

**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

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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 Aspinall 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.