '*...proposed development [that] is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields*'; whilst Exception E2 refers to '*...proposed development [that] is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use*'.

24 London Plan Policy 3.19 '*Sports facilities*', states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported and the net loss of such facilities, including playing fields, will be resisted. It also supports multi-use facilities where possible. Additionally, the policy supports the use of floodlights where there is an identified need and no demonstrable harm to the local community or biodiversity but indicates that where sports facilities are proposed on existing open space, they will need to be considered carefully in light of policies on Green Belt and protecting open space.

25 Based on the area delineated by Sport England, the site has approximately 46,000 sq.m. of playing fields. The supporting document submitted by the applicant shows the provision of 42,640 sq.m. of playing fields in the proposed development, which means there would be a net loss of 3,360 sq.m. of playing fields. The applicant, however, used 42,000 sq.m. rather than 46,000 sq.m. in their calculations and as such a net gain instead of a loss was recorded. In addition, Sport

England has requested information on the loss of playing fields as a result of the provision of overspill parking and has also expressed concern about the encroachment of tree planting on the playing fields. The applicant should therefore clarify this discrepancy and address the issues raised by Sport England.

26 Notwithstanding Sport England's position regarding their exceptions and the support extended in Policy 3.19 for refurbishing existing sports facilities and the provision of new facilities, such developments must be balanced against the loss of playing fields and the impact on the openness of the Green Belt. The amount of playing fields that would be lost appears to be minimal; however, the erection of a new two/three storey stadium with a maximum height of 11.3m and a foot print of approximately 4,900 sq.m. would have some negative impact on its character and openness.

27 Finally, although London Sport, the FA and Kent FA support the proposal it will be important to take into account the final views of Sport England and for Bromley Council to confirm that these facilities are not likely to be met elsewhere.

Lack of alternative sites

28 The applicant states that the study looking at the suitability of appropriate sites within 2 miles of 'The Crays' submitted with the Sandy Lane application in 2012 remains relevant. That study focused on sites within two miles of 'The Crays' to encourage good attendance at matches and then assessed them using a criteria based on availability, viability, size and access in terms of transport/highway links. The sites identified, included the current one, were all discounted for various reasons including unavailability, size and Green Belt designation.

29 In the updated assessment a similar 2 mile radius was employed and Flamingo Park was chosen as the best option because of its overall economic viability, central location, decent transport links and the compatibility of the current use with the proposed development. The other sites identified were all deemed unsuitable due to various reasons such as Green Belt designation, unavailability, affordability, viability and poor transport links. To justify the 2 mile radius criterion, the applicant states that the suitability of the site depends on its accessibility to the people of the Crays. When fully defined and contextualised, accessibility cannot only refer to distance but must also consider the ease of getting to and from a location via both public and private transportation. Thus, a site that is outside of the 2 mile radius could potentially be more accessible than one within depending on the availability and connectivity of public transport and other access points. To strengthen this argument, the applicant should consider undertaking a more robust site selection appraisal that balances ease of access, both public and private transportation, and journey times with distance. The appraisal should also include the economic viability of individual sites so that a sound comparative analysis of sites can be assessed.

Community use

30 The applicant states that there is a wide ranging community programme inclusive of 12 youth teams, an Academy and a number of sports and community centre based sports programmes and courses. It is envisaged that the new facilities would enhance and expand the applicant's community programme, youth teams and Academy. The applicant has identified free counselling services to be provided by Westmeria Counselling, a grassroots football initiative as well as other educational and community activities along the model of Dartford FC.

31 While the limitations and uncertainty of the current ground sharing arrangement are accepted and the plan to provide community and educational activities is commendable, further details on the management of these activities are required before a community use argument can

be accepted as contributing towards 'very special circumstances' to justify inappropriate development in the Green Belt. For example, affordability and access will have to be addressed as the poor public transportation links will have an impact on who will be able to take advantage of these facilities, and social exclusion rather than inclusion could ensue if local schools and disadvantaged groups are unable to easily access or afford to use the new facility. So far only Coopers School, which is currently partnering with the club in the operation of its Academy, has indicated support for the new facility. If the applicant intends to expand its programmes as is being argued, then the involvement of more schools and organisations should be secured. Sport England has also raised similar concerns, stating that the community scheme would have to be secured as a planning condition supported by a document detailing how the site and facilities would be made available to the community for use.

Need for enabling development

32 The applicant proposes to construct two 4-storey residential blocks comprising 24 two-bedroom flats and four two-bedroom penthouses, with undercroft car parking, refuse and cycle storage. To support the inclusion of the 'enabling development', the applicant contends that current uses on the site are incompatible with the operation of a sporting and community hub and the replacement of these activities with a modest amount of residential development will provide an element of cross funding.

33 The applicant has submitted a viability report that sets the total cost of construction, including the purchase of land, marketing, CIL and other incidentals, at £18.1m. Of this amount, the stadium is projected to cost £5.6m and the residential element £5m to construct. Projected revenue from the sale of the residential units is £11.3m. and the overall deficit is £6.8m. This deficit, according to the applicant, can be funded by:

- £3,000,000 bank loan to Cray Wanderers Football Club.
- £250,000 anticipated grant funding from Sport England, Football Foundation, Lottery, Kent FA.
- £3,500,000 Cray Wanderers FC shareholder investment.

34 The viability report was assessed by Colliers on behalf of Bromley Council, and they projected a larger deficit of £10.2m largely due to the difference in building cost. The applicant, in a response to Colliers' assessment, has re-emphasised that their projection is realistic and achievable. The applicant further asserted that this will be achieved by using local contractors and professionals who will not be looking to extract profit from the scheme, as well as the reuse of the material from the existing buildings in the construction of the base of the road and car parking. Given the discrepancies between the two reports, the applicant's report cannot be used as a basis on which to accept either the principle or the quantum of proposed enabling development for this site. In addition, the incompatibility of existing uses is not a strong enough argument, in itself, to justify that 'very special circumstances' exist.

35 The applicant also cites the approval of Kent County Cricket Club's application 11/02140/OUT by the Bromley Council as evidence to support its position. As each planning application is assessed on its own individual merits, the above argument cannot be accepted to establish a precedent to allow this particular development or type of development on Green Belt land.

The role of the redevelopment of Previously Developed Land (PDL)

36 The NPPF defines previously developed land as: *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*

37 The applicant asserts that the 13,577 sq.m. of tarmac/gravel, the 4-storey former sports pavilion with a 673 sq.m. foot print and 1,338 sq.m. of GIA and the nine one-storey industrial buildings amounting to 625 sq.m. of floor space are all previously developed land (PDL). The previously mentioned residential blocks will replace the sports pavilion, share a 1,377 sq.m. lower ground floor parking space and have a combined GIA of 3,386 sq.m. on the upper floors. The applicant proposes to erect part of the stadium building on what is now tarmac/gravel.

38 GLA officers agree with the applicant's interpretation of PDL. However, the erection of a stadium of this size and the replacement of one 4-storey building with two 4-storey residential blocks would have a greater impact on the openness of the Green Belt and therefore, there is strategic concern that it would not improve its openness, as the applicant has asserted. It is also not clear that this type of development is the only option available for redeveloping the PDL.

Openness of the Green Belt

39 The playing field identified to accommodate the football stadium is unobstructed open space and provides a view that extends into the adjoining Chislehurst Conservation Area. As is confirmed in the Landscape and Visual Impact Assessment submitted by the applicant, this area currently provides a direct view to residential properties located to the north of the site. Once a stadium is erected, the openness and character of the Green Belt on this part of the site will change. The views adjoining residents now enjoy, would also, by virtue of the development alter.

Conclusion on VSC

40 Paragraph 79 in the NPPF sets the tone for Green Belt policy. It states that the essential characteristics of Green Belts are their openness and permanence and that the fundamental aim of Green Belt policy is to keep land permanently open. This fundamental aim is also inherent in paragraphs 89 and 90 in the NPPF. Whilst the NPPF lists exceptions to what it terms 'inappropriate development' in the Green Belt, the preservation of the openness of the Green Belt takes precedence. The provision of a new stadium and the redevelopment of previously developed land must therefore be balanced against the impact of the proposed buildings on the openness of the Green Belt. The proposals will impact on and therefore result in 'harm' to the Green Belt.

41 Currently, the applicant has not sufficiently demonstrated that there are 'very special circumstances' to justify the inappropriate development on Green Belt. Firstly, in the absence of a sporting needs assessment it is not clear that there is a genuine sporting need beyond a long-term aspirational desire for the club to gain promotion. Secondly, the methodology used to identify alternative sites does not fully justify the argument that no alternative sites are available. Lastly, the proposed enabling development has not been fully justified especially in light of the conflicting cost estimates in the reports supplied by the applicant and the independent assessment provided by agents, Colliers.

42 In summary, whilst securing the future of the sporting facility is acknowledged GLA officers consider that the proposed development, as currently presented, does not comply with London Plan policy 7.16 or national planning guidance relating to development on the Green Belt and that sufficient exceptional circumstances have not been fully demonstrated.

Housing

43 The proposal includes 28 residential dwellings as 'enabling development' consisting of 24 two-bedroom flats and four 2-bedroom penthouses.

Affordable housing

44 In accordance with London Plan Policy 3.13, councils are required to seek affordable housing provision in all residential developments providing 10 or more homes. London Plan Policies 3.11 and 3.12 require councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. When negotiating for affordable housing, each council should be guided by their own overall target for affordable housing provision; promote rather than hinder development; encourage mixed and balanced communities, and; consider the site's individual circumstances. The tenure split prescribed by Policy 3.11 is 60% social and affordable rent and 40% shared ownership. The NPPF, the Mayor's Housing SPG and the London Plan clearly state that to maximise affordable housing in London and provide a more diverse offer for the range of people requiring an affordable home, the affordable rent product should be utilised in the affordable housing offer in residential developments.

45 Policy H2 of Bromley Council's Unitary Development Plan (UDP) on affordable housing requires all residential developments to provide 35% affordable housing with a tenure split of 70% social rent to 30% intermediate, unless it can be demonstrated (through viability or the aim for mixed communities, for example) that a lower level or different tenure split is appropriate.

46 In circumstances where the viability of providing affordable housing becomes relevant to the application, Policy 3.12, supported by paragraph 3.71, encourages councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit or other recognised appraisal methodology is recommended for this purpose.

47 No affordable housing is proposed. The applicant states that the proposed residential development is intended to cross-subsidise the proposed football stadium and associated sports facilities. The provision of affordable housing, the applicant further asserts, would necessitate an increase the amount of residential development to provide sufficient cross-subsidy, which would be contrary to Green Belt policy.

48 As mentioned previously, there are differences between the reports done by Colliers and the applicant's consultant regarding the cost of construction and the overall deficit. As such, further information, especially a viability assessment using the Three Dragons' development control toolkit or other recognised appraisal methodology, is required to determine whether the proposal complies with London Plan affordable housing policy.

Mixed and balanced communities

49 London Plan Policies 3.8, 3.9 and 3.11 and the Mayor's Housing SPG all promote the development of communities that are characterised by mixed and balanced tenure and household income.

50 As indicated earlier, only two-bedroom units for private sale are included in the proposed development. The proposal therefore does not meet the requirements needed to achieve a mixed and balanced community and further supports the earlier recommendation of the need for the applicant to submit a viability report using the 'Three Dragons' development control toolkit or another recognised appraisal methodology.

Residential quality

51 The documents submitted with the application demonstrate that the minimum floor space and floor-to-ceiling height standards would meet or exceed the quality and design of housing developments requirements set out in London Plan Policy 3.5, Table 3.3 and Annex One of the Housing SPG. The 28 units proposed would also comply with the Lifetime Homes standard.

52 In accordance with the Mayor's Housing SPG, new residential developments should generally not provide more than eight units per core, in order to promote a sense of community and ownership over one's home. In addition, in order to achieve a quality internal environment in terms of light and cross-ventilation, the SPG states that dual aspect units should be maximised and single aspect units facing north should be avoided altogether.

53 The application drawings demonstrate that there will be either two or four units per core and all the units will be dual aspect. The cores are also situated on the edge of the blocks, which will allow natural light and ventilation into the buildings.

54 Each dwelling will be provided with private amenity space in the form of residential gardens or balconies and given the site's Green Belt setting, residents would also benefit from extensive open space for recreation and amenity. The location of a car park opposite to the residential blocks, however, raises some concern even with the attempt to provide screening with the provision of a public park. The use of brick is welcomed, but the final decision on the suitability of the materials used should be determined by the Council.

Density

55 Given the characteristics of the site, the public transport accessibility level (PTAL) of 0, and its suburban location, the London Plan density matrix (Table 3.2 in support of London Plan Policy 3.4) would suggest a residential density of between 150 to 200 habitable rooms per hectare (hr/ha) for this development. The applicant should provide residential density figures, based on net residential area for further clarification, in accordance with guidance in London Plan paragraphs 3.30 and 3.31 in support of London Plan Policy 3.4, and the Mayor's Housing SPG (2012).

Children's play space

56 Policy 3.6 of the London Plan sets out that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's Play and Informal Recreation SPG (2012) it is anticipated that there will be approximately three children within the development.

57 Given the scale of the housing component and taking into consideration the provision of private residential gardens and a publicly accessible park and playing field, the proposed development would comply with Policy 3.6.

Urban design

58 Good design is central to all objectives of the London Plan, in particular the objective to create a city of diverse, strong, secure and accessible neighbourhoods to which Londoners feel attached whatever their origin, background, age or status. Policies contained within chapter seven specifically look to promote development that reinforces or enhances the character, legibility, permeability and accessibility of neighbourhoods. It sets out a series of overarching principles and specific design policies related to site layout, scale, height and massing, internal layout and visual impact as ways of achieving this.

59 The main strategic issue in urban design terms is the visual impact the proposals will have on the open quality of the surrounding Green Belt; and the proposed development, especially the erection of a stadium on the west playing field that currently forms part of a wider expanse of openness, will result in a significant change to the character and openness of the Green Belt which is contrary to policy 7.16 of the London Plan. Notwithstanding this there are also concerns with other aspects of the design as set out below.

Layout

60 Of particular relevance to this proposal are London Plan Policy 7.1, which sets out the requirement for developments to reinforce or enhance the permeability and legibility of neighbourhoods, so that communities can easily access community infrastructure, commercial services and public transport, and London Plan Policy 7.3 that sets out a series of overarching principals to ensure that the design of a development should look to reduce the opportunities for criminal behaviour by maximising activity throughout the day and night, clearly articulating public and private spaces, enabling passive surveillance over public spaces and promoting a sense of ownership and respect.

61 The overall layout of the scheme is simple and legible which is welcomed. The inclusion of a public park is also commendable but as mentioned earlier there is some concern about the location of the car park across from the residential blocks.

62 Of greater concern is the proposed development's inability to integrate into the surrounding communities to the north of the site. Access to public transportation is poor and there is an absence of walking and cycling routes that easily connect the scheme to the shops and bus routes on Footscray Road and the A211, and any desire to change the current situation is constrained by the A20. As such, TfL has concluded that whilst a new pedestrian crossing at this location would be desirable it is not feasible at this stage.

63 The stadium has been designed to meet the space requirements of the Green Guide to Safety at Sports Grounds.

Scale, height and massing

64 Noting the impact of the proposals on the Green Belt (as described above), the scale, height and massing of a development will have an impact on the legibility, character and adaptability of its surrounding urban area. London Plan Policy 7.4B sets out the requirement for buildings to provide a contemporary architectural response to the site whilst having regard to the pattern and grain of development in the wider area and being human in scale. London Plan Policy 7.6B sets out the requirement for development to be of a proportion, composition, scale and orientation that enhances activates and appropriately encloses the public realm. London Plan Policy 7.7 sets out additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant

impact on the skyline. The policy includes requirements for buildings to emphasize points of civic or visual significance and have ground floor activities that provide a positive relationship to surrounding streets and to incorporate the highest standards of architecture.

65 The proposed development ranges from two to four storeys in height and will have a significant impact on the openness and character of the Green Belt in this location, which is a strategic concern.

Inclusive Design

66 Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled and deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity. London Plan Policies 3.8 'Housing Choice' and 7.2 'An Inclusive Environment' aim to ensure that proposals achieve the highest standards of accessibility and inclusion. The design rationale behind the application and how the principles of inclusive design, including the specific access needs of disabled people, have been integrated into the proposed development from the outset and how inclusion will be maintained and managed should be demonstrated in the design and access statement submitted with the application.

Residential units

67 All of the proposed 28 units meet the sixteen Lifetime Home standards and three are fully wheel chair accessible, which equates to the required 10% of the total number of units , and these will be distributed across the two residential blocks. Sample flat layouts have been provided demonstrating compliance with relevant wheelchair housing design guidance and in order to ensure compliance with the new housing technical standards, the Council should include a condition to secure the Building Regulation standards M4(2) and M4(3).

Football stadium and ancillary facilities

68 The proposal allocates 70 of the stadium's seating capacity to wheelchair users. There is direct level access to the ground level of the two side volumes and wheelchair access to the concourse is provided via the 2 lifts in the Football Club, which provide level access to all floor levels. Dedicated disabled WCs for disabled visitors are also provided.

Public realm

69 Extending the Lifetime Homes concept to the public realm can help to ensure that the parking areas, the routes to the site and links to adjacent public transport and local services and facilities are also designed to be accessible, safe and convenient for everyone, particularly disabled and older people.

70 Whilst the application details the provisions to be made for disable access into and within the building elements, further information clarifying safe and inclusive access to the rest of the site is required before this aspect of the scheme can be appropriately assessed. This should include information on the varying levels, gradients, widths and surface materials of the paths and how they are segregated from traffic and turning vehicles etc, how any level changes on the routes will be addressed and how wheelchair users will access other parts of the site like the public park.

Parking

71 The submitted basement floor plan for the residential component shows a total of four disabled car parking spaces, which meets the required one wheelchair parking space for each wheelchair accessible unit. There are also 57 additional spaces associated with the stadium.

Biodiversity

72 London Plan Policy 7.19 'Biodiversity and access to nature' states that developments should wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity.

73 The applicant has submitted a preliminary ecological appraisal, which has recommended the production of a Biodiversity Management Plan that includes detailed mitigation method statements, details of agreed enhancements to include species to be used for landscaping, locations of bat boxes and bird boxes and locations of any new tree and shrub planting, as well as a management strategy for trees and shrubs to ensure the wildlife value of the site is maintained during the operational phase.

74 Further information, including the Biodiversity Management Plan, is required to determine whether the application complies with London Plan Policy 7.19.

Archaeology

75 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that *"New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset."*

76 Historic England has recommended the submission of an archaeological report detailing the nature and scope of the assessment and evaluation, agreed to by GLAAS, and carried out by a developer appointed archaeological practice before any decision on the planning application is taken. The report will need to establish the significance of the site and the impact of the proposed development. Once the archaeological impact of the proposal has been defined a recommendation will be made by GLAAS.

77 Further information as recommended by Historic England is required to determine whether the application complies with London Plan Policy 7.8.

78 Sustainable Development/Climate Change

Energy efficiency standards

79 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting. The applicant should outline the measures taken to avoid overheating and minimise cooling demand in line with Policy 5.9, including any mitigation measures for restrictions posed by, for example, local air quality issues, ground floor apartments and single aspect units. The development is estimated to achieve a reduction of 17 tonnes per

annum (4%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant development.

District heating

80 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant is proposing to utilise individual heating systems for each of the buildings. Given the low density nature of the scheme this is accepted in this instance.

Combined Heat and Power

81 The applicant has investigated the feasibility of CHP. However, due the intermittent nature of the heat load, CHP is not proposed. This is accepted in this instance.

Renewable energy technologies

82 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 63kWp of Photovoltaic (PV) panels on the roof of the development. A roof layout drawing should be provided to demonstrate that there is sufficient space to accommodate the proposed PV array.

83 The applicant is proposing ASHP for the domestic hot water only for the Sports and Leisure centre with the space heating to be provided by gas boilers. This approach is not supported as the technology selection does not appear appropriate for its end use, for instance ASHP is best suited to low temperature heating for the maximum performance i.e. space heating through underfloor heating rather than providing domestic hot water. The applicant should therefore revise the heating strategy for the scheme. The applicant should also clarify how the ASHP will operate alongside any other heating/cooling technologies being specified for the development.

84 A reduction in regulated CO2 emissions of 54 tonnes per annum (16%) will be achieved through this third element of the energy hierarchy. It was noted that the applicant is quoting a higher reduction for ASHP and PV (37.2%), however the above emission figure (16%) has been determined from the carbon emission figures quoted in Appendix A which seems broadly more consistent with the proposal of ASHP and PV. The applicant should therefore review the carbon emission savings for the scheme and provide the figures as per tables 1 and 2 in the latest GLA guidance document: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>.

85 The applicant should ensure that the baseline figures are calculated using a gas boiler case for space heating and hot water. The BRUKLS and SAPs for each stage of the energy hierarchy should be provided so that the carbon emission savings for each element can be better understood.

Overall Carbon Savings

86 Based on the energy assessment submitted at stage I, the table below shows the residual CO2 emissions after each stage of the energy hierarchy and the CO2 emission reductions at each stage of the energy hierarchy.

Table: CO₂ emission reductions from application of the energy hierarchy

	Total residual regulated CO₂ emissions	Regulated CO₂ emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	331		
Energy Efficiency	314	17	5%
CHP	314	0	0%
Renewable energy	260	54	16%
Total		71	21%

87 A reduction of 71 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 21%. The carbon dioxide savings appear to fall short of the target within Policy 5.2 of the London Plan, and as such the applicant should provide the requested information relating to the carbon emission figures so that the total reduction can be determined.

88 The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

Flood risk and drainage

89 London Plan policy 5.12 'Flood risk management' seeks to ensure that flood risk is adequately assessed and considered in the location and design of new development and that sustainable drainage methods are employed where appropriate to address flood risk issues. London Plan Policy 5.13 'Sustainable drainage' notes that unless practical reasons that prevent their use exist, sustainable urban drainage systems (SUDS) should be utilised to achieve greenfield run-off rates and to ensure surface water run-off is managed close to its source and in line with the drainage hierarchy wherever possible.

Flood risk

90 A Flood Risk Assessment (FRA) has been completed by JBA, which confirms that the site is located within Flood Zone 1. The FRA also confirms that parts of the site are at high and medium risk from surface water flooding based around the route of two culverted watercourses. The FRA states that it is likely that some of the surface drainage from the high risk areas will be conveyed via the culverted watercourses. It also states that the more vulnerable residential land uses are located away from the surface water risk areas. In addition, the applicant proposes to carry out selective land raising and to raise finished floor levels in order to mitigate any risks. Given the nature and location of the proposed development, the approach to the flood risk on site is acceptable and accords with London Plan Policy 5.12.

Surface Water Run-off

91 The site has some areas of high surface water flood risk and is mostly a greenfield site. The FRA states that the proposals will ensure that there is no increase in surface water run-off. This is proposed to be achieved by a combination of permeable paving and 803m³ of sub-surface geo-cellular storage below the car park with a discharge to the culverted watercourse. A 2l/s/ha discharge rate limit will be applied to the drainage from impermeable areas. Whilst this approach meets the volume requirements to ensure that there is no increase in discharge rate, it is not compliant with the London Plan Policy 5.13 drainage hierarchy. The site has plenty of space to include surface features such as basins, ponds and swales and the football stadium may benefit from a water harvesting system for toilets and irrigation uses. Therefore the applicant is required to re-consider a more sustainable approach to managing surface water within the site. This should be provided prior to any stage 2 referral to the Mayor.

Transport

Highway Impact

92 The impact of the development on the A20 is inconclusive at this time. The Priority Intersection Capacity and Delay (PICADY) model produced to model the site's access on a typical match day and a match day with full stadium attendance indicates that the site access will operate within practical capacity during a typical match day but that the junction will exceed theoretical capacity during one of the full stadium attendance scenarios. The latter scenario includes queues of up to 46 vehicles inside the site. As the model outputs have not been appended to the Transport Assessment, they will need to be provided so that TfL can advise on their suitability.

Bus Network

93 The development site is located over 900 metres away from the nearest bus service and TfL considers this to be an unacceptable walk distance. TfL, however, believes that bus trips generated by the development can be accommodated within the existing bus network capacity and will therefore not be seeking mitigation for bus service improvements.

94 At the pre-application stage, the applicant indicated to TfL that they were investigating the possibility of operating a free bus service from St Mary Cray to the site for supporters on match days. Whilst this is briefly mentioned in the Travel Plan, TfL requests that further information on this proposal should be provided, including an estimation of how many existing supporters are likely to use this service and its proposed frequency.

Vehicular site access

95 TfL recommends that a detailed plan of the junction access including pedestrian friendly crossing and proposed road markings is provided and that a Stage 1 Road Safety Audit is undertaken prior to determining if the proposals relating to vehicular access to the site are adequate.

Pedestrian and Cycle Access

96 Whilst a new pedestrian crossing at this location would be desirable to improve walking access from the north of the A20, TfL has investigated various options to improve pedestrian movement across the A20 within the vicinity of the site, including an at-grade crossing and a new temporary footbridge. TfL has concluded that at this stage none of these options are considered to be feasible due to limited pedestrian numbers, the high speed of the road, and high implementation costs.

97 TfL does not consider that the proposal accords with London Plan Policies 6.7 and 6.10.

Car and coach parking

98 153 car parking spaces are proposed on site, of these 51 spaces are proposed for the residential use and the remaining 102 spaces for the stadium. A further 230 overspill car parking spaces are proposed on site for the stadium use, and 3 coach parking spaces. Given that the average match day attendance is 124 supporters and that the number of occurrences when spectator numbers have exceeded 500 is limited (15), TfL considers the total stadium car parking proposed as a significant over provision. Furthermore, the total level of stadium car parking, TfL contends, has not been adequately justified by the applicant. TfL accepts, as indicated at the pre-application stage, that if all 1,300 supporters were to be in attendance greater parking demand would be expected given the low PTAL. TfL therefore advises the applicant to consider a phased increase based on demand assessed through surveys and balanced against other public transport provision, rather than the total 332 stadium spaces proposed at the onset.

99 TfL requests the submission of a car park management plan that is secured by the S106 agreement and approved by TfL to ensure that there are measures in place to minimise traffic congestion on match days.

100 1 additional Blue Badge parking space should be provided for the residential element of the development so that it accords with the London Plan.

101 Electric Vehicle Charing Points (EVCP) including passive provision will be provided in accordance with the London Plan, which is welcomed by TfL.

Cycle parking

102 The residential cycle parking provision will be provided in accordance with the London Plan, which is welcomed by TfL. TfL requests that, as a minimum, 5% of the supporters' cycle parking should be provided at the onset and a section included in the S106 stating "that should monitoring of the supporters cycle parking regularly identify high occupancy, then additional cycle parking provision will need to be provided."

103 TfL advises that shower and locker facilities should be provided for those members of staff wishing to cycle to work. Additionally, visitor parking spaces should be located in an accessible area close to building entrances and all cycle parking spaces should be safe, secure and easily accessible from cycle routes and appropriate signage put in place.

Construction and servicing

104 A Construction Logistics Plan (CLP) and A Delivery and Servicing Plan (DSP) will need to be produced and secured by condition. The CLP's should be drafted in line with TfL's new guidance available at <http://www.tfl.gov.uk/info-for/freight/planning/construction-logistics-plans?intcmp=7830>. The CLP should also promote road safety in line with current good practice (<http://www.clocs.org.uk/>).

105 In summary, TfL welcomes further discussions with the applicant and Bromley Council on a wide range of issues including the detailed design of the site access including a Road Safety Audit, model outputs, stadium car parking, blue badge parking, free bus service, travel plan and construction and servicing plans.

Community Infrastructure Levy

106 Mayoral CIL will be payable at a rate of £35 per sq.m. (see Community Infrastructure Levy Charging Schedule – Mayor of London, February 2012).

Local planning authority's position

107 Bromley Council is assessing the application and is understood to have concerns regarding the proposed inappropriate development on Green Belt.

Legal considerations

108 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

109 There are no financial considerations at this stage.

Conclusion

110 London Plan policies on Green Belt, biodiversity, archaeology, access and inclusion, housing, design, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Green Belt:** the proposal does not comply with London Plan policy 7.16 as it represents inappropriate development, including an element of inappropriate 'enabling (residential) development' on Green Belt land. The harm caused to the openness and character of the Green Belt in this location is not currently justified by the 'very special circumstances' argument presented.
- **Biodiversity:** further information, including the Biodiversity Management Plan, is required to determine whether the proposal complies with London Plan Policy 7.19.
- **Archaeology:** further information as recommended by Historic England is required to determine whether the proposal complies with London Plan Policy 7.8.
- **Access and inclusion:** the proposal complies with London Plan Policy 7.2 but not with London Plan Policy 3.8 given the limited housing choices contained in the proposed development.
- **Housing:** given the absence of affordable units and the provision of only 2-bedroom units, the proposal does not comply with London Plan Policies 3.8, 3.9 or 3.11.

- **Children's playspace:** the proposal complies with Policy 3.6.
 - **Urban design:** due to the site's isolated location and failure of the proposed development to integrate into the surrounding neighbourhoods, the absence of affordable housing and the potential impact on the Green Belt, the proposal does not comply with London Plan Policies 7.1, 7.4 or 7.6.
 - **Flooding:** the proposal complies with London Plan Policy 5.12., however, further information addressing surface water run-off in compliance with the drainage hierarchy set out in London Plan Policy 5.13 is required.
 - **Transport:** due to the lack of safe and accessible walking and cycling routes to the site, the proposal does not comply with London Plan Policies 6.1, 6.7 or 6.10.
- Climate change:** further information, including revisions, regarding the heating strategy and carbon dioxide emissions is required before the proposals can be considered acceptable and in compliance with London Plan Policies 5.2 and 5.9.

105 On balance, the application does not comply with the London Plan due to the harm likely to be caused to the openness and character of the Green Belt and the absence of 'very special circumstances'.

for further information, contact GLA Planning Unit (Development and Projects Team)

Stewart Murray, Assistant Director – Planning

020 7983 4271 email stewart.murray@london.gov.uk

Colin Wilson, Senior Manager – Development and Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Andrew Payne, Case Officer

020 7983 4650 email andrew.payne@london.gov.uk



© Crown copyright and database rights 2015.
Ordnance Survey 100017661.

Friday, April 08, 2016

1:5000



15/03053 - FLAMINGO PARK,
CHISLHURST



This page is left intentionally blank

Report No.
CSD16046

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE
EXECUTIVE**

Date: **19 April 2016
18 May 2016**

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

Title: **PETITION - KNOLL AREA OF SPECIAL RESIDENTIAL
CHARACTER (ASRC)**

Contact Officer: Graham Walton, Democratic Services Manager
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: Petts Wood and Knoll; Orpington

1. Reason for report

- 1.1 At the full Council meeting on 22nd February 2016 Members received a petition from the Knoll Residents Association asking the Council to designate an area of Petts Wood and Knoll ward (and including a small part of Orpington ward) as an Area of Special Residential Character (ASRC). The petition was referred by Council to Development Control Committee and the Executive recommending that the proposal be included in the Development Plan process.

2. **RECOMMENDATION**

That Development Control Committee recommends to the Executive that the merits of establishing a Knoll Area of Special Residential Character (ASRC) be formally considered through the Local Plan process, and the petition be included as a submission seeking this change.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Not Applicable
-

Staff

1. Number of staff (current and additional): Not applicable
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: None:
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The petition contains in excess of 900 signatures.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Ward Councillors have supported the proposal

3. COMMENTARY

3.1 The Council's Petition Scheme allows for petitioners to present their case to full Council if they are dissatisfied with the Council's response to their petition, provided that the number of verified signatures exceeds the threshold of 500. In this case, the lead petitioner, Mr Paul Savage, Chairman of the Knoll Residents Association, addressed Council at the meeting on 22nd February 2016.

3.2 The full prayer of the petition is as follows –

“To safeguard the distinctive character of the Knoll Area (broadly the area bounded by Dale Wood Road, Crofton Lane, Lynwood Grove cutting across to Irvine Way, Broxbourne Road, Chislehurst Road, Orpington High Street continuing into Sevenoaks Road until the railway line) by designating it an Area of Special Residential Character. We, the undersigned, are adult residents of the Knoll and petition the London Borough of Bromley to designate the Knoll area an ASRC.”

3.3 At the Council meeting, it was proposed by Cllr Peter Morgan, seconded by Cllr Peter Dean and agreed that the issue should be referred to Development Control Committee and the Executive for consideration with the recommendation that it is formally considered through the Local Plan process.

Non-Applicable Sections:	Policy/Finance/Legal/Personnel
Background Documents: (Access via Contact Officer)	Petition Scheme Petition from Knoll Residents Association

This page is left intentionally blank

Report No.
DRR16/044

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 19 April 2016**

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

Title: **TECHNICAL CONSULTATIONS ON CHANGES TO THE PLANNING SYSTEM**

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

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

There are two current consultations relating to changes to the planning system and the report sets out the proposed changes and the suggested response to the government

2. **RECOMMENDATION(S)**

Members agree the formal responses to the consultations as set out in the report.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £???
 5. Source of funding: Not applicable
-

Staff

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

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Two technical consultation papers have been published by the government concerning possible changes to the planning system. The main categories are set out below. The detail of changes is presented via the questions shown in full in Appendix One and Two. The Appendices One and Two also show the suggested response (if any) to the questions. It is not necessary to respond to all questions, but all questions are shown for the information of Committee Members. Links to the full documents are given at the end of this report.

1) Technical consultation on implementation of planning changes (February 2016)

- Chapter 1: Changes to planning application fees;
- Chapter 2: Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development;
- Chapter 3: Introducing a statutory register of brownfield land suitable for housing development;
- Chapter 4: Creating a small sites register to support custom build homes;
- Chapter 5: Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums;
- Chapter 6: Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place;
- Chapter 7: Extending the existing designation approach to include applications for non-major development;
- Chapter 8: Testing competition in the processing of planning applications;
- Chapter 9: Information about financial benefits;
- Chapter 10: Introducing a Section 106 dispute resolution service;
- Chapter 11: Facilitating delivery of new state-funded school places, including free schools, through expanded permitted development rights; and,
- Chapter 12: Improving the performance of all statutory consultees.

2) Consultation on upward extensions in London (February 2016)

- Options to support upward extensions
- Type of premises
- Locations for upward extensions
- Height of upward extensions

- Construction
- Benefits and impact

3.2 The suggested responses to questions in each consultation are appended to this report

4. POLICY IMPLICATIONS

4.1 Some of the changes set out in the consultation could impact on the implementation of the development plan by taking certain decisions away from the Local Planning Authority (LPA).

5. FINANCIAL IMPLICATIONS

5.1 None directly from this report.

6. LEGAL IMPLICATIONS

6.1 Some of the changes could impact on the legal framework for dealing with planning matters and specifically Section 106 legal agreement dispute resolution.

7. PERSONNEL IMPLICATIONS

7.1 Proposals to test competition in the processing of planning applications could have an impact on staffing levels if carried out in Bromley

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	Technical consultation on implementation of planning changes (February 2016) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501239/Planning_consultation.pdf Consultation on upward extensions in London (February 2016) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501191/Consultation_on_Upward_Extensions_in_London.pdf

London Borough of Bromley

Appendix to report to Development Control Committee 19th April 2016:
TECHNICAL CONSULTATIONS ON CHANGES TO THE PLANNING SYSTEM

Proposed responses to consultation questions:

1) Technical consultation on implementation of planning changes

Chapter 1: Changes to planning application fees

Question 1.1: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?

Planning fees should be increased in line with inflation so as to more effectively reflect the cost of providing the planning service. Awarding increases only where the LPA is performing well could have a further negative impact on LPAs who are already under performing as a result of existing budgetary constraints, given that it is accepted that planning application fees do not cover the cost of running the planning service in most cases. This would be self-defeating. It may be more appropriate to award additional funding to LPAs who are performing well or improving their performance instead.

Question 1.2: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?

See answer to 1.1 above. There should be a delay if this change is applied to allow underperforming LPAs an opportunity to improve.

Question 1.3: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?

No, this would complicate fee arrangements for applicants and the speed of decision making is not the only measure of the quality of that decision and whether it is the right decision. Fast track arrangements would create a two tier planning service which would be undesirable, disadvantaging those who were unable to pay more. It would be preferable to ensure a consistent, reliable and timely service at a single level for all LPAs.

Question 1.4: Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement?

There are already examples of this in LPAs and it should be left to the LPA to decide whether or not to provide such a service as it will understand its customer base the best.

Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system?

A significant proportion of time involved in the planning application process is during consultation periods. These should not be shortened as they are at the heart of the planning system. Often delays in determining planning applications are due to the submission of revised documents by the applicant in response to consultation responses, it would not necessarily be desirable to remove this opportunity simply to increase the speed of decisions.

Dissatisfaction levels with LPAs seem to relate more often to not receiving a positive decision than the speed of the service.

Chapter 2: Permission in principle

Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle?

- a) future local plans;
- b) future neighbourhood plans;
- c) brownfield registers.

Yes, although it is questionable whether there is a need to replace the current ability to apply for outline permission alongside site allocation and land designation in the Local Plan which appear to serve the same purpose. It is also difficult to see what real advantages this proposal has over the current system given the complexities and cost of introducing a new permission system such as proposed.

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

No, the outline application process gives adequate opportunity for this to be established and details are more important where a site is smaller where it would be beneficial to understand the precise nature of how the development will affect local people.

Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?

Yes, these are essential basic elements which would be required.

Question 2.4: Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?

Use of the current outline planning permission arrangements would ensure that any permission for a site is based on up to date relevant information and the proper required consultations are carried out

Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?

No

Question 2.6: Do you agree with our proposals for community and other involvement?

The proposals for involvement of others would appear to reduce involvement compared to the current outline planning permission arrangements and this could result in inappropriate designations.

Question 2.7: Do you agree with our proposals for information requirements?

No, in respect of the permission in principle this is insufficient information to make a decision about the principle of developing land. The LPA should have more control over what is or can be required in each case or this is likely to result in harmful and inappropriate 'permissions in principle' In respect of the technical details this would also seem to be lacking in appropriate detail to make a proper assessment of a proposal. These proposals are likely to undermine public confidence in the planning system by substantially reducing the control LPAs have over development.

Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application?

No

Question 2.9: Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?

Yes

Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

No in both cases - unnecessarily shortening determination periods compared to current planning application targets will lead to decisions being rushed and potentially not properly considered. For example, the proposed 5 week period may not provide enough time for an application to be considered by a planning committee taking into account consultation and lead in periods.

Chapter 3: Brownfield register

Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?

Question 3.4: Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?

Question 3.5: Do you agree with our proposals on publicity and consultation requirements?

Question 3.6: Do you agree with the specific information we are proposing to require for each site?

Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?

Question 3.8: Do you agree with our proposed approach for keeping data up-to-date?

Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?

Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

Chapter 4: Small sites register

Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?

Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?

Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?

Question 4.4: Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

Chapter 5: Neighbourhood planning

Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?

Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?

Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?

Question 5.6: Do you agree with the proposed time period within which a referendum must be held?

Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?

Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?

Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?

Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

Chapter 6: Local plans

Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans?

Yes – a combination of timeliness of preparation and track record in housing completions.

Question 6.2: Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?

Question 6.3: Are there any other factors that you think the government should take into consideration?

Yes – the existence and function of the London Plan.

Question 6.4: Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention?

Yes

Question 6.5: Is there any other information you think we should publish alongside what is stated above?

No

Question 6.6: Do you agree that the proposed information should be published on a six monthly basis?

Yes, that is a reasonable update period.

Chapter 7: Expanding the approach to planning performance

Question 7.1: Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?

Yes, these are thresholds that would ensure reasonable performance although the latter for decisions overturned at appeal should be over 20%.

Question 7.2: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?

No, in light of the low number of major applications received by some LPAs this would be an unfair proportion to expect.

Question 7.3: Do you agree with our proposed approach to designation and de-designation, and in particular

Yes

(a) that the general approach should be the same for applications involving major and non-major development?

Yes

(b) performance in handling applications for major and non-major development should be assessed separately?

Yes

(c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions?

Yes

Question 7.4: Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?

Yes

Chapter 8: Testing competition in the processing of planning applications

Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?

Planning is not similar to Building Control as planning decisions involve subjective judgement on the application of policies and as well as the inevitable risk of conflicts of interest, public faith in the system would potentially be undermined by the introduction of competition. Building Control has a clear customer (the developer) whereas planning exists to serve the whole community. There are suitable options available to LPAs already as to how to run their service and the measures proposed to improve performance would remove the need to introduce this risky proposal and undermine the principles of the planning system.

Question 8.2: How should fee setting in competition test areas operate?

National fees should apply. The proposals here are in direct conflict with the information set out in paragraph 1.6 of the consultation document which sets out why fee setting would not be advantageous. There would also be a need for the fee to be split since the LPA would still be making the decision on the application.

Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to?

If the proposal is taken forward, only elements of work which do not involve professional judgement should be carried out by third parties to protect the high level of integrity of the decision making process for planning applications.

Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?

The proposal is likely to over complicate and slow down the planning application process as applications would need to be transferred between organisations. These proposals would also make Councillor involvement during the application process more difficult.

Third parties would be incentivised to recommend approval for their customers and this would make assessing applications in the proper way very difficult for the LPA.

The proposals would also make investigation of problems with decisions more difficult and there would be questions as to who would carry out certain roles, for example accompanying a Councillor on a site visit or making a decision about whether to decline to determine an application under Section 70A of the Town and Country Planning Act if the LPA is not aware of the application until it is ready to be determined.

There are also questions over how the public register of applications will operate (for example when revised plans are submitted) and whether these responsibilities will be transferred to the third party organisation.

There is also a question of whether the powers of the Local Government Ombudsman would apply to third party organisations since they may be responsible for or have contributed to maladministration. Also it is not clear how the responsibility would be defined if a decision is subject to a judicial review.

It would seem difficult to maintain appropriate high standards and performance with such a proposal and it would be best avoided.

Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?

See 8.4 above, this would serve only to complicate the planning application process at a time when expectations are that it should be faster. It would be complicated and difficult to achieve this in a satisfactory manner given the responsibilities of the LPA (eg public register of applications, freedom of information responses, Member call-in powers, discretionary powers under planning acts as to how to deal with applications)

Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

See 8.4 and 8.5 but it is difficult to see any significant benefits of this proposal and it would be preferable to continue with improvements to services using designation and reward criteria.

Chapter 9: Information about financial benefits

Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?

No, in general this will complicate the process of dealing with applications and potentially cause delays since the information will not be held by the LPA. It is however appropriate for s106 benefits to be listed since these are directly relevant to the planning decision.

Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?

See 9.1 above

Chapter 10: Section 106 dispute resolution

Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?

Yes, this would be a good idea to speed up the s106 process.

Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?

Yes

Question 10.3: Do you agree with the proposals about what should be contained in a request?

Yes

Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?

Yes, and no since the issue they have may be with one or other of the main parties.

Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?

Yes

Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?

A member of the Royal Town Planning Institute or the relevant section of the Royal Institute of Chartered Surveyors and / or legally qualified.

Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?

No, the applicant should bear the cost of resolution proceedings.

Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?

No

Question 10.9: What matters do you think should and should not be taken into account by the appointed person?

No comment

Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?

Yes, and yes

Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?

No

Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?

No

Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations?

No comment

Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?

No

Chapter 11: Permitted development rights for state-funded schools

Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?

In general, the support for schools is welcomed, however there are particular issues around transport for all school sites and any permitted development rights should include a basic approval in respect of highway safety from the LPA.

Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?

There should be control over impacts on highway safety

Section 12: Changes to statutory consultation on planning applications

Question 12.3: What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?

There is a risk to determining a planning application without a response from a statutory consultee that will relate to their special interest and could result in a harmful form of development being permitted.

Question 12.4: Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details.

14 days – this could impact on LPA performance.

Chapter 13: Public Sector Equality Duty

Question 13.1: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified?

No comments

Question 13.2 Do you have any other suggestions or comments on the proposals set out in this consultation document?

In general measures to help LPAs achieve their objectives are welcomed, however many of the measures set out in this consultation are over complicated and not properly considered. LPAs are already suffering from funding issues and implementing some of the proposals such as permissions in principle will serve to impact further on already diminished resources. It would be better to help LPAs concentrate on producing up to date Local Plans and determine applications with the appropriate balance of speed and quality in the current planning application and development plan framework rather than trying to introduce new processes so frequently.

APPENDIX TWO

London Borough of Bromley

Appendix Two to report to Development Control Committee 19th April 2016:

TECHNICAL CONSULTATIONS ON CHANGES TO THE PLANNING SYSTEM

Proposed responses to consultation questions:

2) Consultation on upward extensions in London

Question 1: Would greater freedom to build upwards on existing premises be a viable option to increase housing supply while protecting London's open spaces?

No

Why do you think so?

Because developers are already able to apply for permission for such development and it is permitted where it is appropriate, therefore the proposal would be only likely to facilitate such development in inappropriate circumstances by avoiding proper consideration through the planning application process. The majority of opportunities where this is appropriate and possible are likely to have already been developed so the proposal is unlikely to add significantly to housing supply.

Question 2: Do you agree with the proposal for a London permitted development right with prior approval, allowing the addition of new housing units where the extension is no higher than the height of an adjoining roofline, and no more than two storeys, to support delivery of additional homes in the capital?

No, however if such a proposal is taken forward new homes should be required to meet the national minimum space standard.

Question 3: Do you agree that the proposed options for neighbour consultation provide adequate opportunity for comment on development proposals for upward extensions?

The triggering of consideration by a Local Planning Authority only by the submission of a neighbour objection is a fundamentally flawed process which does not take into account a range of possible reasons as to why a neighbour might not object, including but not limited to the possibility that they are afraid of the applicant, or have been offered an incentive not to object. It will undermine the planning application process.

Question 4: What other measures could a London permitted development right contain to encourage applications for upward extensions to come forward? For example, would allowing additional physical works to provide for access,

or partial or full demolition and re-build up to the height of an adjoining roofline, incentivise building up? If so, would this raise additional considerations which should be taken into account?

This would raise a host of other issues that would be most appropriately dealt with via the planning application process as at present. There are few advantages to this proposed process.

Question 5: Do you agree that local development orders would be an effective means to promote upward extensions and contribute to the delivery of additional homes for London?

No

Question 6: What measures should a local development order contain to encourage proposals for upward extensions to come forward?

No comment

Question 7: We would welcome the views of London boroughs on whether they consider they would introduce local development orders for upward extensions, and what might encourage them to do so?

We would not be in favour of such proposals since the current planning application process where each application is considered on its merits allows the proper consideration of such proposals compared to this suggestion which could result in unsatisfactory and harmful development.

Question 8: Do you agree that proposals for a new London Plan policy supporting upward extensions would provide certainty and incentivise the development of additional housing in appropriate locations?

A policy background encouraging such extensions in appropriate circumstances would be a preferable option.

Question 9: What are your preferred option/s to support upward extensions to increase housing supply in London?

Through the development plan and planning application processes.

Question 10: Do you agree that premises in residential, office, retail and other high street uses would be suitable for upward extension to provide additional homes? Why do you think so?

These may be suitable, however it would be more appropriate to assess each site and proposal individually rather than provide generalised views since in some cases these may be inappropriate.

Question 11: Do you agree with the locations that should be excluded from a permitted development right listed in paragraph 3.3 above, and are there other areas where proposed upward extensions would be best managed through a planning application? Why do you think so?

Yes, and Conservation Areas should also be excluded given the level of protection that is expected within them through the planning system

Question 12: Do you agree with our proposed approach to protect conservation areas and protected views?

No, Conservation Areas should also be excluded given the level of protection that is expected within them through the planning system. This is a further example of unnecessarily complicating the development control system.

Question 13: Do you agree with our proposals that the property being extended upwards should share a wall with a higher property, or form part of a continuous terrace of premises being extended that shares a wall with a higher property? Why do you think so?

Yes, as this will limit the impact.

Question 14: Do you agree that for a permitted development right or London Plan policy a limit of two additional storeys is appropriate to manage the impact of upward development in any area?

Such development at up to two storeys is substantial and could have a severe impact on neighbouring properties which would be unassessed. If this is taken forwards care must be taken that architectural features such as on the corner of some properties do not set a height limit that results in a visually harmful upwards addition.

Question 15: Do you agree that a prior approval should consider the method and hours of construction?

Yes

Question 16: Have you any views on the likely costs and benefits of these proposals to deliver additional homes in the capital?

No

Question 17: Have you any views on the implications of the approaches to housing supply outlined above for people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

No

Question 18: Are there any other points that you wish to make in response to this consultation, including other key components we have not considered that would be beneficial in taking the proposals forward, or any examples of upward extensions providing additional housing?

This proposal is unlikely to deliver any significant volume of dwellings given that where there are opportunities to build upwards in appropriate circumstances in a way that accords with development plan policy they have often already been taken. This proposal is only likely to facilitate more inappropriate development that has potential to be harmful to adjoining premises. It is a further complication of the planning

application process which will confuse the public and add to the administrative complications already being experienced by LPAs as a result of the wide range of prior approval processes already introduced. It isn't clear that the planning application system is what is preventing the development of upwards extensions in London.

This page is left intentionally blank