

<b>Committee Date</b>	13.06.2024	
<b>Address</b>	Sports Pavilion Creswell Drive Beckenham	
<b>Application Number</b>	24/00351/FULL1	<b>Officer</b> - Robin Evans
<b>Ward</b>	Kelsey And Eden Park	
<b>Proposal</b>	Erection of extension to existing pavilion to provide WC and refreshment serving hatch and amendment to existing footpath link to Creswell Drive. (PART RETROSPECTIVE).	
<b>Applicant</b>	<b>Agent</b>	
Mr Peter Bolton	Mr Andrew Black	
2 Hawsbrooke Lane Beckenham BR3 3SR	Hillplace House 55A High Street Wimbledon Village SW19 5BA	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes – Cllr Harris – support for the provision of the footpath as shown in the approved Cala Homes Development which has not yet been provided by Cala Homes.

<b>RECOMMENDATION</b>	REFUSE
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<p><b>KEY DESIGNATIONS</b></p> <p>Article 4 Direction  Biggin Hill Safeguarding Birds  Biggin Hill Safeguarding Area  Flood Zone 2  Historic Landfill Sites  Metropolitan Open Land  Sites of Interest for Nat. Conservation  Smoke Control SCA 18  Tree Preservation Order</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Outdoor sport/recreation	26
Proposed	Outdoor sport/recreation	33

<b>Representation summary</b>	Neighbour letters sent 25.03.2024 Newspaper advert published 27.03.2024 Site notice displayed 28.03.2024
Total number of responses	1
Number in support	0
Number of objections	1

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would comprise inappropriate development in the Metropolitan Open Land by definition and would be harmful to its openness and there are no very special circumstances in this case to clearly outweigh the harm identified.

## 2. LOCATION

- 2.1 The application site relates to the sports ground located on the northern side of Creswell Drive and the southern side of Mosaic Way. The site is predominantly level, and the boundaries are marked mostly by trees/vegetation. The site lies within Metropolitan Open Land and abuts the River Beck and the River Beck including Langley Park Nature Reserve, Harvington Estate woodland and Kelsey Park SINC.



Figure 1. Site Location Plan.



Photo 1. Application site and Cresswell Drive.



Photo 2. Application site – front.



Photo 3. Application site – rear.

### 3. PROPOSAL

3.1 Planning permission is sought for erection of extension to existing pavilion to provide WC and refreshment serving hatch and amendment to existing footpath link to Creswell Drive. According to site observations the pathway around the rear of the building appears to have been constructed.

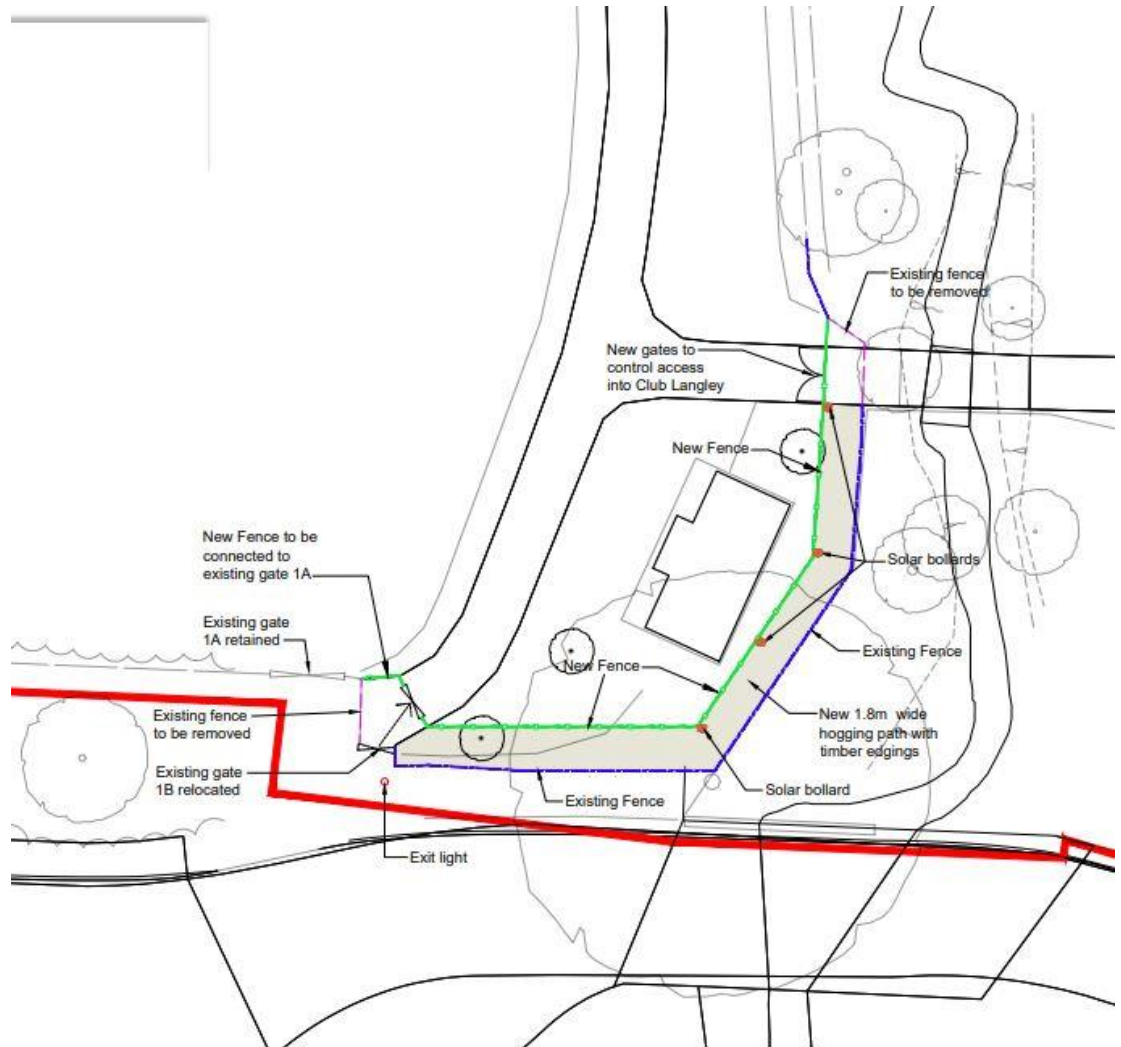


Figure 2. Proposed site layout.

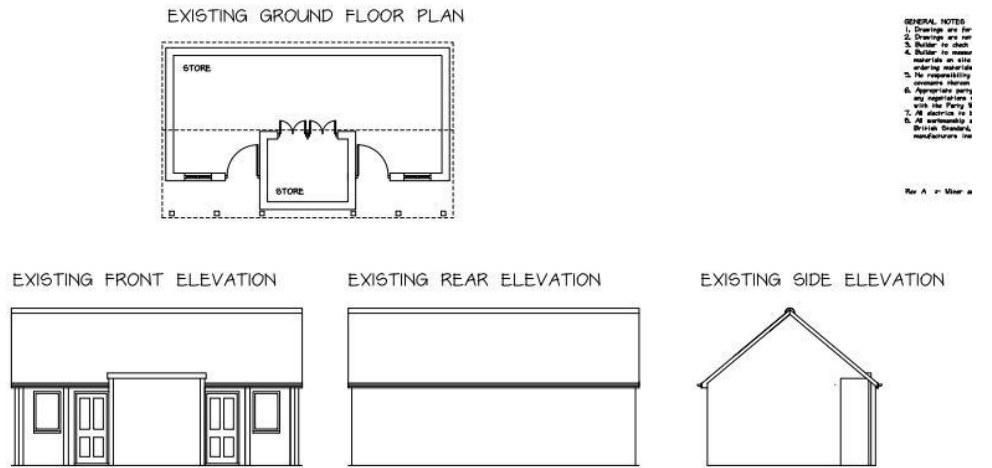


Figure 3. Existing plans and elevations.

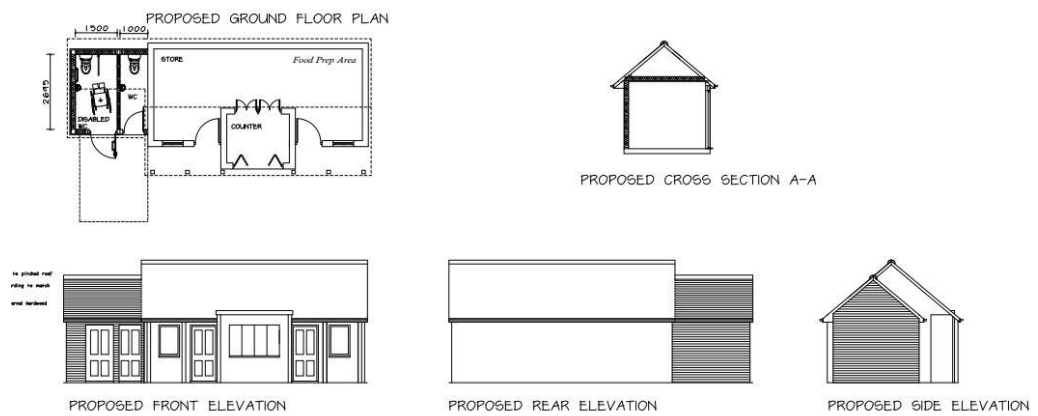


Figure 4. Proposed plans and elevations.

#### 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the application site is summarised as follows:

12/00976/OUT – Demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to 1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports club/ library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/ occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FUL PART OUTLINE) was granted on 17 June 2014.

14/03706/DET – Details of access, appearance, landscaping, layout and scale for phase 2 and conditions 21 (parking), 23 (cycle storage), 25 (electric charging vehicle points) and conditions 24, 33, 34, and 43 (lighting conditions) of permission ref 12/00976 granted on June 27th 2014 for the demolition of existing buildings and comprehensive phased mixed use development of up to 37,275sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620sqm Class D1 (Non-Residential Institutions), up to 1,040sqm Class D2 (Assembly and Leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports club/ library, education and resource centre and general purpose meeting room) within Class D2 (Assembly and Leisure) in conjunction with adjacent playing field without any specific use/ occupier restrictions (as set out in condition 03 of permission ref. 98/01103/FUL PART OUTLINE was granted on 1 June 2016.

14/03821/DET – Details of access, appearance, landscaping, layout and scale for Phase 3 (22 dwellings: Plots 1 - 8 and 42 - 55) and details pursuant to conditions 7 (boundaries), 21 (parking), 22 (refuse) 23 (cycle parking), conditions 24 and 34 (lighting), 33 (secure by design) and 35 (slab levels) as they relate to Phase 3 of permission DC/12/00976/OUT granted on 27th June 2014 for the demolition of existing buildings and comprehensive phased mixed use development of up to 37,275 sqm (gross external area) comprising up to 35,580 sqm Class C3 dwellings (up to 179 houses of different sizes and tenures including garages (including up to 79 affordable units)), up to 620 sqm Class D1 (non-residential institutions), up to 1,040 sqm Class D2 (assembly and leisure) (including retention of existing pavilion and erection of replacement score hut), including reprofiling of site levels, creation of attenuation lake, estate roads and pedestrian/ cycle paths, open space, car parking, hard and soft landscaping, security access lodge and infrastructure works including substations. Use of pavilion building (permitted for staff restaurant/ sports clubs/ library, education and resource centre and general purpose meeting room) within Class D2 (assembly and leisure) in conjunction with adjacent playing field without any specific use/ occupier restrictions (as set out in condition 3 of permission ref: 98/01103/FUL) was granted on 1 June 2016.

18/00443/FULL1 – Redevelopment of the site to provide 280 residential units (Use Class C3), a Use Class C2 care home for the frail elderly, retention of the sports pavilion, retention of the spine road, provision of open space and associated works was granted on 28 June 2019 and is under construction. Amongst the conditions, Condition No. 25 states:

25. The development shall be carried out in accordance with the provisions of the Play Space Strategy AT7568 and the Strategic Landscape Masterplan (Drawing no. 661202/04/05 Rev 07) and shall be implemented prior to the first occupation of any of the residential units hereby permitted in accordance with a timetable to be agreed with the Local Planning Authority prior to the commencement of above ground works for the residential phase

of the development. The timetable shall include triggers to ensure that the Strategy is implemented before the first occupation of any of the residential units.

Reason: To comply with Policy 3.6 of the London Plan and Policy 37 of the Bromley Local Plan and to ensure provision is made for play and informal recreation in the interests of the health and well-being of future residents.

20/02853/FULL1 – Change of Use of Existing Pavilion building and associated car park from D2 (Assembly and Leisure) to D1 (Non-residential institution) for children's nursery use and medical facility. Existing parking and access to be retained. MOL land to be retained was approved on 24.02.2022.

23/04851/PLUD – Lawful Use of Unit 2, Langley Court Pavilion, Mosaic Way as Use Class E(d) Indoor sport, recreation or fitness was granted a lawful development certificate on 21.03.2024.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

#### **Environment Agency: No objection**

The site of the proposed development is within Flood Zone 2, which is defined as having a medium risk of flooding. The amendment to the existing footpath is within Flood Zone 3 (higher risk of flooding). The Environment Agency has no objection to the proposed development as submitted. However, as the development of the building is within 8m of the main River Beck and the amendment of the path is in close proximity to the main river the Applicant is recommended to apply for a Flood Risk Activity Permit (FRAP) (further information below in 'Informative' section), and can be advised of this by planning informative.

#### **Highway Department: No objection**

The application site lies in an area with a PTAL 1a-2 rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be more dependent upon private transport such as the car or bicycle than on public transport, and indicating a potentially higher demand for car ownership and vehicle parking than an area/development with better public transport accessibility. The application appears to involve the closure of a well-established footpath/cycle path which is unfortunate. However, the site is part of a private estate, there is no public right of way in this area, and Bromley Council is not the Local Highway Authority for these roads.

#### **Sport England: No objection**

The proposal is for a small extension to the existing small pavilion to provide toilets and a refreshment serving hatch. The proposal would have no adverse impact on playing field but would benefit the users. Given the above, Sport England raises no objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.

## **B) Local Groups**

### **Bromley Biodiversity Partnership: Partial Objection**

Raise no objections to the pavilion extension, but strongly object to damage to biodiversity of the River Beck corridor which will occur at this point if a path and lighting is installed. If Planning permission is granted conditions are requested in relation to lighting, construction management, together with ecological enhancements.

## **C) Adjoining Occupiers**

Objections

### Procedural matters (addressed in section 7.1)

- works have already begun on the pedestrian access route contrary to the planning application and without consent,

### Principle and Use of Land/MOL (addressed in section 7.2)

- the proposed design is primarily for a café and toilet for the recreational use of the MOL and not as a cricket scorers hut,
- if planning permission is granted it should be restricted for accompanying the recreational/sports use of the MOL only and not for general café use,
- toilets have already been granted planning permission under 20/02853/FULL1 and the re-use of the pavilion should not be carried out until the toilets have been provided in the cricket score hut,
- the sports and recreation use of the MOL was part of the planning permission 20/02853/FULL1 however the land is not being used as such,

### Transport (addressed in section 7.5)

- the proposal would obstruct existing footpath/cycle path and footbridges over the River Eden and would conflict with previous permissions including the former Glaxo/Cala Homes development which provided access through those areas/routes,
- solar bollards would not provide sufficient lighting along the shaded pathways to provide safe and secure pedestrian access,

## **6. POLICIES AND GUIDANCE**

### **National Planning Policy Framework 2023**

#### **NPPG**

#### **The London Plan**

D4 Delivering Good Design

D5 Inclusive Design

D11 Safety, security and resilience to emergency

D14 Noise

S1 Developing London's social infrastructure

S2 Health and social care facilities

S3 Education and childcare facilities



S4 Play and informal recreation  
S5 Sports and recreation facilities  
G3 Metropolitan Open Land  
G7 Trees and woodlands  
T1 Strategic approach to transport  
T5 Cycling  
T6 Car parking  
T6.4 Hotel and leisure uses parking

### **Mayor Supplementary Guidance**

Accessible London SPG  
Optimising Site Capacity: A Design-led Approach LPG  
Planning for Equality and Diversity in London SPG  
Play and Informal Recreation SPG  
Sustainable Transport, Walking and Cycling  
The control of dust and emissions in construction SPG

### **Bromley Local Plan 2019**

20 Community Facilities  
21 Opportunities for Community Facilities  
26 Health and Wellbeing  
28 Educational Facilities  
30 Parking  
32 Road Safety  
33 Access for all  
37 General Design of Development  
50 Metropolitan Open Land  
57 Outdoor Recreation and Leisure  
58 Outdoor Sport, Recreation and Play  
69 Development and Nature Conservation Sites  
73 Development and Trees  
79 Biodiversity and Access to Nature  
119 Noise Pollution  
123 Sustainable Design and Construction

### **Bromley Supplementary Guidance**

Urban Design Supplementary Planning Document (Bromley, 2023)

## **7. ASSESSMENT**

### **7.1 Procedural matters**

7.1.1 Notwithstanding third party comments an applicant is entitled to submit an application (of various types). The planning regulations allow for an application to be submitted retrospectively, such as to confirm that an existing use or

development is lawful that it has deemed consent and does not require express planning consent and/or to regularise a use or development that does require express consent. As such a retrospectively made application is assessed on its own merits and in relation to the relevant legislation/Development Plan Policies and without prejudice to the fact that it has been submitted retrospectively.

7.1.2 Notwithstanding comments received, according to the Council's records there is no public right of way in the vicinity of the application site and the proposal would not appear to affect a public right of way.

## **7.2 Metropolitan Open Land – Unacceptable**

7.2.1 The London Plan and Bromley Local Plan Policies confirm that Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt and advise that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. As such MOL is treated as if it were Green Belt and policy references to Green Belt in this assessment are to be treated as MOL.

7.2.2 NPPF paragraphs 142–156 set out the Government's intention for Green Belt. The NPPF states that 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.

7.2.3 NPPF paragraph 143 states that the Green Belt is intended to serve five purposes:

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

7.2.4 NPPF paragraphs 152–156 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very special circumstances. 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 resulting from the proposal, is clearly outweighed by other considerations.

7.2.5 Therefore, the main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

- 7.2.6 Inappropriate development in the Green Belt is harmful by definition (in principle) and should not be approved except in very special circumstances. Therefore, the harm to the Green Belt in principle remains even if there is no further harm to openness arising from the development. Local planning authorities should give substantial weight to any harm to the Green Belt. “Very special circumstances” (VSCs) 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. VSCs by their nature will also often be unique to the application site and will not be capable of being easily repeated as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.
- 7.2.7 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form, it has been described by Appeal Inspectors as an “absence of development”, and therefore any new development, built form or a more intensive use of land in the Green Belt is likely to have a greater effect on openness than the current situation. Openness takes into account the effect of built form on the otherwise open landscape and therefore the three dimensional mass of a building, as compared with a two dimensional form of a flat surface, is a critical element of this part of the assessment. This may be concluded to compromise openness and conflict with the purpose(s) of including land within Green Belts; in this case assisting in safeguarding the countryside from encroachment. With regard to “openness” the Supreme Court has also recently ruled, clarifying that “matters relevant to openness in any particular case are a matter of planning judgement, not law” and that “visual effects” are a relevant material consideration. However as mentioned above, even if there is absence of harm to openness, there may still be harm in principle to the Green Belt by reason of inappropriate development. Furthermore, it is established in the assessment of the impact of new development on the openness of the Green Belt that the land in question does not need to be prominent or visible from the public realm; as the mere fact that the development exists in the Green Belt at all is inherently harmful to openness as compared with the same land that is absent of the proposed development in question. *Notwithstanding this, however, with regard to ‘openness’, the Supreme Court has ruled that ‘matters relevant to openness in any particular case are a matter of planning judgement, not law and that “visual effects” are a relevant “material consideration”.*
- 7.2.8 The London Plan Policy G2 and the Bromley Local Plan Policy 49 provide the same level of protection to Green Belt as the NPPF, which in turn is also applied to MOL as set out in London Plan Policy G3 and Local Plan Policy 50.
- 7.2.9 Whether the proposal would represent inappropriate development in the MOL
- 7.2.10 NPPF paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries

and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.2.11 NPPF paragraph 155 provides for certain other forms of development which are also not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within in, and include the following:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.12.1 NPPF para 154 b)

7.2.12.2 The planning permission for the change of use of the larger Langley Park Pavilion 20/02853/FULL1 involved the loss of changing and WC facilities serving the sport pitch as part of the MOL. Therefore, the planning permission required the WC facilities to be provided in the smaller pavilion known as the Cricket Scorers Hut, in order to continue to serve the sports pitch and the use of the MOL for outdoor sport and recreation.

7.2.12.3 As mentioned, the WCs were required by Sport England to be provided in the pavilion as an appropriate and necessary function to support the outdoor sport and recreation of the site and the MOL. The approved floor plan indicated there is an internal serving counter inside the existing scorers hut subservient to the main use of the pavilion as a scorers hut and a WC. The current proposal intends to use the whole floor area of the existing scorers hut as a café with external

servery and to place the WCs in the proposed extension. However, whilst the proposed floor plan shows the existing pavilion would be used for food storage and preparation it is not clear the reason that the WCs and the servery cannot be provided inside the existing building as approved and the reason that the extension is required. Whilst there may be an existing small serving counter subservient to the use of the pavilion as a scorers hut and whereas it is clear that WCs support the outdoor sport and recreation use it is not clear that the provision of a more substantial café/servery, which would occupy the whole floor area of the existing pavilion, is central to the provision of outdoor sport or recreation and would therefore be appropriate for outdoor sport and recreation on the sports pitch and within the MOL.

7.2.12.4 As such the proposal would not comply with NPPF para 154 b).

7.2.13 NPPF 154 c)

7.2.13.1 The proposal would comprise an extension to the existing building and the existing/proposed dimensions are as follows:

	Footprint sqm	Floor area sqm	Volume m3
Existing pavilion	32	26	122
Proposed extension	9	7	27
Total	41	33	149
Difference	9	7sqm increase	27
Difference %	28% increase	27% increase	22% increase

7.3.13.2 The analysis demonstrates that the proposed extension would comprise a 28% increase in the footprint, a 27% increase in the floor area and a 22% increase in volume of the existing building and this would comprise a disproportionate addition to the existing building to be extended.

7.2.13.3 Furthermore, the proposed extension would not comprise an absence of development and the additional building mass would have an additional impact on the openness of the MOL. The proposal would encroach further on the countryside and would conflict with the purposes of including land within the MOL.

7.2.14 NPPF para 155 b)

7.2.14.1 The proposed alterations to the footpath comprising an engineering operation would be relatively modest in its position, size and extent and would be unlikely to have a significant impact on the openness of the MOL and overall would preserve openness.

### 7.2.15 Summary

7.2.15.1 In summary, the built form of the proposed extension would comprise inappropriate development in the MOL by definition, it would have actual harm to the openness of the MOL, and would conflict with the purposes of including land within the MOL contrary to the London Plan Policy G3, Bromley Local Plan Policy 50 and NPPF paragraphs 154 and/or 155.

7.2.15.2 It is now necessary to determine whether there is any other harm arising from the development and whether there are any Very Special Circumstances existing to clearly outweigh the harm to the Green Belt the other harm identified.

### 7.2.16 Very Special Circumstances

7.2.16.1 The Applicant does not consider that the proposal would comprise inappropriate development within the MOL and does not formally offer any Very Special Circumstances in the event that the application is inappropriate development in the MOL.

7.2.16.2 The comments of Sport England are noted however they relate to effect of development on the sports pitch and use of the land as a sports pitch and do not relate to or account for other circumstances or material considerations such as the effect of new development on the openness of the MOL.

7.2.16.3 As mentioned, although there may be a small existing serving counter inside the existing pavilion, it does not appear to be central or required for the use of the outdoor sport and recreation of the MOL as a sports pitch. The proposed enlargement to provide the required WCs and enable a larger café inside the building may be desirable however the need/requirement it has not been justified and it does not outweigh the harm identified. Furthermore, the proposed need does not appear to be unique to this particular site where the proposed provision is desired but is not required, as this could be easily repeated at many other sites in the MOL or Green Belt where a similar facility might be desired, leading to cumulative harm to openness across the wider MOL/Green Belt.

## 7.3 Design – Layout, scale height and landscaping – Acceptable

7.3.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.3.2 NPPF paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.3.3 NPPF paragraph 135 requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive

as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 7.3.4 Bromley Local Plan Policy 73 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.3.5 Bromley Local Plan Policy 77 states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.3.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.7 Design is considered separately from the MOL although it can have inherent similarities. In this case, notwithstanding the MOL perspective, the proposed extension and footpath alteration would not appear excessive in size or scale in design terms and would not appear to overdevelop the overall site or appear cramped. The proposed design and materials would respect the design and appearance of the existing building and site.
- 7.3.8 The proposal would not appear to directly affect or impact trees or vegetation at the site although tree protection may be required to protect trees during construction if planning permission is granted.

#### **7.4 Residential Amenity - Acceptable**

- 7.4.1 Bromley Local Plan Policies 4, 6 and 37 seek 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.
- 7.4.2 The application site is well removed from surrounding existing residential properties, although the dwellings in the approved redevelopment scheme (18/00443/FULL1) would lie close to the application site. Nonetheless the proposed built form and the use of the pavilion as shown in the application details

would not have a significantly more harmful effect on the neighbouring residential amenities.

## **7.5 Transport – Acceptable**

- 7.5.1 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.5.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. NPPF paragraph 109 requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.5.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.5.4 The Highway Department application appears to involve the closure of a well-established footpath/cycle path which would be unfortunate however the site is part of a private estate, there is no public right of way in this area, and Bromley Council is not the Local Highway Authority for these roads. There is no objection from the Council's Highway Department.

## **7.6 Ecology – Acceptable**

- 7.6.1 NPPF paragraph 180 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.6.2 Government guidance encourages Local Planning Authorities to consider the full impact of a proposal on protected species before taking a decision on a planning application. The case of *Bagshaw v Wyre Borough Council* [2014] EWHC 508) also highlights the importance of ecological assessment surveys to establish the extent of threat to protected species before taking a planning application decision.
- 7.6.3 The Bromley Biodiversity Partnership raises no objection to the extension of the existing pavilion however have raised objections over the adverse effect that the proposed footpath alterations and external lighting would have on the biodiversity



and ecology of the sensitive River Beck corridor. However, if planning permission is granted then the construction process including construction lighting and disposal of waste to protect the river from pollution should be managed by a CEMP, any artificial lighting should be sensitively designed and biodiversity enhancement such as bird and bat boxes included, and this could be managed by planning condition.

## **7.7 Drainage and flooding – Acceptable**

- 7.7.1 NPPF paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future), but where development is necessary in such areas, *the development should be made safe for its lifetime without increasing flood risk elsewhere*. The Technical Guidance published alongside the Framework details that for these purposes, areas at risk of flooding constitutes land within Flood Zones 2 and 3.
- 7.7.2 NPPF paragraph 173 goes on to say that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable [set out within paragraphs 167-172] it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
  - b) *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
  - c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
  - d) *any residual risk can be safely managed; and*
  - e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
- 7.7.3 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 7.7.4 London Plan Policy SI 13 Sustainable Drainage states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 7.7.5 Bromley Local Plan Policy 116 details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 7.7.6 There is no objection from the Council's Drainage Engineer.

7.7.7 The Environment Agency raises no objection however advises the Applicant that a Flood Risk Activity Permit (FRAP) may be required and can be advised of this by planning informative if planning permission is granted.

## **7.8 Air Quality – Acceptable**

7.8.1 The application site lies within an Air Quality Management Area where new development should not adversely affect air quality and contribute towards carbon emissions. No objection in principle subject to appropriate mitigation measures such as the use of EV charging and gas boilers to manage air quality and this could be managed by condition.

## **8. CONCLUSION**

8.1 Having regard to the above it is considered that the development in the manner proposed is unacceptable as it would comprise inappropriate development in the Metropolitan Open Land by definition and would be harmful to its openness and there are no very special circumstances in this case to clearly outweigh the harm identified.

8.2 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: REFUSED**

- 1. The proposal would not provide an appropriate facility for outdoor sport or outdoor recreation and would result in a disproportionate addition over and above the size of the original building, comprising inappropriate development in the Metropolitan Open Land by definition, it would be harmful to its openness, and encroaching into the countryside it would conflict with the purposes of including land within the Metropolitan Open Land. There are no very special circumstances of sufficient weight to clearly outweigh the harm by reason of inappropriateness and the other harm identified. For these reasons the development would conflict with Policy G3 of the London Plan 2021, Policy 50 of the Bromley Local Plan 2019 and paragraph 154 of the NPPF 2023.**