

GREATER LONDON AUTHORITY

REQUEST FOR DIRECTOR DECISION – DD2063

Title: Flamingo Park Club, Public Inquiry Costs

Executive Summary:

This Director Decision asks that the Director agrees to an adjustment to the Planning Team's budgets to allow it to present the Mayor's planning decision to direct Bromley Council to refuse a planning application by Cray Wanderers FC for a football stadium with an element of residential enabling development in the Green Belt.

The Mayor found the application to be contrary to the London Plan. If approved, the benefits presented would not outweigh the significant harm that would be caused to the openness and character of the Green Belt.

The application has been called in by the Secretary of State. The Mayor is required to present his decision at the public inquiry.

Decision:

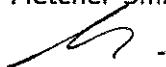
The Executive Director approves to allocate and authorise expenditure of up to £145,000 from the Greater London Authority's contingency budget to allow its Planning Team to appoint specialist external consultants to present the Mayor's planning case at the forthcoming Public Inquiry following the call-in of the application by the Secretary of State.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Fiona Fletcher-Smith



Signature:

Position: Executive Director – Development, Enterprise & Environment

Date: 17.11.2016

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

Flamingo Park Club

- 1.1 Cray Wanderers Football Club submitted a planning application to Bromley Council for the redevelopment of Flamingo Park, A20 Sidcup By Pass, Chislehurst. The proposal includes the demolition of existing buildings and erection of two/three storey football stadium with ancillary facilities; 2 community sport pitches; re-location of 3 existing football pitches and two 4-storey residential blocks (enabling development) comprising 28 two bedroom flats with undercroft car parking, refuse and cycle storage; as well as over ground parking for the stadium for a total of 393 cars and bicycle parking.
- 1.2 Bromley Council resolved to grant planning permission for the development on the 19 April 2016. In accordance with article 5 of the Town and Country Planning (Mayor of London) Order 2008, the application was referred back to the Mayor for Stage II consideration.
- 1.3 The Mayor of London formally directed Bromley Council to refuse a planning application made by Cray Wanderers FC on the 15 June 2016 because he found it was contrary to the London Plan given that the 'very special circumstances' argument presented by the applicant and the Council failed to justify the proposed development, which is considered to be inappropriate Green Belt development (see attached letter dated 15 June 2016). This application would have allowed the construction of a new football stadium and 28 "enabling" flats, which the Mayor also found would have a significant impact on the openness and character of the Green Belt. The stated reason for the Direction was:

"**Green Belt:** The 'very special circumstances' argument presented does not justify the proposed development, which is considered to be inappropriate, in the Green Belt. Whilst the benefits of the outdoor sports facilities to Cray Wanderers FC and the wider community are acknowledged, these benefits do not outweigh the significant harm that would be caused to the openness and character of the Green Belt. As such the proposal is contrary to the aims and objectives of the NPPF (2012), Policy 7.16 of the London Plan (2015) and Policy G1 of Bromley's Unitary Development Plan (2006)."
- 1.4 The Secretary of State subsequently called in the application, which will be heard at a Public Inquiry in April 2017. The Mayor will be a "Rule 6 Party" at this Inquiry and is required to set out and defend his decision. This in turn requires him to prepare and present technical information most notably in respect of Green Belt, the determination of 'very special circumstances', landscape and visual impacts, and possibly valuation and viability evidence. Legal representation by leading Counsel will be required at the public inquiry.
- 1.5 These costs could be in the region of £145,000 and no current budget allocation exists. It is therefore requested that the Executive Director – Development, Enterprise & Environment allocates and authorises expenditure up to this figure to allow the Planning Team to appoint an external planning consultancy and leading Counsel as the necessary expertise and resource does not exist within the GLA. This figure is based on informal fee quotations requested from a planning consultancy that performed a similar role for the Mayor at a Public Inquiry earlier this year and internally estimated Counsel fees.

Planning consultant	£58,000
Landscape consultant	£42,000
Counsel	£30,000
Miscellaneous	£15,000
Total	£145,000

2. Objectives and expected outcomes

- 2.1 To enable preparation for and presentation of a robust Mayoral case at the forthcoming Public Inquiry.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010, in making these decisions “due regard” must be had to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, sexual orientation (and marriage or civil partnership status for the purpose of the duty to eliminate unlawful discrimination only). This duty has been taken into account, but no additional equality impact assessments are required beyond those considered in the relevant planning documentation for the Mayor to make these decisions.

4. Other considerations

- 4.1 If the Mayor’s decision is not robustly presented there is a very real risk that the London Plan would be undermined and London’s strategic planning interests would not be properly taken into account by the Planning Inspectorate at the Public Inquiry when he/she considers the planning application, thereby impacting the Mayor’s ability to carry out his statutory duties. The Mayor could also incur significant costs should he be found to have acted unreasonably or unlawfully.

5. Financial comments

- 5.1 The proposed expenditure will be funded from the existing 2016/17 Contingency Budget (Resources). All the delivery and spend will be incurred in 2016-17.
- 5.2 Any changes to this proposal, including budgetary implications will be subject to further approval via the Authority’s decision-making process. All appropriate budget adjustments will be made.

6. Legal comments

- 6.1 Section 30 of the Greater London Authority Act 1999 (as amended) (‘GLA Act’) gives the Mayor a general power to do anything which he considers will further one or more of the principal purposes of the GLA. The principal purposes, as set out in section 30(2), of the GLA Act are:
- 6.1.1 Promoting economic development and wealth creation in Greater London;
 - 6.1.2 Promoting social development in Greater London; and
 - 6.1.3 Promoting the improvement of the environment in Greater London
- 6.2 In formulating the proposals in respect of which a decision is sought, officers confirm that they have complied with GLA’s related statutory duties to:

- 6.2.1 Pay due regard to the principle that there should be equality of opportunity for all people;
- 6.2.2 Consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
- 6.2.3 Consider consulting with appropriate bodies.
- 6.3 Section 34 of the GLA Act, which allows the Mayor to do anything which is calculated to facilitate or is conducive or incidental to the exercise of any of his functions, and the Mayor's powers under section 38 of the GLA Act to delegate to any member of staff functions of the GLA that are exercisable by him, and the foregoing sections of this form indicate that the decision requested falls within the above statutory powers of the GLA exercisable by the Executive Director – Development, Enterprise & Environment.
- 6.4 Leading Counsel has advised in consultation that planning consultants with particular expertise in Green Belt, landscape and visual impacts, and possibly valuation/viability will be required to prepare and present the Mayor's decision at the public inquiry.

7. Planned delivery approach and next steps

Activity	Timeline
Procurement of consultancy	Nov 2016
Preparation of case and evidence	Dec 16 – March 17
Public Inquiry	April 2017

Appendices and supporting papers:

1. Mayor of London's Stage 2 Direction to Bromley Council dated the 15 June 2016.
2. Stage 1 report and letter to Bromley Council dated the 26 February 2016.
3. Letter from the Planning Inspectorate confirming the Mayor's Rule 6 status dated 7 September 2016.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form: NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Andrew Payne has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Colin Wilson has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

Corporate Investment Board:

The Corporate Investment Board reviewed this proposal on 14 November 2016.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. J. Allen

Date

16.11.16

