

Fulham Football Club Training Ground, Motspur Park

in the Royal Borough of Kingston Upon Thames

planning application no.15/15210

Strategic planning application stage II referral

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

The proposal

Replacement of indoor training facility and outdoor floodlit full-size all-weather pitch, the provision of additional floodlights and the erection of a covered spectator area for the arena pitch, the provision of an overflow car parking and associated soft and hard landscaping.

The applicant

The applicant is **F L Property Management Limited** on behalf of **Fulham Football Club**, and the architect is **Rathbone + Miller**.

Strategic issues

Additional information has been submitted in regard to **visual impact assessment**, **energy** and **transport**. Conditions relating to the above and **urban design**, **community use** and **flooding** have been secured by the Council.

The Council's decision

In this instance Royal Borough of Kingston Upon Thames has resolved to grant permission.

Recommendation

That Royal Borough of Kingston Upon Thames be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 6 November 2015 the Mayor of London received documents from Royal Borough of Kingston upon Thames notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 3D of the Schedule to the Order 2008: *"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 floor space of more than 1000 square metres or a material change in the use of such building."*

2 On 16 December 2015 the Mayor considered planning report D&P/3822/01, and subsequently advised Royal Borough of Kingston Upon Thames that while the application is broadly acceptable in strategic planning terms, further discussion is required regarding the issues raised in paragraph 49 of the above mentioned report before compliance with the London Plan can be confirmed.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 Since stage I further information on flood risk management and transport has been submitted by the applicant in response to the Mayor's concerns (see below). On 27 January 2016 Royal Borough of Kingston upon Thames resolved to grant planning permission, and on 19 February 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or direct Royal Borough of Kingston upon Thames under Article 6 to refuse the application. The Mayor has until 3 March 2016 to notify the Council of his decision and to issue any direction.

5 The decision on this case and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

Flood risk management

6 At stage 1 consultation the applicant was reminded that the proposed SUDS scheme does not adhere to the drainage hierarchy as outlined in Policy 7.19 of the London Plan i.e. options of drainage including features such as swales and ponds have not been explored.

7 The Council planning officers and the applicant acknowledged the concerns of the Mayor. However, given the geological constraints of the site coupled with the safety restrictions associated with the end use, Kingston officers considered, following the advice of the Lead Local Flood Authority, that the proposed SUDS scheme would provide an effective method for controlling the run-off of surface water.

8 Taking into account the geological constraints and that appropriate condition has been imposed by the Council; the proposal is accepted in this instance.

Transport for London's comments

9 It has been agreed that 25 cycle parking spaces will be secured through the section 106 agreement, which equates to 50% of London Plan standards. Additionally, a mechanism has been secured to monitor the cycle parking provision, with an area safeguarded for future provision of the additional spaces, should uplift in demand be identified.

10 Although the car parking provision has not been reduced, the spaces will be monitored through a Car Parking Management Plan (CPMP) and Travel Plan, secured through the S106 agreement, which is welcomed. Additionally, TfL welcomes the increase in Electric Vehicle Charging Points to 6 active and 5 passive, and the provision of 6 Blue Badge spaces.

11 TfL welcomes the inclusion of a planning condition securing a Construction Management Plan (CMP) prior to commencement on site. Information on Delivery and Servicing arrangements will be included in the CPMP, which is acceptable on this occasion considering the nature of the proposal.

12 In summary, TfL is now satisfied that the issues previously raised have been adequately dealt with and considers the development to be in accordance with the London Plan and acceptable in transport terms.

Response to consultation

13 The proposal was advertised in the press, a site notice erected on site and 208 neighbours notified.

14 **Local representation:** The Council has received 12 letters of support, 43 letters of objection and 1 petition with 30 signatories and 1 petition with 7 signatories. The objections were made in regard to the inappropriateness of the development in the MOL, noise disturbance, unacceptable impact on the character and appearance of Blake's Lane, overshadowing, increase in traffic, unacceptable impact on residential amenities by way of light pollution and alternatives sites should be explored.

15 **Statutory consultees:** The Environment Agency and Sport England responded with no objections.

16 **Representation sent directly to the Mayor:** Letters of objection accompanied with slides of photos about Mostpur Park Street and skyline were received from a long-time resident in the area. The key points raised are: *"Our local neighbourhood/environment should not constantly being challenged to facilitate the needs of Fulham FC. The use of the MOL should only be used for what it was given to us for – outdoor sport – Fulham knew this when they purchased it. Concerns in regard to the time allowed for football match and training, the pinning of green netting along the fencing and along Barnes Lane ideal for graffiti artists, visual impact of the development, effects of the floodlights, alternate site availability, destroying our peace of mind and quality of life, we should be allowed to retain the openness of the MOL."* The letters of objection concluded by stating that *"It is very important to remember how environmental surroundings affect peoples' feelings of wellbeing; cutting people off and blocking them out of their natural surroundings / neighbourhood, is not a good message at all and can be very detrimental to peoples' physical and mental health."*

17 In summary, the concerns which have planning relevance have been considered in this and the earlier (consultation stage) GLA reports, as well as the Council's committee report and they have also been addressed through conditions.

Legal considerations

18 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

Financial considerations

19 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

20 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

21 Additional information has been submitted to overcome the strategic issues raised at the consultation stage in regard to flooding and transport. Appropriate conditions securing the proposed measures have also been imposed by the Council. The proposal complies with the London Plan.

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