

SECTION '2' – Applications meriting special consideration

Application No : 15/02616/FULL1

Ward:
Copers Cope

Address : Crystal Palace F.C. Training Ground Copers
Cope Road Beckenham BR3 1RJ

OS Grid Ref: E: 537027 N: 170672

Applicant : Mr Paul James

Objections : YES

Description of Development:

Demolition of various single storey office and associated buildings and erection of a new two storey extension to the existing main pavilion building, together with the rationalisation and enlargement of the parking areas.

Key designations:

Biggin Hill Safeguarding Area
Green Chain
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Metropolitan Open Land
Open Space Deficiency
Smoke Control SCA 12

Proposal

The application seeks consent for the demolition of various single storey office and associated buildings and the erection of a new two storey extension to the existing main pavilion building, together with the rationalisation and enlargement of the parking areas.

A total of 65 car parking spaces would be provided.

Location

The application relates to a large sports ground comprising a two-storey main pavilion building and a number of single-storey and two-storey detached buildings in ancillary use. The site and buildings are currently used as a training ground and facility by Crystal Palace Football Club. The main Pavilion and ancillary buildings are situated along the western periphery of the site. The site is designated as Metropolitan Open Land (MOL) and a Green Chain Walk. The main access to the site is located between the residential properties of No 76 and No 74 Copers Cope Road. The site and wider sports ground are surrounded by residential properties and their gardens to the west, south and south east. Kent County Cricket Ground is also located to the north of the site.

Consultations

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

- o The site is MOL and the applicant is attempting to increase the level of commercial development. It would represent a significantly larger footprint and if they decided to relocate in the future then the precedent for an increased area would have been established.
- o Unclear why they need 7 additional spaces if there are no additional employees. There are never that many people on site as it is not a traditional office where

- employees arrive at the same time. The current supply of car parking is more than adequate.
- o Many of the existing port cabins do not have planning permission and they have been included in the development total. They are used to justify the proposed building which is unacceptable.
 - o 12% increase in parking is not minor as stated within transport statement
 - o Conflict between pedestrians and vehicles using the access road. Safety concerns.
 - o Comments about the state of repair of the access road and junction with Copers Cope Road.
 - o The area is residential and not a site for commercial purposes. If the existing site is not fit for purpose they should relocate.
 - o Training ground serves a limited number of people, who are not always on site.
 - o Concerns about the methodology used for the transport assessment.
 - o Very limited number of people on site during the football off season.
 - o Noise generated by coaches and existing use.
 - o Harm the openness of the MOL.
 - o Harm to amenity of neighbouring residential properties which back directly onto the site.
 - o Overlooking and loss of privacy
 - o Proposed building appears to large for 54 employees
 - o Concerns about the site being used to sell alcohol and use for other purposes
 - o If allowed a condition should be imposed to return the site back to playing fields if the current owners cease
 - o Unauthorised works have already been carried out on site
 - o Existing parking scheme drawn up in 1988 and the new scheme needs to consider this.
 - o Litter
 - o Screening needed
 - o No details about differences in site levels between the development and neighbouring properties on Copers Cope Road. These are essential to assess the impact on neighbouring homes.
 - o Development would run along the entire width of neighbouring gardens
 - o Would appear as a massive block and very close to neighbouring properties
 - o No information about the use of the existing pavilion
 - o The addition with the potential additional capacity suggests operations could now change dramatically
 - o Description of the development as an 'extension' is questionable as it would only connect at first floor level and also its size is large in comparison
 - o Inaccurate and inadequate plans. Does not reflect new houses built on the opposite side of the site.
 - o Inaccuracies about the size of the existing pavilion and quantum of development being built and demolished
 - o Concerns that the argument as to why the building is 'essential' have not been put forward
 - o Should the existing pavilion be demolished and rebuilt if the site is not suitable.
 - o Overdevelopment of the site and erosion of the MOL.
 - o A number of developments have already taken place on the MOL, in particular at the Kent County Cricket ground, Bailes Place and Century Way. These incursions have been justified by benefits which have been accurate to date.
 - o New scheme of parking, delivery and loading will need to be drawn up
 - o Proper assessment via a planning statement needs to be done in order to ascertain impact on the MOL.
 - o Inadequate consultation and consultation time.
 - o Harm to neighbouring trees

- o There is limited screening along the residential rear gardens, particularly during certain times of the year
- o Many of trees within these residential gardens are coming to the end of their life expectancy and cannot be relied upon for screening purposes.
- o Statement put forward by the application in relation to MOL policy and why the development is essential and its impact on the openness of the site are inadequate.
- o The fact that Crystal Palace is a Premier League football club does not satisfy any of the tests for such development on MOL.
- o This extension is an easy fix and to try and solve the inadequacy of the existing accommodation. Comments made about demolition of the existing building and redevelopment.
- o Statement fails to justify development in relation to MOL tests or put forward its plans or goals for the site.
- o Lack of clarity about staffing levels, employees, players and other using the site. Resulting in ambiguity to the layman.
- o Fails to meet tests for development on MOL.
- o Other areas on Copers Cope Road used for other academy teams.
- o Plans provides are inaccurate and do not clearly show all the buildings on site.
- o Concerns about the ambiguity about the existing development on site and shown on the plans.
- o Clarification needs about terms used within the application including 'management team'. Application cannot be determined or properly considered within this information.
- o It is paramount importance that the exact use of the site and its premises is known, as the applicant maintains, despite the proposed huge increase in built footprint that there is no increase in staff at the training ground.
- o Coaches and delivery vehicles visit the site daily so the assertion that there is no coach parking is untrue.
- o The existing pavilion building was given consent for 71 car parking spaces. The applicant admits there are now only 58. This is in breach of the parking provision for cars and for unloading and loading of vehicles
- o Noise and nuisance from coach parking, which leave their engines on at all hours of the day and night
- o Transport statement is full of inconsistencies, factual errors and inaccuracies which lead to doubt the veracity and accuracy of the statement.
- o PTAL score of 2 is not accessible or sustainable in planning terms
- o Comments made about the statements within the transport report.
- o The information about the staffing levels and numbers of people on site are unclear. The number of employees seems to not include the players and also does not appear to include the Under 21's squad.
- o The parking is inadequate.
- o Would impinge on the openness of the MOL by its very existence, let alone its bulk, height, mass and orientation .
- o Many of the porta cabins used within their argument have now been removed and these were of a much smaller scale, which impinge on the openness of the MOL to a minor degree
- o Applicant should openly state the full nature and extent of its intended plans and operation
- o Light pollution from the development
- o Further comments have been received from a local resident highlighting the fact that many of the detached outbuildings have now been demolished. 'This would seem to prove my assertion that further accommodation which the proposed additional pavilion building would afford would result in significant change in the

- o applicants operation in terms of the number of people on site, working and/or training'
- o The removal of the last temporary outbuilding means the MOL and its openness have now effectively been returned to its permitted state.

Comments received in relation to most recent consultation:

- o Would run parallel to the end of the property and would be in full view. Young children play in the back garden and there are concerns about intrusion and lack of privacy
- o The design includes floor to ceiling glass walls and a balcony which are not sympathetic to neighbouring properties and will add to potential voyeurism
- o The scale of the 'extension' will likely give rise to a significant period of noise from building works and construction
- o The size and parking facilities will also suggest increased flow of staff and players adding to the noise level
- o Sets a dangerous precedent for development on MOL. Few open spaces left in the community and any works would be a detriment to that. Landscape view would be permanently altered.
- o The most recent VSC statement does not add anything to previous proposals. The examples of Brighton and QPR sites are set in far more rural localities than Copers Cope Road and are not comparable
- o The building seems excessive and the term 'extension' is misleading. Queries about the existing pavilion and why the existing structure has not been revamped.
- o Concerns that allowance of such work on protected land will have implications if the site was ever sold and residential could take place
- o Crystal Palace has not been in contact with residents to discuss their proposals and have just submitted a document without regard for consultation with the proposal who live in the area and whose amenity will be negatively impacted by such a dramatic change in operation.
- o Doubts that the existing site would cope with first and second teams along with Academy players. Will result in an increase in visits.
- o Incursion into residents right to 'Quietly enjoy' the use of their homes
- o New information references to visiting teams, which suggests more visitors
- o Broadening of the use with office and conference facilities seems to be moving further away from MOL.
- o Would transform the site into Commercial land
- o Fans linger around the entrance
- o They have outgrown the facilities they are not what they need in the long term. Comments about the lease and clauses going forward.
- o Document fails to address residents and adverse impacts on the quality of life on an already busy road
- o Does not provide any positive planning advantage just to CPFC
- o Concerns about the time it has taken to determine the application
- o The VSC statement fails to achieve the named case; it's inaccurate and falls short in many ways, while demonstrating that the training ground is unsuitable to provide for the clubs' future training needs other than those of the short term.
- o Clubs span at the site can only be short term because a) its inability to buy the Old RBS/NatWest Sports Ground from Mr Corby or secure a lease for a period greater than 12 months. This lease seems essential for the continued operation of the CPFCs academy in Copers Cope Road b) clear that the training ground cannot accommodate the club
- o In accordance with NPPF it would cause permanent significant harm to the openness of the MOL
- o Comments regarding the length of time the club would remain on site.

- o Extension would be wider than existing pavilion - would result in a 'disproportionate addition'.
- o Failed to establish VSC
- o The facilities do fall short of Brighton and Hove & QPR but queries about their choice as comparisons as they differ in context.
- o No mention of previous arguments within Saville Jones paper regarding a football hub.
- o Queries regarding the level of staffing on site and inaccuracies in VSC statement.

Copies of objections letters and photos submitted by a neighbouring resident are available on the file.

Highways - The development site lies to the north of Beckenham. The development proposals comprise the demolition of approximately 190sqm of existing buildings and the provision of a 2 storey extension to the existing pavilion building totalling 681sqm.

In addition the proposals include a minor increase in parking on the site by 7 vehicles to 65 in total of the parking layout and improvements to the access road into the Training Ground. The site is located in area with low PTAL rate of 2.

Access is achieved via a small access road, with a pedestrian footpath running alongside, off Copers Cope Road.

There is a Controlled Parking Zone enforced on Copers Cope Road. The enforcement period is between 08:00-18.30 (Monday - Friday).

There are also Pay and Display parking spaces punctuated with single and double yellow lines along Copers Cope Road and the adjoining roads such as Park Road and Worsley Bridge Road. Permit holders are exempt.

Development Proposals- currently there are 54 full time staff, with scheduled training days varying through the week, depending on the football fixture programme. To provide an indication of the frequency of training at the ground, Crystal Palace's current training programme identifies 10 training sessions at the Copers Cope Road ground in a 3 week period.

During training sessions, all players and training staff will attend the sites which will typically 20-30 players and 20 staff on site at any one time.

Notably, the proposals are not intended to facilitate an increase in activity at the site and the development will not result in a more intensive use, therefore it is not anticipated that the level of trips to and from the site will change as a result of the proposals.

The development includes some changes to the car parking, with a minor increase in provision from 58 spaces to 65. This change to the provision is intended to address the existing poor parking arrangement which presently requires double (and sometimes treble) parking to occur. However no alteration the vehicular access arrangements will be carried out.

Swept path analysis is indicated (see fig 3.3); however it's clearly shown that if all the spaces within the car park is occupied then the refuse vehicle can't turnaround and exit in a forward gear.

Multimodal Trips

The survey started at 0600 hours and concluded at 2000 hours, covering the core hours of activity on the site. Training for players is typically scheduled to start at 1045 hours, with them reporting in from 0930 hours. Kitchen and security staff generally arrive from 0630 hours onwards.

Table below summarises the daily and peak hour movements recorded at the site:

Mode	AM Peak (0845-0945)		PM Peak		Daily (0600-2000)	
	Arrive	Dept.	Arrive	Dept.	Arrive	Dept.
Car	20	3	3	9	64	43
LGV	5	9	0	1	17	20
OGV1	0	0	0	0	2	2
OGV2	0	0	0	0	0	0
PSV	0	0	0	0	2	2
M/C	0	0	0	0	0	0
Cycle	0	0	0	0	2	0
Pedestrians	8	8	1	6	57	46
Total	33	20	4	16	144	113

From the table above it can be seen that the existing operation results in relatively modest levels of movements at its peak times and over the course of a day; most importantly 40% of trips to the site.

Parking Assessment

The existing site presently benefits from an inefficient layout of on-site car parking which requires double (and sometimes treble) parking to occur within the car parks.

The training ground has two main parking areas. To the south, the parking area accommodates 31 vehicles including the double parking and across the northern section of the site, the site accommodates 28 vehicles.

As part of the February 26th survey, ATR also undertook hourly beat surveys of the existing on-site car parking to establish the current demand on a typical training day. The table below summarises the findings of the survey:

Hour	Occupancy	
	Count	%
06:00	7	12%
07:00	9	15%
08:00	22	37%
09:00	31	53%
10:00	44	75%
11:00	43	73%
12:00	42	71%
13:00	42	71%
14:00	34	58%
15:00	31	53%
16:00	30	51%
17:00	28	47%
18:00	28	47%
19:00	25	42%

20:00	25	42%
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The table above indicates that peak occupancy of 44 vehicles was observed during the survey.

It is understood however that the demand can exceed the recorded level when the U21 side train at the same time as the first team. This can result in an additional 20-25 people being on site.

As part of the proposals, it is intended to remove the double/treble parking layout in addition to introducing an additional provision of 6 spaces, bringing the total to 65 across the site.

From the above it can be ascertained that the proposal will not result in an intensification of use at the site. At present, there are in the order of 110 daily car movements to/from the site; 40% of trips to/from the site are undertaken by foot indicating a good level of sustainable travel to the site.

CONDITION

H03 (Car Parking)

H22 (Cycle parking 1 space per 8 staff)

H29 (Construction Management Plan)

Environmental Health - No objections in principle however recommend that the following conditions are attached:

1. At any time the combined noise level from all fixed plant at this site in terms of dB(A) shall be 10 decibels below the relevant minimum background noise level, LA90(15mins) measured at any noise-sensitive building. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. Thus if the predicted noise level is 40dB(A) from the plant alone and the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. The L90 spectra can be used to help determine whether the plant will be perceived as tonal.
2. The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan)
3. An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces. (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policies 6.13 and 7.14 of the London Plan)

I would also suggest that the following informatives are attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Sport England -The proposal is for a two storey extension to the main building providing ancillary facilities to the playing field and it includes the demolition of three existing buildings. The playing pitches are not affected and therefore our assessment is that the proposal meets E2:

"The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use."

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
T1 Transport Demand
T2 Assessment of Transport effects
T3 Parking
T18 Road safety
G2 Metropolitan Open Land
L6 Playing fields

London Plan (2016)

Policy 3.19 Sports Facilities
Policy 4.6 Support for and enhancement of the arts, culture, sport and entertainment
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
Policy 7.16 Green Belt
Policy 7.17 Metropolitan Open Land
Policy 7.18 Protecting Open space and addressing deficiency
Policy 8.3 Community Infrastructure Levy

National Planning Policy Framework

Relevant Chapters include: 4, 7, 8, 9, 11.

Planning History

01/03250/OUT- Detached building for indoor sports/training at Crystal Palace Football Club sports ground (formerly CUACO sports ground) at Copers Cope Road and Leander sports ground (formerly Lloyds Bank sports ground) at Worsley Bridge Road (OUTLINE) Refused 31.01.2002

84/02634/FUL- Erection of covered walkway. Permission 29.11.1984

84/02985/FUL- Change of use of bungalow from residential to offices. Refused 10.01.1985

85/00546/FUL- Change of use of building from residential to office section 32 application. Permission 18.04.1985

86/03283/FUL - r/o 76-78 Copers Cope Road Beckenham Sports Pavilion. Permission 09.04.1987

87/02703/DET - Formation of additional car parking area details pursuant to appeal allowed under ref 863283. Permission 05.11.1987

88/04585/FUL - Cuaco sports ground r/o 76-86 copers cope road br3 1nr single storey detached building for use as tractor shed and ancillary storage together with revised layout of overspill car park part revised details to outline permission 86.3283 granted on appeal . Permission 28.03.1989

89/01834/OTH- Cuaco sports ground r/o 76-86 copers cope road revision procedure to 884585 granted for - single storey detached building for use as tractor shed and ancillary storage together with revised layout of overspill car park.(revision-increased height of building). Permission 24.07.1989

91/00088/ADV - 2 externally illuminated advertisement signs Permission 13.02.1991

02/01316/SPLADV - High level wall mounted fascia sign, main Pavilion entrance elevation. Refused 26.06.2002

02/02280/OUT -Inflatable building for indoor football training between October and March (Outline). Permission 29.08.2002

03/02828/CONDIT - Details of design, external appearance and landscaping pursuant to condition 2 of permission 02/02280 granted for an inflatable building for indoor football training between October and March. Approved 03.09.2003

03/03492/CONDIT - Details of siting, design, external appearance and landscaping and scheme of access and car parking pursuant to conditions 1 and 5 of outline permission 01/03250 granted on appeal for inflatable building for indoor football training between October and March. Permission subject to Legal Agreement 29.04.2004

04/02604/FULL1- Details of siting, design, external appearance and landscaping of outline permission 01/03250 granted on appeal for inflatable building for indoor football training between October and March. Permission 01.09.2004

05/00277/RECON -Removal of condition 5 of outline permission 01/03250, granted on appeal for a detached building for indoor sport/training, to remove the requirement to submit details of access and car parking. Refused 17.03.2005

06/00802/FULL1 - External staircase to sports building and elevational alterations to east elevation. Permission 12.04.2006

06/02080/FULL1 - Temporary single storey building for use as offices at land r/o 82 Copers Cope Road. Permission 15.09.2006

16/01313/FULL1 - Replacement of the existing steel frame windows and timber frame doors with new double glazed Upvc frame windows and doors. Removal of 2No porta-cabins and infill extensions. Permission 11.05.2016

Conclusions

The main issues relating to the application are the principle of development, the effect that the development would have on the character of the area, openness of the MOL and the impact that it would have on the amenities of surrounding residential properties. Consideration should also be given to the highway impact and design.

Principle of development and appropriateness.

Policy 7.17 of the London Plan states that the strongest protection should be given to London's Metropolitan Open Land (MOL) and inappropriate development refused, except in very special circumstances, giving the same protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of the MOL.

Paragraph 7.56 of the above policy explains that paragraphs 79-92 of the NPPF on Green Belt will apply equally to MOL. Appropriate development should be limited to small scale structure to support outdoor open space uses and minimise any adverse impact on the openness of the MOL.

The fundamental aim of Green Belt policy is outlined in Paragraph 79 of the NPPF. This is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

As with previous Green Belt policy, paragraph 87 of the NPPF explains that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

Para 88 of the NPPF states that 'Very special circumstances' (VSC) will not exist unless the potential harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

The construction of new buildings is considered inappropriate development. Exceptions to this include '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 and the provision of 'appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the MOL and does not conflict with the purposes of including land within it'.

The fringes of site are punctuated by existing development, including a number of single-storey structures and part one/two-storey buildings. The proposed development would be an extension to an existing building, supporting the principle use of the site as a playing field and outdoor training facility for a Premiership Football Club. The applicant asserts that the proposal would provide essential medical, changing and office facilities for the club. The existing facilities on site are noted as being insufficient and inadequate; falling well short of Premiership standards and the provision of additional and improved facilities is considered essential for the continued function of the site for this occupier. The applicant

has provided a floor space and usage schedule, with a breakdown of how the existing pavilion and ancillary buildings are currently being used.

It is clear from this information and the site visit that the management team have previously been housed in separate 'porta-cabin' style buildings across the site. The training, office accommodation and changing facilities are also arranged in an ad hoc manner across many of the separate buildings. This arrangement is not ideal and the extension would allow for the consolidation of the majority of uses into one combined facility, thereby improving the functionality of the site with the provision of up-to-date facilities.

The applicant has provided greater detail about the existing facilities and highlights the site is used by the first and Under 21 teams, but the Under 18 & 16 teams have been utilising the GOALs facilities further along Copers Cope Road, which is not considered ideal in terms of functionality. The supporting statement and floor space breakdown also shows that the existing changing facilities within the Pavilion do not provide sufficient capacity for the first, second and U21 teams. Furthermore, at Premiership level, improved medical/physio facilities are required. The VSC statement notes that at this level, the length of the season can span 10 months and can include up to 38 league games and cup games. The club employs 8 medical staff at the site and a further 6 are employed in sports science. The provision of medical facilities is considered to be essential facility required at the site to enable quick and convenient referral to club doctors and physios.

There are also numerous support staff requiring expanded office accommodation, including 14 members of training staff, such as the Manager, Assistant Manager and Head of Performance. A further 7 members of the media team are also based at the site. In terms operational need, the applicant states that 2 hours of a typical 8 hour training day is spent inside team performance review, player/team meetings and player performance reviews. The above therefore requires additional changing facilities, office accommodation and internal training rooms, which would be provided within the proposed extension.

The applicant also explains that existing pavilion has limited disability access and constrained footprint and construction of the building has limited the potential for retrofitting suitable lift access to the first floor, or wheelchair access to the existing WCs. Finally, security of the training facility has been highlighted as a concern for the Club. Whilst access to the existing facilities at Copers Cope is restricted, the reception area within the building does not allow visitors to be housed within a suitable waiting area or effectively welcomed. The proposed reception area within the new extension would improve security and would improve the perception of the training facility, which is deemed important in terms of attracting players and managers.

The applicant states that CPFC have outgrown their existing facilities at Copers Cope Road and the extension, with up-to-date facilities, is needed to ensure the Clubs continued success in the Premiership. Comparative examples of other training ground proposals have now been included within the supporting documents. This includes comparisons with Brighton and Hove Albion FC (Premiership) and QPR (Championship), which have more extensive facilities in terms of floor space than the proposals at the application site.

In deciding whether the proposal constitutes an exception by virtue of an 'appropriate facility for outdoor sport and outdoor recreation', consideration needs to be given as to whether 'it preserves the openness of the MOL and does not conflict with the purposes of including land within in it'.

It is noted that the meaning of paragraph 87 of the NPPF was considered in *Fordent Holdings Limited v Secretary of State for Communities and Local Government* [2013]

EWHC 2844 (Admin). It was held that all development is inappropriate unless it falls in to one of the categories set out in Paragraphs 89 or 90 of the NPPF: Paragraph 89 refers specifically to the facilities and not the use. In *Timmins v Gelding Borough Council* [2015] EWCA Civ 10 the Court of Appeal held that Paragraph 89 of the NPPF applies only to the construction of new buildings, and represents a closed list of exceptions. That is to say, such facilities will only be 'not inappropriate' development if 'it' (i.e. the facilities themselves) "... preserves the openness of the Green Belt and does not conflict with the purposes of including land within it..."

The notion of openness itself is considered to be a defining factor in determining what might be appropriate. The effect of a development on the openness of the MOL is primarily a matter of its nature, scale, bulk, and site coverage; that is to say its physical effect on the site and its surroundings.

In this case, Members may consider that the extension and subsequent facilities to support the established outdoor sporting use and club constitutes an exception and is therefore appropriate development. However the proposal result in a significant increase in the footprint of built development onsite. It is clear that the extended size and scale of the built form would therefore have some impact on the openness of the site. In weighing up this harm consideration should be given to the fact that there is an existing detached outbuilding located in position of the proposed extension, which have clearly been in place for a considerable period. There is already therefore some established harm to the openness of the site along the periphery of the boundary but this existing outbuilding is significantly smaller in scale.

The proposal would represent an addition to an existing pavilion, which already has interrupted the openness of this area of the MOL. It would also be viewed in context with a number of other buildings, including a two-storey physio building to the south and residential properties to the west. It would not be creating a new detached mass, but would be extending the existing built form. It is noted this area of this site is also more heavily used in terms of general activity, due to its proximity to the pavilion, storage of equipment and existing detached porta-cabins.

The level of activity would, however, now extend further into undeveloped areas of the MOL due to the size of the addition and extension of the car park. The car park would not constitute a permeant physical structure above ground level; however its use would result in the extension of vehicular activity during certain hours and times within the football season. The development would however be supporting the established use and function of the site for outdoor sport and recreation purposes. Furthermore, there would be no loss of playing field facilities as the existing layout of the pitches would be maintained.

In light of the above, it is considered that the size and scale of the extension, together with the general intensification of the site into undeveloped areas along the periphery, would harm the openness of the MOL, thereby constituting inappropriate development.

Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Para 88 of the NPPF states that 'Very special circumstances' will not exist unless the potential harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

In this respect the applicant asserts that the proposal would be providing essential facilities for a Premiership football club, whose current facilities fall short of the required standard for this level. The provision of additional facilities would also support the established use of the site as playing fields for sport and recreation. Furthermore, it would enable to club to continue to use the site for training purposes and would have a direct effect on the

success of the club and will indirectly encourage young people to take up sport, supporting young members of the community who are being trained in the Crystal Palace Youth Development Programme and Under 21's club.

Going forward, the applicant has explained that the proposal would support the expansion of the Crystal Palace FC Foundation's Community program within Bromley. The Foundation is based at the main CPFC site at Selhurst Park but works across Sutton, Lambeth, Croydon, Bromley and parts of Surrey, delivering a wide range of projects for children, young people, working age adults and older people. Projects currently operating within the Borough include 'Premier League Primary Stars' - Sport and physical education in Bromley primary schools including Cudham, Bromley Road Primary and Raglan. Amongst others there is also 'Premier League Women's & Girls and Premier League for Sports Programme at Bishop Justus, Langley Park for Girls and Bromley College. The above circumstances are however specific and tied personally to the Club and its operation. Accordingly, should Members agree that Very Special Circumstances exist then it is considered reasonable and necessary to control the use of the site and personalise any permission to the Club, in order to provide a level of assurance regarding the use of the site going forward.

Of material relevance is a representation which CPFC have made in respect of the Council's Draft Local Plan. The representations related to the allocation of the site for housing purposes. The applicants assert that this representation was only made following legal advice, in order to protect the Club's assets as the Freeholder owner in the long-term (the life of the plan being the next 15 years). The applicant confirms that these representations 'do not reflect any intention to vacate the site'.

In summary, Members will have to consider whether the proposed facilities constitute an 'exception' defined within the NPPF and whether it would result in harm to the openness and character of the MOL. Members will also have to consider whether any harm is outweighed by the wider economic, social and community benefits to the borough and its residents and as such constitutes 'very special circumstances'.

Design

The NPPF attaches great importance to design of the built environment. Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

Policy 7.6 of the London Plan reinforces the importance of high quality design and seeks to ensure that buildings and structures are of the highest architectural quality.

Policy BE1 of the Unitary Development Plan seeks to ensure that all new development proposals, including extensions are of a high quality design and layout. New development is therefore expected to be imaginative and attractive to look at and should complement the scale, form and layout of adjacent buildings.

The proposed development would be highly visible from the wider locality, which is subject to long views across the playing pitches and from neighbouring properties. The proposed extension would be a modern addition to the existing two-storey Pavilion building. It would be a marked contrast to the existing development on site, being contemporary in terms of its form, architectural language and choice of materials. A glazed bridge would link the new modern addition to the existing pavilion, creating a distinct break between the two forms. The overall design and proportions of the extension would vary significantly to the existing pavilion, being prominent in appearance; however this is not considered to be harmful and would represent an innovative development. The proposed materials,

including the use of zinc and large areas of glazing are considered to be a high quality and their use in defined areas helps break up the massing the scheme. The siting and layout of the development along the periphery of the site appears well considered in relation to the siting and arrangement of neighbouring buildings. The proposed parking area and access road would represent an improvement to the movement of people and vehicles within the site compared to the existing parking arrangements.

Members may therefore consider that the proposed scheme would represent an acceptable form of development which complies with Chapter 6 of the NPPF, Paragraph 7.6 of the London Plan and BE1 of the Unitary Development Plan.

Highways

As noted above, the application seeks to provide a new two-storey extension to the existing pavilion and the rationalisation of the existing car parking layout with the creation of a new car park to the north of the development. The site has a PTAL of 2 and currently accommodates around 54 full time staff. Scheduled training days vary throughout the week, depending on the football fixture programme, however Crystal Palace's current training programme identifies 10 training sessions at the site within a 3 week period, giving an indication of the frequency of training at the ground. During these training sessions all players and training staff would be on site at any one time. The applicant states that the proposal would not increase the number of staff or activity of the site in terms of trip generation.

The current proposal would see an increase in the provision of parking spaces from 58 to 65. The proposed parking layout and additional provision seeks to address the existing parking arrangement, which presently requires double and sometimes treble parking to occur. A number of the existing spaces within the south car park would therefore be relocated to the proposed area of parking to the north of the new development.

The applicant has provided a transport statement in support of the application, which includes a trip attraction and parking assessment of the proposal. The Council's highways officer has reviewed this statement and has raised no objections to the method used for the assessment or the findings. The highways officer considers that the proposal will not result in an intensification of use. At present, there are in the order of 110 daily car movements to/from the site; 40% of trips to/from the site are undertaken by foot indicating a good level of sustainable travel to the site. The existing use and buildings are unusual in that it is not a typical sporting use, which generates a significantly high number of pedestrian and vehicular trips from visiting members of the public. In this case, the site is primarily utilised by staff and players as a place of employment. The existing lawful use of the site as a training facility has already been established and the planning permission for the wider use of the pavilion and facility did not include an upper limit on the number of people using the site. The applicant has stated that the extension would not result in an increase in the number of staff or trip generation.

Concerns have been raised by neighbouring residents about the existing parking arrangement and the fact that it does not adhere to the approved 1987 parking scheme (87/02703/DET), particularly in regard to delivery vehicles, loading/unloading and coaches. The highways officer has noted that if all the spaces were in use then refuse vehicles would not be able to turn around in forward gear. A delivery, servicing and coach management plan could therefore be imposed as a condition, should members be minded to grant consent.

As it stands it is considered that current scheme would represent an improvement to the function of the site in terms of parking. With regard to the highway officer comments,

transport statement and established use, Members may consider that the proposed parking arrangements and trip generation from the extension are on balance acceptable.

Neighbouring amenity

The proposed development would adjoin an existing two-storey pavilion on the western periphery of the site. To the west of the development are the residential properties and rear gardens of Nos 76-86 Copers Cope Road. The proposed extension would set away from the boundary with the site by approximately 6m and an access road leading to the new area of parking would separate the development from this common boundary. The extension has a stepped design, with a maximum height of 8.9m to the top of the proposed roof. However, the design of the proposal includes a lower height element of the roof closer to the northern site boundary, which then steps up towards the playing fields. The proposed extension would be located directly to the rear of No 76-82 Copers Cope Road, however the development would be set approximately 46m away from the rear elevations of these properties. The overall height and stepped design of the building, in conjunction with the existing development on site is not considered to be overly dominant or intrusive with this level of separation. The roof would be visible from surrounding gardens and properties, however this separation is considered sufficient in the context of the spacious neighbouring gardens to prevent any harmful sense of enclosure or loss of light.

The provision of an access road and development directly to the rear of the above properties may result in marginal increase in noise, however as noted above the trip generation from the proposed development would be similar to the existing situation and the use of the site for training purposes would not change. The harm to neighbouring residents by way of noise and disturbance is therefore considered to be on balance acceptable.

The proposed extension would have a number of large windows within the west facing flank elevation at first floor level. In order to protect neighbouring privacy from direct overlooking it is considered reasonable and necessary to condition the use of obscured glazing. An outdoor terrace is also proposed along the east facing elevation of the building at first floor level. This terrace would then wrap around the north facing elevation. The primary overlook from this terrace would be onto the playing fields and pitches to the east, preventing any directly overlooking onto neighbouring residential properties to the west. However, the section of the terrace which wraps around the northern elevation includes a glazed balustrade on the western edge. A suitable condition could be imposed to ensure the submission of a privacy screen along this section of the terrace to prevent overlooking onto the neighbouring rear gardens along Copers Cope Road.

Residents have raised concerns about potential light pollution; however the Council's Environmental Health officer and highways officer has not raised objections in this respect. A lighting management plan could however be imposed to reduce light spillage onto neighbouring residential properties.

A number of other properties surround the site, however these are considered to be set away at a sufficient distance to be not be adversely affected by the development in terms of its visual impact, light and noise or overlooking.

Subject to the conditions outlined above, Members may consider that the impact on neighbouring amenity is acceptable.

In summary, Members will need to consider whether the proposal would have an acceptable impact on the openness of the MOL and whether 'Very Special Circumstances' exist to outweigh any harm to the openness of the MOL. On balance it is considered that the proposal is acceptable with regard to all of the above considerations and that VSCs

exist which outweigh the harm caused to the MOL by this development, subject to suitable conditions.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

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

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 5 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.**

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate

bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 6 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

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

Reason: In the interest of the amenities of nearby properties and to accord with Policy 7.15 of the London Plan (2016)

- 8 The application site is located within an Air Quality Management Area declared for NOx: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan (2016)

- 9 An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policies 6.13 and 7.14 of the London Plan (2016)

- 10 Details of a scheme for the management of the car park including a coach management and a servicing and delivery plan shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied. The approved management plan shall be implemented in full in accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In interest of neighbouring residential amenities and in order that the local planning authority may be satisfied as to the safety and

practicality of plan for the site and to comply with Policy T3 and T18 Road Safety of the Unitary Development Plan.

- 11 Before the development hereby permitted is first occupied, the proposed window(s) in the first floor west elevation shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 12 Details of the means of privacy screening for the balcony shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details and permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan (2006) and in the interest of the appearance of the building and the visual amenities of the area.

- 13 Details of a scheme of lighting (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, and the approved scheme shall be implemented before the development hereby permitted is first occupied. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity and public safety.

- 14 The development hereby permitted shall only be used for the purposes set out within this application and for no other purpose and shall remain ancillary to the primary function of the land as a sport and recreation ground.

Reason: In the interest of appropriate development, openness of the site and for the purposes of including land within MOL. Together with the interest of neighbouring residential amenities and in order to comply with Paragraphs 14 and 78-82 of the National Planning Policy Framework; Policies 7.16 Green Belt and 7.17 Metropolitan Open Land of the London Plan (2015) and Policies G2 Metropolitan Open Land, BE1 Design of New Development and T3 Parking of the Unitary Development Plan (2006).

- 15 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) and the Use Classes Order 1987 the buildings and facilities hereby permitted shall only be used as a training facility for Crystal Palace Football Club only and for no other use within Class D1 or by any other user.

Reason: The Very Special Circumstances for development on MOL put forward within the application to justify the extension are specific to Crystal Palace Football Club and in order for the Council to assess the impact of any future occupier and to comply with the National Planning Policy Framework, Policies 7.17 of the London Plan (2016) and G2 of the Unitary Development Plan (2006).

You are further informed that:

- 1 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.**

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL**