

Development, Enterprise and Environment

Claire Harris
Town Planning
Civic Centre
Stockwell Close
Bromley
BR1 3UH

Our ref: D&P/3855/AP01
Your ref: 15/03053/FULL1
Date: 25 February 2016

Dear Ms Harris,

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

Flamingo Park Club Sidcup By Pass Road Chislehurst BR7 6HL
Local planning authority reference: 15/03053/FULL1

I refer to the copy of the above planning application, which was received from you on 11 December 2015. On 25 February 2016, the Mayor considered a report on this proposal, reference D&P/3855/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan, for the reasons set out in paragraph 110 of the above-mentioned report, which should be addressed before the application is referred back to the Mayor.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Lucy Simpson, e-mail LucySimpson@tfl.gov.uk, telephone 0203 054 7039.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Colin Wilson', written in a cursive style.

Colin Wilson

Senior Manager – Development & Projects

cc James Cleverly, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Alex Williams, TfL
Dora Bennett, Brouard Architects, 81 High Street, Farnborough Village Kent BR6 7TS

Flamingo Park Club - Chislehurst

in the London Borough of Bromley

planning application no. 15/03053/FULL1

Strategic planning application stage 1 referral (new powers)

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

The proposal

Demolition of existing buildings and erection of two/three storey football stadium with ancillary facilities; 2 community sports pitches; re-location of 3 existing football pitches and two 4 storey residential blocks comprising 28 two bedroom flats, with undercroft car parking, refuse and cycle storage; as well as overground parking for the stadium for a total of 393 cars and bicycle parking.

The applicant

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

Strategic issues

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

Recommendation

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

Context

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

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

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

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

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

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

Site description

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

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

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

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

Details of the proposal

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

Case history

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

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

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

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

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

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

15 The following are also relevant material considerations:

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

Principle of land use

Green Belt

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

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

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

18 The national guidance referred to above is outlined in the National Planning Policy Framework (NPPF) at paragraphs 88-92, which makes it clear that, with few exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate development. The NPPF also states that *"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

19 The NPPF further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

Very special circumstances

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

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

Sporting benefit

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

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

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

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

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

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

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

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

Lack of alternative sites

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

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

Community use

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

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

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

Need for enabling development

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

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

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

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

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

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

37 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.”*

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

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

Openness of the Green Belt

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

Conclusion on VSC

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

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

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

Housing

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

Affordable housing

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

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

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

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

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

Mixed and balanced communities

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

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

Residential quality

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

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

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

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

Density

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

Children's play space

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

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

Urban design

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

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

Layout

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

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

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

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

Scale, height and massing

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

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

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

Inclusive Design

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

Residential units

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

Football stadium and ancillary facilities

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

Public realm

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

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

Parking

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

Biodiversity

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

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

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

Archaeology

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

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

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

Sustainable Development/Climate Change

Energy efficiency standards

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

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

District heating

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

Combined Heat and Power

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

Renewable energy technologies

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

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

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

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

Overall Carbon Savings

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

Table: CO₂ emission reductions from application of the energy hierarchy

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

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

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

Flood risk and drainage

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

Flood risk

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

Surface Water Run-off

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

Transport

Highway Impact

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

Bus Network

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

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

Vehicular site access

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

Pedestrian and Cycle Access

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

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

Car and coach parking

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

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

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

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

Cycle parking

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

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

Construction and servicing

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

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

Community Infrastructure Levy

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

Local planning authority's position

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

Legal considerations

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

Financial considerations

109 There are no financial considerations at this stage.

Conclusion

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

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

- **Children’s playspace:** the proposal complies with Policy 3.6.
- **Urban design:** due to the site’s isolated location and failure of the proposed development to integrate into the surrounding neighbourhoods, the absence of affordable housing and the potential impact on the Green Belt, the proposal does not comply with London Plan Policies 7.1, 7.4 or 7.6.
- **Flooding:** the proposal complies with London Plan Policy 5.12., however, further information addressing surface water run-off in compliance with the drainage hierarchy set out in London Plan Policy 5.13 is required.
- **Transport:** due to the lack of safe and accessible walking and cycling routes to the site, the proposal does not comply with London Plan Policies 6.1, 6.7 or 6.10.

Climate change: further information, including revisions, regarding the heating strategy and carbon dioxide emissions is required before the proposals can be considered acceptable and in compliance with London Plan Policies 5.2 and 5.9.

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

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

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