

Application No : 17/04478/FULL1

Ward:
Chislehurst

Address : Flamingo Park Club Sidcup By Pass
Road Chislehurst BR7 6HL

OS Grid Ref: E: 544788 N: 172119

Applicant : Cray Wanderers Football Club

Objections : YES

Description of Development:

Demolition of existing nightclub building and other buildings and structures and removal of existing hardstanding and construction of new football ground comprising clubhouse and stands (max height approx. 8.4m) with floodlit artificial playing pitch, external grass sports pitches and 42 no. dwellings (26x3 bed two storey terraced dwellings, 12x2 bed flats and 4x1 bed flats set within 4 two storey blocks) with associated access, parking and landscaping.

Key designations:

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

Proposal

The application proposes the demolition of an existing nightclub building and other buildings and structures and removal of existing hardstanding and construction of new football ground comprising clubhouse and stands (max height approx. 8.4m) with floodlit artificial playing pitch, external grass sports pitches and 42 no. dwellings (26x3 bed two storey terraced dwellings, 12x2 bed flats and 4x1 bed flats set within 4 two storey blocks) with associated access, parking and landscaping.

The proposed stadium would measure 8.42m in height, 6.12m to the eaves with three covered seating areas. The stadium measures 120m in width and 100m in length. The stadium is located adjacent to the western boundary of the site bordering Kemnal Road. The stadium itself would have capacity for 1300 spectators including 46 press box seats, 352 standard seats and 64 disabled seats.

The dwellings are sited to the south of the site and comprise 5 affordable rented properties and 37 shared ownership.

Adjoining the stadium on the northern side is a 2 storey club house building is proposed comprising:

At first floor:

- Toilets
- Servery
- Function room/club bar room
- Boardroom/museum
- Bar
- Large function room
- Kitchen

At ground:

- Toilets
- Plant room
- Changing rooms
- Referee rooms
- Reception
- Medical room
- Laundry
- Office
- Club shop
- Classrooms
- Bin store
- Bar store
- Turnstiles

The principal stadium elevation is on the northern side, punctuated with an array of single and double height windows, main entrances and indicative signage being proposed. The remaining elevations are modest in their design approach, with escape gates located to the west and east elevations and the away turnstiles accessed from the east.

The predominant material for the external surfaces of the stadium is steel cladding to the main elevations and roof. The windows are to be steel framed with a number of opaque windows to serve the changing rooms. The stadium is proposed with two double height entrances to the northern elevation with flat roof, white clad canopies extending from the elevation by 2.4m. 4 floodlights measuring 19m in height are proposed in each corner of the site. The main stadium is proposed to be open sided with a mono-pitch roof profile extending for 25m in length and covering the main stand. Three smaller sheltered areas measuring 4m in height and 19.8m in width are located within a centralised position along the east, south and west elevations. The ground design has been developed to achieve the minimum requirements of the National Ground Grading criteria, with Category D being applicable to the club and the division in which they play.

Three 11 a side pitches and three smaller pitches are located to the east 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 26no. terraced houses along with 16no. flats and associated resident parking (42 spaces including 4no. disabled spaces). The flats will be separated into four blocks adjacent to the terraced housing and arranged in a cul-de-sac style. All of the proposed residential buildings will be two storeys in height and of brick construction with tiled pitched roofs and canopy porches. The 42 affordable residential units have been identified as enabling development to fund development costs,

including the acquisition of the land. To this end, CWFC has been in discussion with Moat Registered Providers and received an offer to acquire this component of the scheme.

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, running alongside the western side of the stadium leading to the residential blocks to the rear. A formal parking area for 141 cars (including 9no. disability spaces) is proposed to the north-west of the site. Overflow parking for approximately 128 cars will additionally be provided to the west and east of the main pitch, comprising reinforced grass.

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 along the perimeter and between the residential units and the southern elevation of the stadium.

The application was supported by the following documents:

- Noise Assessment (Acoustica, 2017) – The assessment involved carrying out an ambient noise survey at the nearest existing, and proposed, residential properties during day, evening and night. Noise levels from the development have been predicted at the nearest residences from the use of the stadium during match days, the use of the proposed 5-a-side and 7-a-side and 11-a-side pitches, vehicle movements associated with the proposed car park and the use of the function room and mechanical plant. The report concludes that the stadium would not result in significant noise impacts during the daytime although minor impacts may arise during the use of the stadium for match day events during the evening. The minor impacts are not considered significant in the context of the existing/past use of the site and the limited number of times these noise levels will occur. The report also states that the site is exposed to low levels of road noise therefore no special noise mitigation measures are necessary for the proposed residential development in respect of road traffic noise. Noise levels from the function room will be below background noise levels and an overall noise limit has been determined for noise from mechanical services associated with the development. The report concludes that the new football stadium development will not result in any unacceptable adverse effect on the nearest residential and proposed residential properties by way of noise impact.
- Transport Assessment (Developmentally, September 2017) – The TA states that the site access forms a priority junction with the A20, which permits left turning vehicles into and out of the site. It is supplemented by the provision of a merge and diverge land of some 40-50m long. The existing access is to be retained. Personal injury accidents in the last three years are low. The proposal removes traffic generating uses from the site. Subject to some minor changes to accommodate the swept path of coaches, the site access is sufficient to cater for the anticipated level of trips. Residential car parking is provided at 1:1. The leisure uses of the site are served by on-site parking facilities with capacity for 141 parking spaces. Proposed overflow parking areas at the west and east of the proposed football stadium can accommodate car parking for matches that attract spectator numbers that are in excess of normal match attendance. Cycle parking meets London Plan standards. It is not considered that the quantum of trips generated by the proposed scheme is likely to result in any material impact to the transport network in the vicinity of the site. The report also states that a capacity assessment of the site access has shown that the site access will operate well within capacity for a typical football match, even allowing for full use of the adjacent pitches. A sensitivity test scenario which assumes that the stadium will be

fully occupied during an extraordinary match day even (1 in 20 years) has shown that some queueing will occur at the site access road which would be contained within the site and not on the public highway. A set of measures has been identified to mitigate this.

- Framework Travel Plan (Developmentally, September 2017) – It is stated within the travel plan that the overall aim of the document is to support and encourage residents/employees and visitors at the Site to utilise modes of travel that are sustainable both in terms of their impact on the available transport infrastructure and to the wider environment. The documents aim are to promote access to/from the application site via walking and cycling as the most sustainable modes of travel respectively, minimise the number of car journeys to and from the application site and to identify and highlight opportunities for sustainable travel within the context of local walking, cycling and public transport infrastructure. The document includes sections of objectives and targets, baseline transport positions, travel plan measures and monitoring and reviewing the travel plan.
- Community Access Statement (JBA Consulting, 2017) – The report provides a summary of the access the community will be provided with from the proposed development. The report notes that the development will return the recreational capacity of Flamingo Park back to the levels it once had. The site will establish a new home for the Cray Wanderers FC and provide well maintained recreational activities to be used by community schemes, youth teams and for private hire.
- Phase 1 Contamination Assessment (JBA Consulting, September 2017) – The report concludes that desk study research indicates limited potential for historical contamination sources to be present beneath the site. Potential off-site contamination sources are limited to the relatively new cemetery that was constructed south of the site. The reception of most concern was seen to be the secondary A aquifer situated beneath the site which is situated within a source protection zone however the report considers it unlikely to be any significant pathways between the potential contamination sources and receptors identified. Based on the available information it is concluded that the contamination risk associated with the development is considered to be 'very low' to 'moderate'.
- Daytime Bat Survey (Middlemarch Environmental, September 2015) – During the assessment of the pavilion and single storey outbuilding a number of features of potential interest to roosting bats were identified. Due to the height at which some of these features were present a full inspection could not be undertaken. As such the bat roosting potential of the pavilion and single storey outbuilding could not be confirmed. It was concluded that the pavilion has a moderate-high potential for roosting bats and the single storey outbuilding has a low potential. An oak tree that contained decaying holes was deemed to have moderate-high potential for roosting bats. The remaining outbuildings were fully inspected and no bat roost was identified.
- Nocturnal Emergence and Dawn Re-Entry Bat Surveys – Up to two species of bat were recorded during the nocturnal surveys; common pipistrelle and soprano pipistrelle. Low levels of bat activity were observed with commuting bats flying over the centre of the site. No bats were recorded emerging from the buildings or trees on site. No bats were recorded during the dawn survey. No bats were recorded re-entering the buildings or trees on site.

- Utilities Report (JBA Consulting, 2017) – The report concludes that the site has existing connection to all the major services and the focus of the enquiries were based around the feasibility of any upgrade of existing site supply as a result of the development. No matters were raised which would prohibit development.
- Statement of Community Impact (JBA Consulting, 2017) – The report states that it is clear that the football club is important to providing a social facility as well as its central role in supporting the local economy (the report lists employment and advertising capabilities). The lack of a permanent ground has damaged the success of the club in the past and as such requires a stadium for encouraging sport in the community and as a ‘focus for inspiring the regeneration of the Crays’. It is stated that the development will provide full and part time jobs as well as a sporting facility which will be affordable. The club has a ‘counselling school’ which is a registered charity and trains counsellors to work in the community. The report lays out social and health benefits of the development.
- Flood Risk Assessment (JBA Consulting, 2017) – The site is located within Flood Zone 1. According to Thames Water, a surface water sewer runs under the site. It is assumed that this is an extension of the Wyncham Stream which would be classified as a culverted ordinary watercourse at this location. The flood map for surface water shows that in some areas of the site there is a high risk of surface water flooding however it is stated that this could be over stated as the modelling does not account for the presence of the culvert. The proposed site layout has been designed to place the least vulnerable receptors in the areas of most at risk. However, site constraints have led to the plan including the main stadium facilities at medium risk of surface water flooding, and selected residential units are at a low to high risk of surface water flooding. It is stated that final flood site levels will be important for this development, firstly to raise thresholds above predicted flood level; secondly to avoid the displacement of flood water and thirdly so that the proposals can provide mitigation for potential loss of storage.
- Landscape and Visual Assessment (JBA Consulting, 2017) – The report states that whilst the development introduces new built form and vertical features into a relatively open area dominated by informal playing fields, the visual envelope of the proposed development is well-contained by landform, trees and buildings and largely limited to within 100-300m from the site. Longer range views will be generally restricted to glimpses from high ground to the north, such as Oxleas Wood, 4.1km from the site. The tallest proposed building-the residential accommodation-will be 8.56m above ground floor level which would not appear wholly out of scale with the surrounding urban fabric. The immediate site area is considered to be of low value and sensitivity, given the largely fragmented, utilitarian nature and proximity to the A20, although it has visual value as an open space in close proximity to residential areas.
- Flood Lighting Impact Assessment (JBA Consulting, 2017) – The report states that all existing and proposed residential units receive under the IPL recommended level of light intrusion. Due to the geometry of the apartments in relation to the floodlights, it is proposed not to include windows in the northern elevation of the new dwellings to avoid direct view of the lamps/reflectors.
- Archaeological Desk Based Assessment (Archaeology Collective, March 2017) – The application site has been shown to have moderate potential for prehistoric activity. The assessment suggests a low potential for activity from other periods apart from the foundations which are of a mid 18th-19th century entrance lodge to

Kemnal Manor House, which stood on the east side of the present entrance to the site. The possibility of encountering as yet, unknown archaeological remains of any period cannot be discounted. It is advised that an archaeological watching brief held on intrusive groundworks associated with the scheme would be sufficient to mitigate the effects of the proposals on any surviving archaeological remains.

- Alternative Site Assessment (JBA Consulting, 2017) – The report states that after a review of alternative sites, 20 sites were identified within the search parameters. No one site was found to be constraint free for development of a football stadium. The majority of the sites identified were constrained by development pressures, planning restrictions that would prevent the use of the site as a football stadium, availability, affordability and viability. In conclusion, of all the site sites considered within the assessment it was identified that Flamingo Park was the only suitable site that was available, had existing sport use and could support a financially viable stadium development proposal.
- Arboricultural Report (Chartwell Tree Consultants Ltd, September 2017) – 2 Category B, 12 category C and 3 category U trees are proposed to be removed. Tree G1 and T18 are sited outside the site boundaries and their removal will need to be discussed with the owners. The majority of the trees to be removed are sited within the area proposed to be residential with 5 further trees proposed to be removed to the north. The report states that the loss of the trees can be mitigated by good quality, heavy standard trees. The trees with preservation orders are not widely visible from the surrounding area so it is stated that these would not have a significant effect.
- Landscape Planting Schedule and Establishment Notes (JBA Consulting, 2017) – The report accompanies the submitted landscaping plan and details information regarding planting, tree planting, grass seeded areas and maintenance.
- Town Centre Impact Report (JBA Consulting, 2017) – The report states that given the proposed development does not consist of any A1 or A2 use, it is improbable that the retail sector and trade will suffer in the surrounding town centres as a result of diversion of custom for these types of service. The report goes on to say that there is a good provision of retail, business, sports and leisure facilities within the surrounding town centres. This includes a variety of D2 facilities but these are mostly limited to indoor leisure facilities with very little that are conducive to spectator sport activities. It is therefore considered that proposed development will bring substantially different offering from the existing provision of D2 elsewhere in the nearby town centres. The report concludes by saying that the proposed development will serve as an attractant to bring more people into the area, particularly on match days, which may lead to greater numbers of visitors to the surrounding town centres.
- Open Space Assessment (JBA Consulting, 2017) – It is noted within the report that Chislehurst Ward with the development situated within it is ranked 13th out of 22 wards within the London Borough of Bromley with less than 36% of households having good access to public open space and ranks 20th out of 22 wards for access to SLP public open spaces with less than 10% of households within the ward having good access to the type of open space that the proposal is seeking to introduce.
- Reptile Survey (Middlemarch Environmental, September 2015) – The report states that the majority of the site comprises low growing amenity grassland, buildings

and hardstanding. These areas provide poor habitats habitat for reptiles. A proportion of the southern half of the site contains habitat types of the most value for reptiles, with old spoil heaps and plant species. Small sections of grassland, tall vegetation and scrub are also located around the border and intermittently within the centre of the site. The site is likely to support potential prey for reptiles. There is potential connectivity to nearby green space to the south toward Kemnal Park Cemetery No species of reptile have been recorded on site during the surveys. The report concludes by stating that there are no impacts on species resulting from the proposed development.

- Preliminary Ecological Appraisal (JBA Consulting, 2017) – The report details mitigation measures that are required to be carried out and incorporating any mitigation requirements recommended after protected species surveys have been carried out, no significant adverse effects on any ecological receptors is predicted. Enhancement measures are proposed which will be expected to deliver a beneficial ecological impact. A biodiversity management plan is recommended to be conditioned.
- Energy Statement (Energy Report, October 2017) – In order to meet 35% below Part L of the 2013 Building Regulations requirements in respect of the residential development, improved levels of insulation and efficient heating is to be provided. To meet carbon zero standards, renewable installations on the non-domestic parts of the development are proposed. In respect of the non-domestic part of the development, a polycrystalline roof mounted PV arrays with ground source heat pump are proposed. The combination would result in a 51.6% reduction in CO2 emissions over the 2013 building regulations which exceeds the requirements of the London Plan Policy 5.2 which is equivalent to all domestic units being carbon zero.
- Ventilation Strategy Report (October 2017) – The 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 effect nearby residential properties.
- Heritage Assessment (Heritage Collective, November 2017) – The heritage statement notes that the proposed development will result in a slight visual change to the surrounding environment but will preserve the heritage significance of Chislehurst Conservation Area. The report goes on to state that the revised layout, style of buildings and the soft and hard landscaping strategy will mitigate the effect of the new development. The development at Flamingo Park will not harm the rural context of the Conservation Area. It is noted that the new development will be screened by the buffer that sub-unit 15 provides and will preserve the character and appearance of the conservation area.
- Design and Access Statement (October 2017) and Planning Statement (DHA Planning, September 2017)- These are supporting documents detailing matters of history, amendments to the scheme, planning policy, site details, very special circumstances case, proposed development, consultation feedback (statement of community involvement), landscaping, appearance, environmental and alternatives. The DAS and planning statement are to be read in conjunction with all other submitted documentation.

Amended information was received on the 27th February 2018 which included:

- Amended Design and Access Statement – The report has been amended to include a new site layout plan and alternative site configurations
- Planning Update Document (Capita) – The document covers issues arising in respect of surface water drainage, energy and ecology. The document also includes an amended alternative site search which considers the domestic and non-domestic aspects of the development separately and also includes further considerations as to the visual impact of the development.
- Transport Note (Developmentally) – The note is in response to comments raised by LBB Highways Officer and LB Bexley objections to the scheme.
- Additional Submissions Statement (dha planning) – An overview document detailing a response to matters raised in the GLA Stage 1 comments including alternative site configurations, matters of previously developed land, alternative sports development, off-site residential capabilities, very special circumstances, affordable housing mix, design, parking, drainage, energy etc.
- Amended proposed site plan – The amended document removes one of the pedestrian accesses from Kemnal Road and introduces a security gate at the other only for use by the residents of the site. The proposed plan also introduces gates to the residential element of the scheme and proposes a change in hard surfacing material in respect of the car parking facilities to grasscrete
- Amended proposed floor plans for the flats – Introduction of a separate entranceway to the side of the blocks for the ground floor units and the movement of the principle bedroom to the rear.
- Amended proposed flat elevations – Revised plans to insert access to the ground floor flats on the flank elevations.
- Residents Pedestrian Route plan – To show access to the residential development by foot.
- Viability Response (Aspinall Verdi) - The report covers issues raised in the GLA Stage 1 response in respect of the BLV (Benchmark land value) no being based on the EUV (Existing use value), no value being given to the Sports Stadium, the affordable housing tenure not being policy compliant and an assessment as to the viability of a dual site option.
- Additional drainage information including a Greenfield runoff estimation (HR Wallingford)- The additional information concludes that it has not been possible to incorporate a fully above-ground attenuation solution (as outlined in the drainage strategy) due to pressures to retain as much playing surface as possible. Sport England are strongly opposed to loss of playing field. Therefore attenuation volumes have been sited below areas of parking and vehicle access to maximise the use of these areas and preserve as much playing field as possible. The proposed development represents a decrease in impermeable area on site and a significant increase in the volume of attenuation storage compared to the existing. The proposed development will have lower peak runoff rates than existing with all impermeable areas being attenuated to greenfield runoff-rate for all events

up to 1 in 100 AEP event including climate change. Appropriate exceedance routes have been designed in the event of system failure or exceedance event.

Location and Key Constraints

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 under temporary use permitted development. The use of the site for a more established fun fair use has recently been refused planning permission.

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.

Comments from Local Residents and Groups

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

Objections

- Concerns over the artificial nature of the pitch
- The hiring of the pitch will mean much movements of motor traffic by users at all hours of the day with so many alternatives available.
- Goals is on the same road about a mile away
- Perhaps a smaller artificial facility to be used exclusively for the Clubs needs would be better.
- The local infrastructure will not be able to cope with the influx of traffic generated by match activity
- The support noted within the documents for this proposal have not come from local residents but from locations ranging far and wide
- The new gate on Kemnal Road will encourage parking on residential streets
- We want to keep the Old Dock Labour Board Building as it holds many memories of when we, as a community of Dock Worker's families, gathered for lovely socials.
- No consideration has been given to Greenwich and Bexley Borough residents
- The development will affect the roads in Greenwich and Bexley
- This development is on Green Belt land and the development is not special enough to warrant being approved
- There will be parking and highways safety issues
- Concerns that the extra housing will be accessed via the inside land which will back up even more during peak times when the residents will try to join the already long queues
- The current attendance is low, they clearly want to increase this to the capacity as quickly as possible. If they make it to the top tier of non-league football, expectations would be having crowds of 2000 to 3000 per game, therefore another planning request. The site and infrastructure cannot support future success.
- On boot sale days the on street parking is an issue
- The area is within a low emission zone so with the potential large number of vehicles on match days or when the club house has a function is adding to the pollution
- There is a care home within 50m of the proposed stand as well as the fact it is in a residential area. There will be noise pollution from the match and also from the clubhouse. There is also the noise pollution/cars leaving the clubhouse late at night.
- The boot fairs will have to stop as there will be significantly less space for vehicle parking
- Night time events should not be permitted in order to avoid the risk of further public safety incidents
- Potential unacceptable impact upon Kemnal Park Cemetery and Memorial Gardens.
- Insufficient parking for the residential units
- Part time traffic lights should be installed on Kemnal Road at the junction with the A20 due to existing congestion.
- If alcohol is sold on site then there is a risk of people being above the blood alcohol levels when driving home
- Detrimental highway impact in respect of the access/exit to Kemnal Park Cemetery and Memorial Gardens
- Bus route congestion will be an issue
- Highways congestion on the A20 will be a problem
- The 162 bus is only permitted to be a single decker bus due to the narrowness of the residential street around the area and at weekends it only runs every 15 to 30 minutes. How does this cope with a few thousand people?

- People try and cross on the central reservation of the A20 which is dangerous for them and motorists
- The subversion of Green belt land is being driven by profit margins on commercial and residential space
- Potential litter problems

Support

- Good for the local area
- The site is a mess and Cray want to bring it alive
- This will be a place for children and family's to go
- The rejuvenation of the area is well overdue
- It will give people in the local vicinity the chance to support a football club with history
- Much needed development, mixing housing with sporting facilities
- This is a step in the right direction to combat the housing crisis prevalent in the Borough
- The stadium would bring new job opportunities
- The site will attract visitors and create facilities for people to rent and train on
- The development is good for the community
- The plan has been carefully and thoughtfully put together
- It will be good for the local schools
- Cray Wanderers need their own stadium
- With the history this club has it is our duty to help them exist
- We should be supporting grass roots football
- The development will give children an interest in sport
- The stadium will be an asset to the area
- It's location on a main road will mean that there will be none or little disturbance to residents.
- The site will be improved beyond all measure
- The development will be a social focal point and a good quality recreation opportunity.
- Cray Wanderers deserve a permanent home
- Affordable housing provision is a benefit
- It will bring the second oldest football club in the world back in to the heart of its original catchment area
- The current use of Flamingo park is as a base for travelling fairs which are a magnet for low level crime and anti-social behaviour. The noise and light pollution from this site can also effect local residents during these events This will stop this.
- Sport is important to develop young people as well as adults
- The current use of the site is terrible to the Green Belt
- The plans would restore the site to its a intended purpose
- Chislehurst and Bromley require more housing at a level the normal person can consider
- There is a compelling planning justification for the proposals
- Not enough high class sporting facilities in the area
- An excellent regeneration project
- Suggestions to add at least another two sets of changing rooms into the plans.

Local Groups

Comments have been received from the Cray Valley East Residents Panel and the Old Saint Paul's Cray Resident's Group who give their support to the scheme.

Kemnal Resident's Association commented stating that they are responsible for the maintenance of most of the southern, metalled part of Kemnal Road and seeks to safeguard and conserve its amenity and semi-rural character. KRA notes that the proposals for the site include 2 pedestrian accesses from this footpath to the site. While KRA support the proposals to improve the Flamingo Park site they are concerned about these 2 pedestrian accesses because they consider that they could attract people attending football matches or other events on the site to park their vehicles on the metalled part of Kemnal Road, where there is already considerable parking by residents and their visitors. Additional parking on event days would potentially cause conflict with residents/visitors for the limited roadside parking available as well as with pedestrians and walkers, and would detract from the character and environment of the road.

The Chislehurst Society have commented raising an observation to the proposals. In principle the Society would support an application seeking to restore the site to an active outdoor sports ground. The Society states that the applicant refers to bullet 2 of paragraph 89 of the NPPF to justify the football stadium and associated structures and to bullet 6 to justify the residential buildings providing 42 units. The proposition being that all this development thereby is not inappropriate development in the Green Belt. While this is reasonably well argued by the applicant there remains a further 'test' to be satisfied: the proposed development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The argument advanced by the applicant on this 'test' is less clear: the Society would look for assurances from the Chief Planner that he is satisfied that this test has been met. Notwithstanding the above, the Chislehurst Society consider the changes to the previously submitted scheme are positive improvements. The Society notes, and have concerns about, the intention to create two new pedestrian access points on to the Kemnal Road footpath: one near the north-west corner of the stadium, and the other near to the north-west corner of the proposed housing area. Kemnal Road is a private road open to motor traffic from Bromley Lane to Kemnal Stables. From the Stables to the A20 the 'road' is a footpath. These two pedestrian access ways may encourage participants and visitors to events and football games to use Kemnal Road as a parking area. The potential conflict with walkers, horses and domestic traffic on roads not designed with capacity to sustain such an increased use is a material planning consideration. The Society recommends both access ways be omitted. The Society would look for reassurances from the Chief Planner that the submitted viability appraisal is given rigorous scrutiny to ensure that the minimum housing is permitted on this Green Field site to 'enable' the core sporting scheme to be successfully completed.

Comments from Consultees

Environment Agency: No comments to make as the site falls within Flood Zone 1. The site lies above Source Protection Zone 2 & 3 however the submitted FRA states that any surface water will be directly discharged into the Thames Water sewer that runs beneath the site, therefore no risk of potential contamination to the groundwater beneath the site.

GLA Stage 1 Comments (Summary – full comments attached as Appendix 1):

Principle of development: The proposal represents inappropriate development in Green Belt and 'very special circumstances' have not been demonstrated to outweigh the harm caused to the Green Belt. The application is contrary to the NPPF, draft London Plan

Policy G2 and London Plan Policy 7.16 and is unacceptable in principle (paragraphs 19-37).

Affordable housing: 100% with a tenure split of 12% affordable rent and 88% shared ownership units. The tenure split must be amended to include a higher proportion of rented accommodation and full details of affordability must be provided in accordance with Policy H7 of the draft London Plan, the Mayor's Affordable Housing and Viability SPG and the London Plan Annual Monitoring Report. An early stage review will be required in accordance with Policy H7 of the draft London Plan (paragraphs 42-44).

Heritage, urban and inclusive design: The layout must be revised to minimise impact on Green Belt and its openness and residential quality improved to ensure direct access and privacy (paragraphs 46-53).

Sustainable development: The domestic element does not achieve any carbon savings from the incorporation of passive design, energy efficiency or low zero carbon measures. The applicant must incorporate measures aimed at achieving carbon reductions, in line with London Plan Policy 5.2 and draft London Plan Policy SI2 (paragraphs 54-58).

Transport: The applicant should consider a phased increase in car parking based on demand, and amend the site access layout to improve safety for pedestrians. A car park management plan, construction management plan, delivery and servicing plan and travel plan should be secured through the s106 agreement (paragraphs 59-65).

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan and draft London Plan and is unacceptable in principle for the reasons set out in paragraph 69 of this report.

Historic England (Archaeology): The planning application lies in an area of archaeological interest.

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding.

Sport England: Sport England raises no objection to this application which is considered to meet exception E5 of the policies relating to the Artificial Grass Pitch, grass pitches, a community use agreement, changing room and stadium. The Football Foundation, on behalf of The FA has confirmed that they support these proposals, providing the recommendations regarding design are taken into account. Conditions are recommended.

Secure by Design: No objection subject to conditions

Thames Water: No objection

Conservation Officer: The site is adjacent to the Conservation Area. The impact of views out of the Conservation Area would be minimal and very long distance. No significant views into the Conservation Area would be harmed, so I consider that the proposal is compliant with BE13.

Environmental Health Pollution: Initial comments were received from the Environmental Health (Pollution) Officer who states:

Air Quality.

An Air Quality Assessment has not been submitted with the Application. I would recommend that a full assessment be submitted before the Application is considered and that this demonstrates how the development satisfies the requirement in the London Plan to be Air Quality Neutral.

Contaminated Land.

I recognise that the Phase 1 Desk Study prepared by JBA Consulting finds no historical evidence of landfill material being imported to the site. It is however not uncommon for sports pitches to import material for the purposes of levelling and in many cases this has not been documented. I would therefore suggest that the following Condition be imposed:

If, during the course of ground disturbance, any contamination of the soil is suspected based on olfactory or visual evidence, work shall immediately stop in that area and the Local Planning Authority notified. Proposals for testing and remediation shall then be submitted to and approved in writing by the Local Planning Authority. Work shall not recommence in the contaminated area until all testing and remediation has been completed and approved in writing by the Local Planning Authority.

Noise

My primary concern regarding the noise is that the Noise Assessment prepared by Acoustica (ref 576-1-1v2) takes no account of the adjacent cemetery and I would therefore recommend that this is revised to take account not only of the impact on the chapel (which has a number of bi-fold doors and may be opened for large services) but also on the grave-side proceedings.

In addition to my concerns in the first paragraph above, the Noise Assessment is misleading in referring to BS4142 and suggesting that a rating Level of 3dB(A) below the existing background levels is acceptable. In Bromley this has never been the case and in order to prevent creeping background levels we have always tried to achieve 10dB(A) below background except where existing background noise levels are very low. That is not the case on this site and I would recommend that the Noise Assessment is also updated to take this requirement into consideration.

Lighting

The Lighting Assessment prepared by Abacus predicts a considerable overspill, particularly to the residential dwellings to the south. I would recommend that the consultants are encouraged to look at this again and reduce the levels outside of the arena. I also note that no access lighting is shown and so would recommend that the following Condition be imposed:

Details of any access lighting shall be submitted to and approved in writing by the local planning authority before the building(s) are occupied. Development shall be carried out in accordance with the approved details.

Demolition & Construction

I would recommend that a standard condition be imposed to require a Management Plan to include all aspects of demolition and construction.

Following the receipt of these comments an Air Quality Assessment has been submitted which was considered to be satisfactory.

Amended and additional information was submitted with regard to the flood lighting and acoustic impact upon the neighbouring cemetery. Whilst the Officer would agree to a detailed design condition in respect of the proposed flood lights, in light of the absence of information in respect of the potential noise impact of the neighbouring cemetery, the Officers recommends that the application is refused.

Drainage Engineer: - The greenfield run-off rate should be calculated based on the development area that is within the area served by the drainage network. In this case, the calculations should exclude the significant green areas (football pitches) which are not currently served by the drainage network. The proposed 123.9l/s based on 16.6l/s/ha is not acceptable knowing the high risk of flooding downstream alongside the Wyncham Stream.

On the other hand and regarding the football pitches, the applicant is required to provide an effective drainage system to prevent deterioration of the playing surface which we would like to see at this stage to be sure flood risk is not increased on site or third parties.

There are plenty of opportunities to increase the use of SUDS to reduce further the flow entering the culvert, as such, surface water strategy from the site (area site excluding the football pitches located east of the site) should reflect greenfield run-off rate typically 2 to 8l/s/ha.

The 5.04ha of the football pitches located east of the site should be included in the sw strategy, in order to comply with Sport England guidance, a designed drainage strategy must be produced to comply with the required standard which includes draining the pitches to make them practical for longer periods of time.

Amended drainage information was subsequently submitted which addressed the Drainage Officers concerns. No objections are made to the application subject to appropriate conditions.

Highways: The previous application was approved and subsequently withdrawn. The proposal is to provide a stadium, football pitches and associated facilities to locate Cray Wanderers FC on the site together with a total of 42 dwellings. This is an increase of 14 units over the previous application.

The site is directly accessed off the A20, which forms part of the Transport for London Road Network (TLRN) and is a 40 mph dual carriageway at this point. It is only accessible from the westbound carriageway and has poor connections for non-car modes of travel. The site has a 0 PTAL rating.

The majority of the current uses on the site, including the boot fairs and nightclub, would be removed leaving only personal training activities, the gym and the football pitches. A Transport Assessment (TA) was included as part of the application.

Residential

The proposal is for 26 x 3 bed terraced houses and 12 x 2 bed and 4 x 1 bed flats in 4 two storey blocks. The 28 flats in the previous application were all 2 bed units. There are 42 parking spaces proposed which equates to 1 space per unit with 4 additional visitor spaces. This is a reduction from 1.82 spaces per unit with the previous scheme. Given the PTAL level and that some of the units are 3 bed 42 spaces seems an under provision. The vast majority of trips are likely to be by car.

Discussion in the TA regarding the parking provision indicates it is based on local car ownership rates. Kemnal Road is disregarded due to the large properties but there are flatted developments within the road. I am not sure how particular properties are removed from the census database but the local car ownership is 1.16 vehicles per dwelling (equating to 49 spaces). The standards in the draft local plan would require a minimum of 55 spaces.

Given the layout of the site with the distance to the surrounding road network I would normally suggest that overspill parking would be on the internal road network but for the proposed Car Park Management Plan given in section 10 of the TA (comments below).

The swept path provided for the refuse collection vehicle is for a slightly smaller one (9.2m) than is used in Bromley (10.3m). The vehicles are going to have to reverse some distance to reach the flats and so Waste Services should be consulted to ensure they are happy with the storage and collection arrangements. The turning movements could be compromised by parked vehicles on street but this may be controlled by the Parking Management Plan.

Stadium

The proposal is for a football stadium with a capacity for up to 1,300 spectators, 3 additional 11 a-side pitches, a 7 a-side pitch and 2 x 5 a-side pitches. In para 2.8 of the TA looking at the comparison with the previous scheme only one 11 a side pitch is shown previously but there were also 3 then. The only change seems to be an additional 5 a side pitch with this revised scheme. There are 3 parking areas proposed, a permanent area with 141 car spaces and 5 coach bays and 2 temporary overflow areas with a total of around 128 spaces.

The TA indicates that the average gate is 124 spectators. 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 parking demand for the majority of matches. It is also likely to be sufficient to accommodate the demand for the situation where all the other pitches are in use at the same time. If the stadium and other pitches are in use at the same time the overspill parking may need to be used.

TfL suggested that the proposed car parking with the previous scheme was an overprovision and that it should be introduced in phases when the additional demand is established. The proposal now is to provide 71 spaces at the outset of the development with surveys to monitor the usage and provide additional spaces as required. From the figures supplied in the TA, if the Hire Pitches and stadium are in use at the same time the estimate is 107 vehicles (with the average gate) or 149 vehicles (with double the average gate). This is obviously well in excess of 71 spaces.

I understand that the stadium is required as part of the requirement to play in a particular league. The capacity is well above the normal attendance and the TA includes a scenario with full attendance at the site. There would appear to be 3 scenarios where this could occur, a one-off match against a team from a higher league, Cray Wanderers progress to higher leagues or another team shares or takes over the site. The likely impacts would be on the access where TfL would need to comment and on the parking provision. There needs to be a

mechanism to address this situation, perhaps in the Car Park Management Plan. If attendance significantly increases then certainly the other pitches should not be used on match days. There does not appear to be much scope to increase parking provision on the site. Other pitches could be used but due to potential damage this would be weather dependant.

Car Park Management Plan

A plan to manage the on-site car parking is given in section 10 of the TA. Vehicle gates are proposed on the access although it is suggested access will normally be unrestricted. One permit would be issued per residential unit with visitors vouchers if spaces are available. As there are only 4 visitor's spaces this implies once these are full no more visitors would be allowed.

Car parking vouchers would also be provided to users of the Football Pitch and Hire Pitches. Spectators would also be able to request parking vouchers for a fixed time period so I am not sure how that would work with people using the other facilities, the bar and function room, gym, boot camp etc, at the site.

Given the location of the site it would seem unlikely that anyone apart from those people living in or using the facilities at the site would want to park there. The Management Plan seems rather draconian and complicated to run / enforce. There should not be any charges for on-site parking as this is likely to deter people and encourage them to park outside the site.

Non-car access

I note the TA indicates the way PTALs are worked out it does not take account of the pedestrian link to Imperial Way. However if it did it would only raise it to 1a.

There appears limited scope for non-car trips to the site. The A20 forms a barrier to the north of the site and the nearest crossing facilities, a bridge, is about 520m to the west of the site entrance. There is a bus route in Imperial Way from which pedestrians can access the site via Registered Footpaths 33 and 35. There is a new pedestrian access proposed onto FP35 to the west of the site.

Access

Probably the main highway issue with the site is likely to be the access. The A20 is part of the TLRN and TfL is the highway authority. They did not raise any objection with the previous scheme and should be consulted regarding any issues on the A20.

Conclusion

The proposal is unlikely to have a significant effect on any roads in Bromley. A possible effect may be if, for whatever reasons - congestion getting to or from the main access or where the supporters live, it is more convenient to park in Imperial Way and walk to the site. However I cannot see how that potential could be measured. Also the current lack of hard surfacing on the path, lack of lighting and the bends do not make it conducive to increased usage and this is acknowledged in the TA.

There is limited scope for non-car access to the site. I would have concerns about any measures to limit car trips to the site which will result in people looking for off-site parking rather than using other modes. In particular there is the parking provision for the residential

units, the phased provision of the leisure use parking and the proposed measures in the Car Park Management Plan.

Amended highways information was submitted to address the concerns as raised by the Council's Highways Officer and Bexley Council. Whilst no comments are received from Bexley, the Highways Officer is content that the application can be sufficiently conditioned and as such raises no objections to the application.

Rights of Way Officer: Public Footpath 145 runs along the NW boundary of the application site and the applicant's attention is drawn to the need to safeguard the public using the route during the construction period. No objections subject to informative.

TfL:

Vehicular Site Access

It is proposed to retain the existing left in / left out vehicular access off the A20 Sidcup Bypass. Minor changes are proposed to the kerb alignment in order to accommodate coach movements. 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.

TfL require a planning condition to be imposed requiring the developer to enter into a section 278 Agreement under the Highways Act 1980, with TfL for any works on TfL's highway associated with the development. The full costs to implement and maintain the highway works will also need to be met by the applicant.

Should this application be granted planning permission, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004.

Trip generation and modal split

The trip generation assessment appears 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 the full stadium attendance scenarios, however it is acknowledged that the queuing occurs within the site.

Car parking

183 formal car parking spaces are proposed on site, of these 42 spaces are proposed for the residential use and the remaining 141 spaces for the stadium. A further 128 overspill car parking spaces are proposed on site for the stadium use, and 5 coach parking spaces. The overall car parking provision represents a reduction to that proposed in the 2015 application which is welcomed by TfL. However, TfL would still recommend that the applicant considers a phased increase based on demand assessed through surveys and

balanced against other public transport provision, rather than the total 269 stadium spaces at the onset.

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

Disabled car parking will be provided in accordance with London Plan standards for all uses. Electric Vehicle Charing Points (EVCP) including passive provision will also be provided in accordance with the London Plan standards.

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 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.

TfL would advise that shower and locker facilities are also 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.

Buses

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.

The Club currently operates a 22-seater minibus that picks-up home fans from the Bull Pub in Sandy Lane, Cray. The Travel Plan states that a similar arrangement will be expanded to incorporate pick-up/drop-offs via local rail stations such as New Eltham and St. Marys Cray Stations. The expansion and frequency of this service should be secured by the s106.

Transport mitigation summary

A number of specific mitigation measures is summarised below:

- Development of a suitable pedestrian-friendly crossing design for the site access.
- A s278 agreement with TfL for highway works
- Car Park Management Plan to be secured through the s106
- Regular monitoring of leisure use cycle parking demand.
- The expansion and frequency of the Club shuttle bus to be secured through the s106
- Travel Plan to be secured, monitored, reviewed, and enforced through the s106
- A Delivery and Servicing Plan to be secured by condition
- A Construction Management Plan (CMP) to be secured by condition

Natural England: No Comments

London Borough of Bexley: The A20 Sidcup Bypass, which is a dual carriageway, forms part of the Transport for London Road Network (TLRN), for which Transport for London (TfL) are the Highway Authority. This road also lies within the London Borough of Bexley who are the Planning Authority. A planning application would therefore need to be made to Bexley for any alterations to the current access arrangements onto the A20.

However the level of car parking for the football stadium in this latest scheme has been reduced from 332 to 141 laid out spaces with 127 in an overspill area (268 in total).

The application is supported by a Transport Assessment (TA), the scope of which was agreed by Bromley and TfL. There have been no formal pre-application discussions with officers at Bexley although it had been suggested to the applicant that they engage with Bexley Highway Authority.

The TA purports to consider the trips arising from the existing site and proposed development in addition to considering access to the site by alternative modes of transport. However there are concerns that both the future transport impacts of the proposals have been underestimated and the scope of the network assessments are too limited.

Although the average match attendance is currently 124 supporters and it is stated from surveys it has been determined that approximately 50% of current supporters are car drivers. This would suggest that the car parking area is sufficient to support 242 travelling supported or 536 if the overspill area is taken into account.

The performance of the site access has been assessed based on 242 spectators and 1300 in terms of the site access capacity. CWFC currently play in the Isthmian League North. The ground grading requirements as set by the Football Association require their Category D to be met. This specifies that stadia must have a minimum capacity of 1,300 and there must also be potential to increase capacity to 1950 in the future. Should CWFC achieve promotion to the Isthmian Premier League, one level above where they presently play, they would be required to provide a Category C stadium, capable of accommodating 1,950 people, and have potential to increase this capacity to 3,000 in the future. It is noted that the application description is for a stadium with capacity for 1,300. It is considered, at a minimum, that the TA should assess the potential impact of 1950 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 modes than the application site. It is therefore likely that the proposed modal share for cars has been underestimated.

The TA only considers the potential traffic impact at the site access onto the A20, although it is noted that the 'sensitivity test' for 1,300 attending supporters demonstrates the junction will operate above capacity with significant queues predicted to occur. However the safety implications of this are a matter for TfL.

No consideration of the assignment of development trips on the adjacent highway network both to and from the site is provided in the TA. Vehicles exiting the site and returning east on the A20 would need turn right at Five Ways junction and right again into Footscray Road before using one of the residential roads linking onto the A20. An assessment of the potential impact this development on Five Ways junction should also be provided, which has known capacity problems during busy periods. These issues could result in a material increase in vehicles using roads within Bexley Borough.

The TA recommends that the scheme, if permitted, is supported by a Travel Plan and Car Park Management Plan and suggests a 'framework' for these documents identifying the types of measures that could be included. If Bromley are minded to grant planning permission it is recommended the detail of these documents are agreed in consultation with both Bexley and TfL and included in a S106 Agreement. Provision should also be made in the Agreement for a financial contribution to Bexley to monitor and review any future parking impacts of the development on roads within Bexley Borough and to introduce traffic management measures if necessary.

In conclusion Bexley Highway Authority does not consider that the TA supporting this application is robust or fully considers the highway implications of the development. Significant on street parking issues in Bexley have been generated by the use of this site in the past, and there are concerns the level of parking provided in this scheme has not been fully justified and may be inadequate for future needs. No consideration of the impact of development trips on the wider highway network has been given and there could be material traffic impacts in Bexley Borough.

Tree Officer:

The site is free of any protective legislation applied to existing trees. The site is largely open land with the occasional self-seeded tree. The site is well screened by boundary vegetation. Kemnal Cemetery located to the south of the site is situated within the conservation area. Trees along the boundary of the neighbouring cemetery are subject to the protection of the conservation area legislation.

An Arboricultural Report has been submitted in support of the application and details the tree constraints associated with the development. The majority of trees within the site do not present a constraint and can be removed as part of the re-landscaping proposals. Some mature trees form part of the list of trees to be removed and some appear to be situated within the neighbouring land to the south.

This site is clearly an opportunity for development and has gained a great deal of support from residents. The Landscape Plan submitted in support of the application is highly detailed and includes a number of specimen trees. New trees range up to advanced size and will enable a level of instant impact upon completion. The re-stocking of the site will outweigh the facilitation removals. The Officer is satisfied with the diversity of species listed on the planting schedule and raises no objections subject to conditions.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 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

Unitary Development Plan

- 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

Emerging Local Plan

1: Housing Supply
2: Provision of Affordable Housing
4: Housing Design
8: Side Space
20: Community Facilities
21: Opportunities for Community Facilities
26: Health & Wellbeing
30: Parking
31: Relieving Congestion
32: Road Safety
33: Access for All
34: Highway Infrastructure Provision
37: General Design of Development
42: Development Adjacent to a Conservation Area
46: Ancient Monuments and Archaeology
49: The Green Belt
54: South East London Green Chain
57: Outdoor Recreation and Leisure
58: Outdoor Sport, Recreation and Play
60: Public Rights of Way and Other Recreational Routes
69: Development and Nature Conservation Sites
73: Development and Trees
70: Wildlife Features
72: Protected Species
73: Development and Trees
77: Landscape Quality and Character
78: Green Corridors
79: Biodiversity and Access to Nature
115: Reducing Flood Risk
116: Sustainable Urban Drainage Systems (SUDS)
118: Contaminated Land
119: Noise Pollution
120: Air Quality
121: Ventilation and Odour Control
122: Light Pollution
123: Sustainable Design and Construction
124: Carbon dioxide Reduction, Decentralised Energy Networks and Renewable Energy
125: Delivery and Implementation of the Local Plan

Supplementary Planning Guidance

UDP

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

London Plan

Housing (2016)
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)
Homes for Londoners (2017)
Culture and Night-Time Economy (2017)

Planning History

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.

The most recent application and the most pertinent in this case is the recently withdrawn scheme for the 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 overground parking for stadium for a total of 393 cars and bicycle parking with access from the A20 Sidcup By-Pass (reference 15/03053/FULL1)

The application was taken to Planning Committee with a recommendation for refusal. Despite this, Development Control Committee resolved to grant planning permission based on a case for very special circumstances. The Mayor subsequently directed refusal on the 15th June 2016 for the following reason:

Green Belt: The very special circumstances argument presented does not justify the proposed development, which is considered to be inappropriate, in the Green Belt, Whilst the benefits of the outdoor sports facilities to Cray Wanderers FC and the wider community are acknowledged, these benefits do not outweigh the significant harm that would be caused to the openness and character of the Green Belt. As such the proposals are contrary to the aims and objectives of the NPPF (2012), Policy 7.16 of the London Plan (2015) and Policy G1 of Bromley's Unitary Development Plan.

Further to this, on the 29th June 2016, the application was called-in by the Secretary of State under his powers in section 77 of the 1990 Act, directing that the application shall be referred to him instead of being dealt with by the Local Planning Authority.

The Applicant withdrew the application following the call-in to enter discussions with Bromley and the GLA in order that a revised scheme could be discussed.

As well as the development control history stated above, 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 held in abeyance 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;

- Use of the site as a funfair over and above 28 days.

- Change of Use to various Businesses including Cash For Your Clothes, Firework Sales, Skip Hire, Scaffolding Storage areas and Car holding spaces.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Principle of Development including whether development is appropriate in the Green Belt;
- The case for Green Belt '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

Resubmission

The application is a re-submission following the withdrawal of the previous scheme. The amendments to this scheme when compared to the previous application are:

- Change to the overall site layout, including positioning of the stadium, location and siting of the residential units and football pitches and the layout of access roads. The stadium is now proposed to be accessed from the north (previously the east), with residential units to the south of the stadium, accessed via a through road to the west.
- Reduction in the size of the proposed clubhouse (GIA) of 1223sqm (27%)
- Reduction in height of the proposed clubhouse from three to two storeys, equating to a reduction in height of 5.43m
- Reduction in the extent of the covered spectator viewing area

- Reduction in the scale of the proposed residential development from four storey plus under-croft to two storey development.
- Reduction in the amount of residential development by 1569sqm (33%) including the previously proposed undercrofts and 192sqm if excluding
- Changes in the types and mix of residential accommodation and increase in number of residential units from 28 to 42
- 100% affordable housing provision (previously none was proposed)
- Decreased parking provision from 332 spaces to 268 spaces (excluding residential and including overflow parking).
- Football pitches re-sited to the east of the site.
- Re-enforced grass where grasscrete was previously proposed to the overspill parking.
- 17 trees proposed to be removed compared to 22 previously

Principle

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 provides 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)*

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.

Table 1. Existing and Proposed Development Data (Using Applicant Figures)

	Buildings	GIA Sqm	Surfaces Sqm	GIA Sqm
Existing	Clubhouse	1338sqm	Existing tarmac/gravel car park	13,577sq,
	Outbuildings and Containers	625sqm		
	Total Existing	1298sqm		13,577sqm
Proposed				
	Clubhouse including stands	3174sqm	3G Pitch	7975sqm
	Clubhouse bike enclosures	50sqm	Permeable paving	2217sqm
	Residential properties	3194sqm	Permeable Asphalt	9034sqm
	Residential bike enclosures	60sqm		
	Bin stores	25sqm		
	Total Proposed	6503sqm		19,226sqm

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 could be assessed in terms of NPPF paragraph 89 including point 6 therein. It is important also to note that there are some 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 floor space of existing built development of 1624sqm (GIA) (1963sqm as asserted by the Applicant including industrial buildings not accounted for in the Council’s

calculations). 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 (agreed as per the Applicants figures in respect of hard surfacing (p.15 of the DAS)).

Industrial outbuildings have been taken into account when calculating the Applicants existing floorspace however there is 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. The Council in their calculations have included all known lawful structures on the site.

The proposed stadium/ club house would have a footprint of 1587sqm (previously 1883sqm) and a total GIA of approx. 3175sqm (previously 4428sqm) set over two (previously three) storeys. The residential development would have a total GIA of 3194sqm. The hardstanding is proposed at 19,226sqm including the 3G pitch compared to 13,577sqm as existing. There is an overall reduction in height of the buildings on site of 5.43m.

Additionally, the ground grading requirements as set by the Football Association require their Category D to be met, this states that a minimum capacity of 1300 should be provided and there must also be potential to increase capacity to 1950 in the future. Should the club be promoted one league the Club would be required to provide a Category C stadium, capable of accommodating 1950 people and have the potential to expand to capacity for 3000. The Applicant confirms that should promotion be achieved that there would be no extensions to the clubhouse or stand itself, only minor works would be required to the shelters to increase them by 20% subject to planning. Whilst any future development proposals would be subject to planning and therefore considered on their own merits, Officers consider it reasonable to assume that the stadium must be capable of being extended in capacity and therefore size.

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 (the residential units and part of the stadium) are located on undeveloped land) and the increased size of the buildings are not consistent with preserving the openness of the Green Belt (NPPF paragraph 89 point 2, in relation to outdoor recreation). The development 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. The Applicant acknowledges that the development is inappropriate in the Green Belt within the planning statement.

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.

The Applicant within their submission notes that when considering the application in respect of the Green Belt '*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*'. However the Applicant goes on to state that whilst the purposes of including land in the Green Belt it is not determinative in this case in respect of concluding whether the

development is inappropriate or not, it does remain material to the wider consideration of the VSCs in informing the weight given to the Green Belt harm. The Applicant notes the reasons as to why land is included in the Green Belt concluding that the proposals would not significantly or materially conflict with the reasons for including the application site within the Green belt, representing a mitigating factor when balancing the case for VSCs against Green Belt and other harm, even when giving substantial weight. Officers do not agree with the approach taken by the Applicant in this regard, it is agreed by both parties that the development represents inappropriate development within the Green Belt and therefore the test as per paragraph 88 of the NPPF is engaged and *substantial weight* is to be given to any harm to the Green Belt. As per the test, the very special circumstances are to be assessed to consider whether they outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. Very limited weight is given to the points raised by the Applicant in analysing how the sites characteristics meet the purposes of including the land within the Green Belt given that the land is designated as Green Belt and any future development is to be assessed against such policy tests.

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 has accepted the development is inappropriate and has presented a case for very special circumstances focusing on 13 aspects: need, existing site condition, reinstatement and safeguarding of the site's historic sporting use, previously developed land, absence of alternatives, wider green belt context, significant benefits to sport, health and wellbeing, community and social benefits, cultural benefits, economic benefits, housing supply, enabling development and affordable housing. These will be addressed in turn.

Need

The Applicant states that the need for the principal sports element of the application proposals is acute and evident given that the ground sharing agreement with Bromley FC is soon to come to an end.

The GLA Stage 1 response in this regard states that whilst the limitations and uncertainty of the current ground sharing arrangement are recognised, this cannot be accepted as contributing towards 'very special circumstances' to justify inappropriate development in the Green Belt given that this need could be met at another site. The GLA Officers note that the Applicant has failed to explore alternative site options which make use of the previously developed land on the site for the stadium and developing a separate site for the enabling residential development. Additional information has been submitted by the Applicant since this time which states that there are viability concerns in this approach. The Applicant also states that should they develop the residential element on a separate site, they would need to undertake this first to release funds for the stadium development which would result in significant delay in implementing the stadium given that no site or planning has been secured for enabling development and would lead to additional financial risk. The Applicant states that adopting the dual site approach is also not feasible given that one of the primary reasons for working with Moat housing was to assist the cashflow, however it has not been explained why it would not be possible for the Applicant to work with Moat housing on a separate site which would also mitigate against any time delay.

Concern is also raised at the cost of purchasing a separate site however in the amended alternative site selection document, alternative sites have not been considered for the stadium use, only for the enabling development, therefore the ability to provide the development on multiple smaller sites has not been considered which may overcome this concern. Whilst the Applicant has also tested options for an alternative site layout which takes into account of the PDL element of the site, these have been discounted due to the Applicant considering that they would have a greater impact on the Green Belt and therefore the scheme must be considered on the basis of what is submitted which is considered to cause a substantial impact in terms of openness.

Further to this, Officers also remain concerned as to the search perimeters used in assessing the requirements for the site, particularly the distance from the Crays applied (4 miles/10 minutes drive). It is not unusual for a sports team to relocate considerable distances from their original fan base when in need of expansion and as such Officers consider that a much broader site search could have been undertaken.

Officers are therefore of the opinion that insufficient justification has been provided that more suitable alternative sites is not available and that very special circumstances have not been demonstrated in this regard.

Existing Site Condition

The applicant asserts that the expected aesthetic enhancements to the site that would result from proposed planting, landscaping, active management, new and high quality buildings, hardstanding and regularisation of the uses on the site should be considered a 'very special circumstance' to allow for the proposed inappropriate scheme. Officers consider that this 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. Whilst Officers agree with the comments made by the GLA in respect of the enhancements creating a betterment to the visual amenity of the area, consideration must be given to the use of the site as a whole whereby a multitude of unlawful uses are taking place. These are now subject to an authorised planning enforcement notice which is waiting to be served for the removal and cease of operation of the uses within 3 months, as such Officers consider that improvements to the site in this regard are readily capable of being delivered in a manner which is not contrary to Green Belt policy.

Reinstatement and safeguarding of the site's historic sporting use

The Applicant states that the site's historic sport and recreation use will be maintained, expanded and secured for the future and is an appropriate use on the Green Belt.

Officers acknowledge the lack of use of the existing playing fields at Flamingo Park, and the absence of any regular league football being played over the past 4 years. However, whilst the re-provision of upgraded sporting facilities is supported by Officers, it is not considered that the proposal has been robustly considered in respect of how this is proposed. As previously discussed, the Applicant has failed to explore alternative site options for both the stadium and the residential element of the scheme in an appropriate search area therefore it cannot be considered that the proposed scheme with a residential element is the only option available for restoring or safeguarding the sites use as a sporting venue. Furthermore, whilst there is no current interest, the sports fields do still exist and this in itself would not preclude future use of this area in a sporting function, despite no current interest being had.

Previously developed land and wider Green Belt context

The Applicant states that the site includes significant areas of previously developed land and whilst the proposed layout includes a moving of the developed parts of the site, in essence the scheme involves the re-use of previously developed land when taken as a whole. The Applicant asserts that the benefits of the reconfiguration and the use of PDL is a sustainable form of development, weighing considerably in favour of the application.

Officers have considered matters of previously developed land elsewhere in the report, however it is reiterated that whilst it is acknowledged that there are elements of previously developed land on the site there is a clear increase in the floorspace between the existing buildings on the site and the proposed buildings on the site; they are materially larger. Furthermore, the majority of the development is on greenfield land, not previously developed land, therefore Officers do not agree with the assertion that 'in essence the scheme involves the re-use of previously developed land'. The loss of unbuilt land and the increased size of the buildings are not consistent with preserving the openness of the Green Belt, which is why alone the development is not considered appropriate under bullet point 6 of paragraph 89. The development does have a greater impact on the openness of the Green Belt than the existing development and as such, this is not considered to result in a very special circumstance.

Similarly, the sites location within the wider Green Belt context does not lend itself to a very special circumstance. In assessing applications for development in the Green Belt Officers do not consider the quality or location of the land in relation to surrounding urban form.

Absence of Alternatives

The alternative site assessment which was submitted as part of the application considers 20 alternative sites within 4 miles or 10 minutes travel time 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.

The GLA in assessing this very special circumstance considered that the approach to finding an alternative site is based on both the stadium and housing being provided on the same site, without any justification and therefore the alternative site such is not considered robust. As previously discussed by Officers, the Applicant submitted amended information following the publishing of the Stage 1 response that should they develop the residential element on a separate site, they would need to undertake this first to release funds for the stadium development which would result in significant delay in implementing the stadium given that no site or planning has been secured for enabling development and would lead to additional financial risk and time delays. The Applicant states that adopting the dual site approach is also not feasible given that one of the primary reasons for working with Moat housing was to assist the cash flow however it has not been explained why it would not be possible for the Applicant to work with Moat housing on a separate site which would also mitigate against any time delay. Concern is also raised at the cost of purchasing a separate site however in the amended alternative site selection document, alternative sites have not been considered for the stadium use, only for the enabling development, therefore the ability to provide the development on multiple smaller sites has not been considered which may overcome this concern.

As previously mentioned, Officers also remain concerned as to the search perimeters used in assessing the requirements for the site, particularly the distance from the Crays applied (4 miles/10 minutes drive). It is not unusual for a sports team to relocate considerable distances from their original fan base when in need of expansion and as such Officers consider that a much broader site search could have been undertaken.

Officers are therefore of the opinion that insufficient justification has been provided that more suitable alternative sites are not available and that very special circumstances have not been demonstrated in this regard.

Benefits to sport, health and wellbeing (including community, cultural and economic benefits)

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 wellbeing 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 states that in isolation, the sports, health and wellbeing benefits are significant however in the local context they become increasingly so, weighing in favour of the scheme particularly when noting the paucity in comparable provision within the local area.

The site has approximately 46,000sqm of playing fields (as previously confirmed by Sport England). The application proposes 46,411sqm of playing fields (Officers calculations) in the proposed development, including grass and artificial pitches, which equates to a

slightly higher level of provision. Sport England has raised no objections to the proposal given that the playing fields are to be provided in excess of the current provision and, on balance, the proposal would provide an indoor/outdoor sports facility which would be of sufficient benefit to the development of sport. The Football Association has also expressed support for the development.

Whilst Officers acknowledge the benefits of the proposal in re-providing the sporting function of the site, the benefits of the development could be achieved through the provision of facilities that are appropriate development and as such are not considered to be 'very special' in this case. The Applicant in the submission of amended information states that to their knowledge there is no indication that in the absence of the proposed development an alternative sports use would materialise and that the site has been empty for a number of years. However, whilst there is no current interest, the sports fields do still exist and this in itself would not preclude future use of this area in a sporting function, despite no current interest being had.

Furthermore, there are also concerns over the site's inaccessible location by means of transport other than the car, given the sites low PTAL rating of 0 and location beyond an acceptable walking distance to any National Rail or bus routes. This is in part mitigated by the submitted travel plan however whilst the Agent states that concerns over sustainable travel and accessibility would apply to any use at the site, Officers consider this to be a far more pertinent consideration in respect of sporting facilities, specifically stadiums which have the capacity to attract considerable footfall.

In respect of the community and social 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 has submitted a Community Access Statement and Community Impact Statement which details both the community access to the proposed development and details of the Club's community programmes. It is also noted that Cray Wanderers has a community programme including supporting facilities for the 1st team, 12 youth teams and the Coopers School Football Academy as well as coaching to 29 schools in the local community and holiday camps. It is stated that the current lack of a permanent home for the club has hindered their ability to successfully deliver the provision thus the proposal will strengthen their important part in delivering community facilities. It is also stated that the function rooms can also be used in conjunction with the nearby cemetery for wakes.

As with the previous application, significant support from both Bromley residents and those further afield has been received by Officers. Should the application be acceptable in all other respects the community access statement and community impact statement could be conditioned to be complied with, as well as the proposed conditions as laid out by Sport England in respect of the sporting offer.

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 has limited benefits to the north within the 400m zone as defined by the London Plan for a LSP park. To the south it is acknowledged there is a footpath that leads from Imperial Way, however this is in a poor state of repair and virtually unusable at night. The Applicant has proposed to upgrade the pathway and remove two bollards which currently prevent wheelchair access (these are put in to prevent anti-social behaviour and their removal would not necessarily be agreed to by the Council), however this will be at considerable expense and would require the land owner's permission, therefore at present there is no wheelchair access from Imperial Way. There is a footbridge available over the A20 however this 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 measures 1.7m-2.4m in width however the previous transport assessment submitted with the original application measures this 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 if desired (para 5.17 of the transport assessment), 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 including a raised table crossing. The applicant agrees that a new pedestrian crossing would be favourable and would accept a condition or obligation to this effect.

Again it is reiterated, that whilst the provision of the community facilities is welcomed by Officers and the benefits clearly understood, the facilities can be provided on the site in a manner which is considered appropriate development, and would not require the amount and scale of development proposed within this 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.

In respect of cultural benefits the Applicant notes that Cray Wanderers FC are the second oldest football club in the world and the oldest in London. Given the cultural importance of football the Applicant states that it is imperative to secure the future of the Club is acute as it forms as an important part of the wider history of the local area. Officers are sympathetic to the situation Cray Wanderers find themselves in, however the site at Flamingo Park bears no significance to the uniqueness of the club and as such the location in itself is not key to maintaining the Club's history. The amended Alternative site assessment is

considered not to be robust and therefore Officers do not consider that this site is the only viable alternative in the absence of information to suggest otherwise.

Economic benefits have been put forward by the Applicant, namely that the proposal will deliver a long term secure future for the site that is financially viable. The Applicant also states that it will in turn support direct employment in the management and operation of the facility, however these numbers are unknown and have not been elaborated upon. Officers concur with the comments of the GLA in this regard in that *'sustainable economic benefits could be derived through the redevelopment of the site in a manner that appropriately addresses Green Belt policy'*.

Housing Supply and provision of Affordable Housing

The Applicant asserts that whilst the proposed housing is enabling development, necessary to deliver the sports facilities, it will have added benefit in making a contribution towards the achievement of the Borough's housing targets. It also states that it is noteworthy that the housing will deliver a mix of housing type and size to help deliver a mixed and balanced community.

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development, as per the points raised by the Applicant.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

London Plan Policy 3.4 Optimising housing potential seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

While these policies are considered to be pertinent to the justification for sustainable development on the site and support the application, compliance with them would not outweigh the harm identified above and the circumstances presented as being very special in relation to sustainable accommodation are not very special as to warrant an exception to Green Belt policy.

The Council has a five year housing land supply and therefore is considered to meet the housing targets as set within the London Plan. Nevertheless, the Planning Practice Guidance, Housing and economic land availability assessment, paragraph 34 specifies that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt. The GLA in their comments also state that *'The London Plan housing targets, however, are based on a Strategic Housing Land Availability Assessment (SHLAA), which was tested and endorsed at Examination in Public. A key principle of the SHLAA and London Plan is that the target, including affordable housing, can be met without the need to consider designated open space. Furthermore, notwithstanding an increase in its housing targets, the draft London Plan and supporting SHLAA is based on*

the same principle and therefore does not consider the use of Green Belt as necessary to meet these targets. Housing supply is therefore not considered to constitute 'very special circumstances'. Whilst the provision of additional housing is afforded some weight in the overall planning balance, given the Council are able to meet their housing targets this is considered to be of minimal benefit.

The application now proposes 100% affordable units, however the provision of affordable dwellings can be met without the need to consider designated open space and as such the over provision is not considered to amount to very special circumstances.

Enabling Development

The Applicant states that with specific regard to the proposed residential development, this is required financially to deliver the wider sports development and is the minimum required to do so.

The Council engaged an independent consultant to scrutinise the submitted viability statement. The consultant found that the 100% affordable housing option generates a loss of approximately £337,000. The loss identified within the independent assessment is approximately £209,000 greater than indicated in the Applicant's FVA on account of additional S.106 costs to be incurred that the Applicant has omitted. The consultant concludes that the minimum number of dwellings required to subsidise the development of the sports village would be 42, as indicated in Applicant's preferred option. Whilst there are discrepancies between the Council's and the applicant's findings it is considered that the principle and quantum of the proposed 'enabling' residential development is sufficiently justified for the site with the Applicant funding the proposed cost gap from potential cost savings through development and contributions from the Club's Directors and therefore the scheme effectively breaks even.

Nevertheless, whilst the residential development is considered the minimum possible amount to facilitate the development it is considered that the proposed football stadium, club facilities, residential development and all of the 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 reasons of inappropriateness.

Considering all of the very special circumstances individually and collectively it is not accepted that the suggested very special circumstances cited above clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, including harm to openness. Based on the overall increase in proposed development, including both the residential aspect and stadium use with flood lights and hardstanding, Officers consider there to be a greater impact on openness and detrimental harm to the character of the Green Belt as a result of the development.

Out of town development

Policy S7 - Retail and Leisure Development Outside Existing Centres, requires retail proposals in out of centre locations to demonstrate the following criteria to be met:

(i) There is a need for the proposal

(ii) All potential sites within the town, district, local or neighbourhood centres and parades have been thoroughly assessed, followed by an assessment of edge of centre sites within easy walking distance of the primary shopping area; and

(iii) the applicant can demonstrate that they have been flexible about the format, scale, design, car park provision and the scope for disaggregation in the sequential search for sites

If the sequential test above is met the proposal will be expected to:

(iv) be easily accessible to host cycling or walking and is, or will be, well served by public transport.

(v) Not harm the vitality or viability of existing centres, either by itself or in conjunction with other proposals; and

(vi) the scale of the proposal will be appropriate to the size of the centre in which it is to be located.

Whilst it states within policy S7 that the Applicant needs to state why there is a 'need' for the proposal, this is not required within the NPPF. The NPPF instructs that weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It is therefore considered that there is no requirement for the Applicant to consider the need of the leisure use and as such is not considered necessary within the determination of this application.

A Town Centre Impact Report has been submitted which states that given the proposed development does not consist of any A1 or A2 use, it is improbable that the retail sector and trade will suffer in the surrounding town centres as a result of diversion of custom for these types of service. The report goes on to say that there is a good provision of retail, business, sports and leisure facilities within the surrounding town centres. This includes a variety of D2 facilities but these are mostly limited to indoor leisure facilities with very little that are conducive to spectator sport activities. It is therefore considered that the proposed development will bring substantially different offering from the existing provision of D2 elsewhere in the nearby town centres. The report concludes by saying that the proposed development will serve as an attractant to bring more people into the area, particularly on match days, which may lead to greater numbers of visitors to the surrounding town centres.

Officers do not consider that the development would impact detrimentally upon the vitality or viability of existing leisure uses within the surrounding area given the type of offer proposed within this application. Matters of accessibility and public transport capabilities have been considered elsewhere.

Design

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 west side of the site, re-orientated from that as previously considered, with the main entrance to the stadium now located on the northern elevation. The residential area has also been re-located and now sits to the south of the site, accessed by vehicles along the western elevation of the stadium. The residential properties are not visible from the north, given their secluded location to the rear of the site. The retention of the open land to the eastern side of the site, over and above that which was provided within the original application, is welcomed however, as discussed above, the proliferation of built development across the remainder of the site would have a significant and harmful impact upon the openness of the site, of which no very special circumstances are considered to exist to outweigh.

Notwithstanding the Green Belt issues already highlighted, the stadium building has been reduced in height from that as previously considered and is now proposed at two storeys measuring 8.42m in height. The proposed stadium has been rotated from that as previously considered with the longer elevation now facing the A20 however the development is sited in a linear fashion (with the residential development located behind the stadium) therefore limiting the extent in which the development sprawls across the site horizontally. The stadium has been significantly reduced in height mitigating its substantial scale and massing however whilst the reduction in the scale of the stadium is considered a betterment, concern was previously raised as to the use of the palette of materials including aluminium cladding which was considered to emphasise the visual impact of the development which has not been sufficiently amended as part of this application. In this case, it is proposed that the primary facing material will be steel cladding of a green colour with off-white flashing also used in the projecting entranceways. The use of high quality, sympathetic materials including a green roof, in accordance with policy 5.11 of the London Plan, would be seen as more appropriate however comments received in respect of the

viability of this are noted. Details of the finishing materials could be considered by condition should permission be forthcoming.

A palette of white UPVC, LBC 'Heather' brickwork (with contrasting brickwork in a soldier course layout above windows to add interest), red tiling and block PVC rainwater goods are proposed for the residential blocks which is considered acceptable, the specifications of which would need to be agreed through condition, should the application be acceptable overall.

A planting scheme is referred to in the Landscape and Visual Impact Assessment, which is proposed to infill gaps in trees along the perimeter of the site, and plant trees around the car park. The applicant submits that the proposed tree planting in the green car park and around the northern boundary would help to break up the visual mass of the proposed football stadium, specifically when viewed from the properties along Footscray Road and pedestrians/motorists using the A20 and that the stadium would not project above the tree line (however the floodlights will be seen). The report states that the magnitude of change would be high and the effect is considered to be moderate-substantial at most at this location which is notable.

Whilst the Applicant concludes that the effect from the north would reduce over time though mitigation tree planting within the site 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 5yrs+ 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. Officers do agree however that the reduction in height of the stadium does go some way in alleviating concerns in this regard.

In respect to the design of the proposed residential dwellings, substantial amendments have been put forward removing the proposed flatted scheme to one of terraced dwellings with two storey flatted developments to the south. The layout of the residential units is uniformed in its appearance, with two rows of 6x 3b/4p terraced houses and two rows of 7x 3b/4p terraced houses with parking to the front with each individual access road gated. Two storey flats are sited to the south of each row of terraced properties with communal parking to the front. The dwellings are proposed in continuous blocks with a duo-pitched roof profile and the end property set back from the building line to add variation in its appearance. The dwellings and flats are more traditional in appearance and are more in keeping with the surrounding residential form than the flat roofed flatted blocks previously proposed, however their continuous frontages and uniformed siting does not contribute to a layout which is either visually interesting or imaginative, being led by the constraints of the site, specifically the requirement to site the dwellings to the rear of the stadium to reduce the visual impact on openness when viewed from the north.

Of particular concern to Officers is the overall layout of the development and the decision of the Applicant to site the residential blocks to the rear of the stadium, accessed only by one through road to the western elevation of the stadium. It is not considered that the layout of the site equates to a development that is either inclusive or of good design.

The units proposed are accessed adjacent to the football stadium and are of such a layout that they are effectively hidden from public view behind the stadium itself. The comments of the GLA Officer are also pertinent in this regard in that he states '*The residential*

element relates poorly to the context, with inadequate pedestrian and cycle links that will dissuade the use of sustainable transport modes and provide poor connections to surrounding local services and given the open Green Belt character of the site. GLA officers do not consider that an appropriate layout that secures suitable levels of residential quality can be provided on this site at this scale, alongside the sporting facilities'. Council Officer's agree with these comments, and would go so far to state that the layout proposed could give rise to significant well-being concerns by creating an isolated community as well as creating a poor sense of place given its remote, secluded, hidden setting and access arrangements. It is not considered that the potential use of the Club's shuttle bus at peak hours to move residents to and from the train station is adequate to overcome these concerns, and reinforces the issues raised previously with regard to the secluded inaccessible nature of the site.

The proximity of the residential element to the stadium also raises concern as to the visual impact of such a structure/use in close proximity to residential properties, and whilst there may not be any daylight/sunlight concerns, would appear as a dominant and overbearing structure given its length along the entire northern aspect of the residential area. Consideration has also not been given to the access arrangements of the residential area on match days where vehicular access could be hindered. The secluded nature of the residential units is also exacerbated by the introduction of gates which compounds the potential for social isolation.

The Applicant states that within the S.106 heads of terms they are willing to secure a package of benefits to future residents which would mitigate any isolation and allow residents to feel part of the community facility. Officers do not agree that a package of on-site incentives outweighs the harm caused to future residents of the site by reasons as outlined above.

The Conservation Officer raises no concern as to the proposed impact of the application upon the Chislehurst Conservation Area to the south of the site.

The residential element of the scheme has clearly been designed with matters of Green Belt impact in mind however this is at the expense of good and sustainable design which is not acceptable and would have a significant and irreversible impact upon the wellbeing of future residents and therefore would constitute unsustainable development.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

In accordance with the London Plan Policy 3.8 ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The Housing SPG advises that affordable dwellings (where the Council has nomination rights) should be provided

as wheelchair accessible homes (that are readily usable by a wheelchair user at the point of completion). Affordable wheelchair units will additionally be required to comply with South East London Housing Partnership (SELHP) standards.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

All units must benefit from private amenity space which must comply with the requirements set out in the SPG. A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard garden or balcony. For all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) suitable play space should be provided as part of the development scheme.

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups on the community; identify the size, type, tenure and range of housing that is required in particular locations; and where they have identified that affordable housing is needed, set policies for meeting this on site, unless off-site provision can be robustly justified (Para 50, NPPF).

Notwithstanding the comments previously discussed in respect of layout and siting, the dwellings meet the minimum floor space standards as set out in the London Plan and the layout of both the dwellings and flats are considered to be acceptable, providing dual-aspect views and sufficient amenity space over and above the 5sqm in respect of the houses and balconies for the proposed flatted developments. Concerns have been raised by the GLA in respect of the forward facing ground floor bedrooms of the flats in respect of privacy and amended plans have been received which reduces the pedestrian movement to the front of the flats by introducing independent flank access in respect of the ground floor units thereby restricting the use of the front door to the two upstairs units which is considered broadly acceptable.

In respect of the two rows of terraces that adjoin to the rear, rear gardens of 14m in length are provided allowing for a separation distance of 28m between rear elevations. This is considered acceptable to prevent any detrimental impact upon residential amenity. Furthermore, 25m separation distance between front elevations is also provided which is considered acceptable.

Of concern to Officers however is the proximity of plots 39-42 which are sited approximately 12.5m from the children's play area to the rear which may cause unacceptable impacts in terms of noise and disturbance. The requirement of this area is unknown and given adequate play space available integrally within the layout, Officers consider that this area may not be considered necessary. It is noted that the Applicant considers that this could be readily removed should Members require. Comments have also been previously discussed regarding the overbearing and obtrusive impacts of the siting of the residential development in close proximity to the rear of the stadium development.

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 however the priority in the London Plan is for the provision of affordable family housing, generally defined as having three or more bedrooms. Notwithstanding the issues concerning the inaccessibility of the site, on balance, the mix of units proposed would provide a range of housing choice taking into account the requirements of different groups and are considered acceptable in this instance.

The applicant proposes 7 wheelchair adaptable units on the ground floor of the building in compliance with M4 (3) (6 shared ownership and 1 affordable rent) and one unit to meet M4(3) 2b standards, that being fully accessible. The remaining flats will be built to M4 (2) standards which is considered to accord with policy 3.8 of the London Plan and Housing SPG.

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).

Officers calculations based on whole site area (7.5 ha) are 9.02 habitable rooms/hectare and 5.6 units/hectare. The housing density is significantly lower than the suggested densities in the London Plan however regard is given to the enabling development being proposed at a minimum threshold to allow for the facilitation of the wider development, whilst a greater number of units can be accommodated this would not necessarily be acceptable.

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 development proposed.

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. The Council's adopted SPG on affordable Housing confirms that a proposal for sheltered housing is subject to Policy H2 and other residential policies in the UDP. The London Plan (Table A5.1) identifies a need for affordable specialist housing with a specific requirement for intermediate sale.

Where it has been determined that a site meets the size threshold and is suitable for affordable housing, payment in-lieu of affordable housing on site or provision in another location will be acceptable only in exceptional circumstances and where it can be demonstrated that: (i) it would be impractical to transfer the affordable housing to a registered social landlord (RSL) - now referred to as registered providers; (ii) on site provision of affordable units would reduce the viability of the development to such a degree that it would not proceed: or (iii) on site provision of affordable units would not create mixed and balanced communities and there would be benefit in providing such units at another location (Policy H3 UDP).

The scheme will deliver 100% affordable housing, with a tenure split of 12% affordable rent and 88% shared ownership units. 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 appraisal to accompany the application which identifies the funding gap for the proposed development and the cross-subsidy that the proposed residential will make to plug the gap. The report also concludes that the proposed residential scheme constitutes the minimum amount of development required to bridge the funding gap. The report also notes that the scheme proposes to deliver affordable housing units in excess of policy requirements as this help to bridge the viability gap due to an offer agreed with Moat Housing. The Council commissioned an independent assessor to scrutinise the applicant's appraisal and confirm whether the development is the minimum required to fund the development. After scrutinising the applicant's submission, the Council's assessor has confirmed that the development would result in a larger deficit than that as ascertained by the Applicant given that planning obligations for education and health had not been factored in, but ultimately concluded that the development as proposed was the minimum amount required to fund the development.

Comments from the GLA raised concern to the Applicants FVA stating that with a revised benchmark value, which reflects Existing Use Value in accordance with the Mayor's Affordable Housing and Viability SPG, and a value assessed for the sports facilities, the proposed units could viably contain a broader mix of affordable tenures. As such, notwithstanding paragraph 4.7.13 of the draft London Plan and paragraph 2.42 of the Mayor's Affordable Housing and Viability SPG the Mayor concluded that in this instance the affordable tenure mix proposed must be revised to contain a higher proportion of rented accommodation to include a minimum proportion of 30% low cost rent in accordance with Policy H7 of the draft London Plan.

The Applicant has considered the availability of grant funding to assist in the provision of affordable housing on site which is included within Moats offer. In accordance with paragraph 4.7.13 of the draft London Plan and the 'Homes for Londoner' SPG, the scheme could qualify for Fast Track, subject to both the Mayor and the Council's support of the proposed tenure mix and affordability. The mix proposed in this case meets that required by the Council that being 70% affordable rent, 30% intermediate tenure when taken as 35% of the overall provision which is considered acceptable.

The Applicants FVA has been robustly tested by the Council's consultant who concluded that 42 units would be the minimum number of dwellings required to subsidise the development of the sports village as indicated in the applicants preferred option. Where fewer homes would be sought to minimise development in the Green Belt it may initially be considered feasible to offer more or all the homes as private sale units. However, this increases risk and cash flow liabilities which a commercial developer would typically seek to compensate with a profit requirement, thereby reducing viability further.

Officers consider the affordable housing offer to be acceptable and as such the development would not be subject to a review mechanism as part of any future legal agreement should permission be forthcoming.

Highways

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. 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 London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

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 objected to the application and 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 a minimum of 1950.

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 however this queuing is considered to be within the site. 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, 183 car parking spaces are proposed (previously 153), including 42 for the residential use and the remaining 141 for the stadium. However, a further 128 car parking spaces are proposed in a 'green overflow car park' for the stadium use. 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 parking demand for the majority of matches. It is also likely to be sufficient to accommodate the demand for the situation where all the other pitches are in use at the same time. If the stadium and other pitches are in use at the same time the overspill parking may need to be used. TfL suggested that the proposed car parking with the previous scheme was an overprovision and that it should be introduced in phases when the additional demand is established. The proposal now is to provide 71 spaces at the outset of the development with surveys to monitor the usage and provide additional spaces as required. From the figures supplied in the TA, if the Hire Pitches and stadium are in use at the same time the estimate is 107 vehicles (with the average gate) or 149 vehicles (with double the average gate). This is obviously well in excess of 71 spaces and therefore it can be concluded that the parking provided at the outset is required to be increased over and above the 71 that is initially proposed.

An amended transport report was submitted in response to both the Highways Officers comments and Bexley Council's comments which was found to be acceptable. The Officer notes that the Car Park Management plan will be a critical document and will be required to cover all aspects of the parking including the phasing programme for the implantation of the parking spaces, and any enforcement (not including charging for on-site parking). Concerns were still raised as to how the monitoring will be undertaken however initial thoughts are that the Applicant will be required to undertake surveys at the site, including during large scale events which can be worked into the Car Park Management Plan. No further comments have

been received from LB Bexley, however these will be reported verbally to Committee should they be received.

TfL have commented on the application and in respect of the car parking numbers states that the overall car parking provision represents a reduction to that proposed in the 2015 application which is welcomed by TfL. However, TfL would still recommend that the applicant considers a phased increase based on demand assessed through surveys and balanced against other public transport provision, rather than the total 269 stadium spaces at the onset; this is proposed by the Applicant whereby 71 spaces will be provided initially. A car park management plan which would be conditioned should permission be forthcoming would also monitor this staged provision.

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.

Officers consider that taking into account the level of on-site car parking currently proposed (which will be subject to ongoing review), 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. It is considered by the Applicant that the site will be capable of hosting all required parking needs, and unlike the current unrestricted uses, is subject to robust analysis of potential vehicle movements and car parking need.

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 and as previously mentioned, may not be agreed to by the Council due to their requirement in-situ to prevent anti-social behaviour.

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 as acknowledged by TfL.

The residential development will include cycle parking externally within the communal parking area serving the flats. 6 cycle spaces are proposed in relation to the stadium with a further 6 spaces for the football 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 car park management plan, travel plan, delivery and servicing plan and construction management plan are required to be submitted prior to the commencement of the development and can be conditioned should permission be forthcoming.

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. The car parking provision is considered to be acceptable and TfL raise no objection in respect of the impacts of the development on the

A20. 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 and as such this is considered pertinent in relation to the comments regarding the secluded and isolated nature of the site as discussed previously.

Neighbouring amenity

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 overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

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 comprising primarily of the potential traffic consequences as well as the noise impacts on the adjacent cemetery and nearby care home.

Previously concern was raised as to the impact on the 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 which will be notably changed by the proposed development. The stadium has been decreased in height substantially from the previous application however it is noted that tree screening has been proposed to help mitigate the visual impact which in itself prevents open views of the application site, nevertheless this is no longer considered to result in a reason for refusal given the limited harm that now arises from this given the reduction in scale of the stadium development.

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 the stadium would not result in significant noise impact during the daytime although minor impacts may arise during the use of the stadium for match day events during the evening. The minor impacts are not considered significant in the context of the existing/past use of the site and the limited number of times these noise levels will occur. The report also states that the site is exposed to low levels of road noise therefore no special noise mitigation measures are necessary for the proposed residential development in respect of road traffic noise. Noise levels from the function room will be below background noise levels and an overall noise limit has been determined for noise from mechanical services associated with the development.

Comments have been received from the Council's Environmental Health Officer who states that the Noise Assessment is misleading in referring to BS4142 and suggesting that a rating Level of 3dB(A) below the existing background levels is acceptable. The Agent has stated that the methodology used is the same as adopted with the original application and is willing to accept appropriate mitigation conditions which Officers consider satisfactory.

The previous application found that there would be a significant adverse effect from noise from the stadium on match days which has now been confirmed as being approximately once a week. The noise levels expected from the other pitches are sufficiently below background noise levels and significant adverse effects are unlikely, provided hours of operation are controlled.

It was previously concluded that on balance, given the likely frequency of match days, the noise impact from the development is unlikely to be significantly harmful to neighbouring resident's amenities as to recommend refusal of the application on noise grounds and Officers have no reason to consider differently within this application.

The Environmental Health Officer has raised objections due to a lack of satisfactory information detailing the impacts of the development upon the tranquillity of the neighbouring cemetery. In particular the Officer quotes the NPPF at paragraph 123 which states:

Planning policies and decisions should aim to:

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The Officer goes on to state that, *'Whilst there are no precise rules, for an area to be protected for its tranquillity it is likely to be relatively undisturbed by noise for example from that generated by the proposals. My concerns are exacerbated when considering the use of the Multi Faith Hall during 'services' and the potential impact on the prevailing soundscape by the proposals for example during quite periods of service'*.

Whilst Officers acknowledge the concerns of the EH Officer, consideration must be given to the current use of the site, specifically that closest to the Multi Faith Hall, as sporting pitches and therefore whether the level of harm from noise will be substantially more harmful than that which currently exists. Subject to mitigation conditions including a noise management plan to be entered into with the cemetery, Officers consider this harm could be sufficiently mitigated.

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 mitigation methods the proposed floodlighting would not result in an undue loss of amenity to nearby residents. The floodlights proposed are of the "flat glass" type and emit zero upward light and therefore meets the ILP recommendations of 5%. All existing and proposed residential units receive under the IPL recommended level of light intrusion.

Initial comments received from the Council's Environmental Health Officer states that the Lighting Assessment prepared by Abacus predicts a considerable overspill, particularly to the residential dwellings to the south. It is considered that should permission be forthcoming a condition requiring the detailed design and management of the flood lighting will be imposed to mitigate any undue impacts in this regard.

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 which have been considered in the highways section of the report.

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.

Sustainability

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.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An energy assessment and strategy has been provided which shows how the need for energy is to be minimised, and how it will be supplied to the particular development proposed. 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. As set out in the Mayor's Housing SPG, a zero carbon standard should be applied to all new residential development.

The statement concludes that in order to meet 35% below Part L of the 2013 Building Regs requirements in respect of the residential development, improved levels of insulation and efficient heating is to be provided. To meet carbon zero standards, renewable installations on the non-domestic parts of the development are proposed. In respect of the non-domestic part of the development, a polycrystalline roof mounted pv arrays with ground source heat pump are proposed. The combination would result in a 51.6% reduction in CO₂ emissions over the 2013 building regulations which exceeds the requirements of the London Plan Policy 5.2 which is equivalent to all domestic units being carbon zero.

Comments have been received from the GLA which are agreed with by Officers which state that whilst the non-domestic element of the scheme provides for an on-site reduction of 133 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 67%, the domestic elements do not achieve any carbon savings from the incorporation of passive design, energy efficiency or low zero carbon measures. This is not acceptable. The applicant was required to consider the scope for additional measures aimed at achieving carbon reductions, in line with the London Plan policies and the energy hierarchy.

To date, no amended energy strategy has been submitted to Officers which address the issues in compliance with Policy 5.2 and as such as it stands it is not considered that the development would result in the sufficient reductions in carbon efficiency in respect of the domestic element of the scheme in line with the hierarchies as stated within the London Plan. It has been stated by the Applicant that they consider the use of a condition to be acceptable which would secure the submission of an energy statement to be agreed with Officers. Officers do not consider this to be reasonable as no assurances at this time are given that the policy will be met, and until the time in which an acceptable energy

assessment is submitted, Officers are unable to consider this element to be acceptable. Further to this, should the report conclude that carbon offsetting cannot be met to the required levels, a carbon off-setting sum is required to be secured via the S.106 and therefore it is pertinent we have an amended energy assessment for consideration prior to determination.

Trees and Ecology

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 Planning Statement acknowledges the limitations of the reports submitted in that the recommendations of both the Bat Emergence Survey and Reptile Survey are out of date and require updating.

The Bat Emergence report states on Page 10 that the survey data obtained for the site is valid for 12 months from the survey date, this being between the 27th August 2015 and 4th September 2015. Therefore this report was out of date at the time of the submission. The report states ' If development works to the surveyed building have not commenced within this timeframe it will be *essential* to update the survey effort to establish if bats have colonised the site'. The reptile report is also explicit in saying that if works do not commence by September 2017 then the survey needs to be redone.

The Applicant submitted additional information in respect of ecology which states that the Bat Conservation Trust ' Bat Surveys for Professional Ecologists – Good Practise Guidelines' published in 2016 states that '*the length of time survey data remains valid should be decided on a case by case basis and is dependent on a number of questions*'. The questions are highlighted in the update report and in summary state that the bat surveys are of a good-quality with minimal limitation and that additional surveys are recommended prior to commencement of the work to confirm occupation of the site has not occurred which are unlikely to be material to the acceptability of the proposal. It is further stated that mitigation measures should be secured by a biodiversity action plan condition and that should the additional survey confirm presence of a roost then a bat licence will be required and appropriate mitigation agreed prior to the submission of a demolition method statement and biodiversity action plan which are to be secured by condition. It is recommended that until such time that a bat emergence survey can be undertaken, the presence of roosting bats must be assumed and appropriate conditions secured.

Whilst in normal circumstances it would be inappropriate to condition the recommendations of future assessments on protected species, it is considered that the approach took by the Applicant is considered acceptable in that the reports undertaken at the time were robust, were undertaken in the past 3 years and given that the site has not changed demonstrably over time (as confirmed by the Applicant) that in this case it is

appropriate to condition future bat and reptile surveys subject to onerous conditions that this is complied with assuming the presence of reptiles and bats until such time which is proved differently.

In terms of arboricultural works, 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 as well as the removal of 2 Category B, 12 category C and 3 category U trees. Tree G1 and T18 are sited outside the site boundaries and their removal will need to be discussed with the owners. The majority of the trees to be removed are sited within the area proposed to be residential with 5 further trees proposed to be removed to the north. The report states that the loss of the trees can be mitigated by good quality, heavy standard trees. A landscape planting schedule accompanies the submitted landscaping plan and details information regarding planting, tree planting, grass seeded areas and maintenance. This includes the retention of coniferous screening that exists along the northern boundary as well as the extension of this to the north of the stadium. The specifications of new tree planting confirmed and 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 condition the submission of an arboricultural method statement and for further details of tree protection to be submitted for consideration as well as a scheme of ecological enhancements such as bird and bat boxes.

All recommendation as laid out in the ecology and arboricultural reports (including the update reports received on the 27/2/2018) will be conditioned should permission be forthcoming.

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 has been submitted with the application which is summarised above.

The proposed site layout has been designed to place the least vulnerable receptors in the areas of most at risk. However, site constraints have led to the plan including the main stadium facilities at medium risk of surface water flooding, and selected residential units are at a low to high risk of surface water flooding in addition, it is proposed to carry out selective land raising and to raise finished floor levels to mitigate any risks. It is stated that final flood site levels will be important for this development, firstly to raise thresholds above predicted flood level; secondly to avoid the displacement of flood water and thirdly so that the proposals can provide mitigation for potential loss of storage.

Comments have been received from the Council's Drainage Officer who states that the greenfield run-off rate should be calculated based on the development area that is within the area served by the drainage network. In this case, the calculations should exclude the significant green areas (football pitches) which are not currently served by the drainage network. The proposed 123.9l/s based on 16.6l/s/ha is not acceptable knowing the high risk of flooding downstream alongside the Wyncham Stream. The Officer also highlighted other issues including the requirement to increase the use of SUDS.

Comments from the GLA in this regard state that the proposals will ensure that the site achieves a greenfield runoff rate up to the 1 in 100 years, plus climate change storm; this will be achieved through the provision of 6,732m³ of temporary attenuation. Some of the attenuation will be provided below permeable parking and pitch coverings, but the majority will be via geo-cellular tanks. This approach is not in accordance with London Plan Policy 5.13 or draft London Plan Policy S113 as the site contains suitable spaces for more sustainable forms of drainage/surface water attenuation, such as basins, ponds and swales; and the football stadium may benefit from a water harvesting system for toilets and irrigation uses.

Notwithstanding the high volume of attenuation to reach greenfield run-off rates, the applicant must explore the inclusion of the above measures before the application can be considered acceptable with the regards to London Plan and draft London Plan policy.

Amended information was submitted by the Agent which the Drainage Officer now considers acceptable subject to conditions.

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) . The findings of the report are summarised above. Comments were received from Historic England who raise no objections to the findings subject to conditions.

Pollution and Contamination

The phase 1 contamination assessment has been submitted 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 condition is requested by the Council's Environmental Health Officer which states that should contamination of the soil is suspected work shall stop immediately and a programme of testing and remediation shall then be submitted to and approved in writing by the Planning Authority.

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 whilst the project would suffer a deficit however this is reasonably accounted for and the Applicant has agreed to pay health and education contributions. In this instance the application is considered to be unacceptable in principle and matters of detail however should the application be found to be acceptable, a section 106 would also cover highways works/monitoring as necessary. The development would also be subject to Mayoral CIL.

Environmental Impact Assessment

The Council issued a Screening Opinion on 4th December 2017 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 to 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 as well as the need for the club to find a permanent site and the lack of availability of other land for development.

In addition, there are some fundamental issues in terms of layout and siting of the proposed development that would be to the detriment of sound placemaking, and in its current form the residential development would give rise to an isolated, inaccessible development which is not considered to be acceptable in terms of health and wellbeing of future residents, giving rise to a poor standard of amenity for future occupiers.

It is also considered that proposed measures to deal with carbon off-setting have not been sufficiently dealt with by way of the hierarchy as set out in Policy 5.2 of the London Plan.

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, together with the other harm identified in this report, 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 of London 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).

Should it be resolved that permission be granted, the application would also need to be referred to the Secretary of State.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

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 very special circumstances presented. 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) and Draft Local Plan Policy 49.

2. The proposed residential aspect of the development, by reason of its siting, relationship to adjoining development and deficient consideration of wellbeing by reason of its secluded, inaccessible location, represents a form of harmful development of insufficient design and residential quality which would result in a detrimental impact on the amenity and wellbeing of future occupants. The layout and siting of the residential development would result in a poor quality living environment which would fail to reduce inequalities and would therefore constitute unsustainable development. Therefore the application is contrary to part 7 'Requiring good design' of the NPPF; London Plan Policies 3.4 and 3.5, Policies H7 and BE1 of the UDP and Draft Local Plan Policies 4, 26, 33 and 37.

3. It has not been demonstrated that the energy efficiency and carbon dioxide reduction measures proposed in the application would accord with the hierarchy in terms of minimising Carbon Dioxide emissions as laid out in Policy 5.2 of the London Plan in accordance with the provisions of site wide energy.