

## Planning Sub-Committee A

Monday 27 April 2020

6.30 pm

Online/Virtual: please contact [Constitutional.Team@southwark.gov.uk](mailto:Constitutional.Team@southwark.gov.uk) for a link or dial-in instructions to join the online meeting

### Membership

Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor Peter Babudu  
Councillor Sunil Chopra  
Councillor David Noakes  
Councillor Martin Seaton  
Councillor Leanne Werner

### Reserves

Councillor Anood Al-Samerai  
Councillor Renata Hamvas  
Councillor Barrie Hargrove  
Councillor Richard Leeming  
Councillor Victoria Olisa

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

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**Contact:** Gerald Gohler on 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 17 April 2020



## **Planning Sub-Committee A**

Monday 27 April 2020  
6.30 pm

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dial-in instructions to join the online meeting

### **Order of Business**

| <b>Item No.</b> | <b>Title</b>   | <b>Page No.</b> |
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| <b>1.</b>       | <b>INTRODUCTION AND WELCOME</b>  |                 |
| <b>2.</b>       | <b>APOLOGIES</b>   |                 |
| <b>3.</b>       | <b>CONFIRMATION OF VOTING MEMBERS</b>  |                 |
|                 | A representative of each political group will confirm the voting members of the sub-committee.                         |                 |
| <b>4.</b>       | <b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>  |                 |
|                 | Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting. |                 |
| <b>5.</b>       | <b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>   |                 |
|                 | The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.              |                 |
| <b>6.</b>       | <b>MINUTES</b>   | <b>1 - 4</b>    |
|                 | To approve as a correct record the minutes of the meeting held on 16 March 2020.                                       |                 |
| <b>7.</b>       | <b>DEVELOPMENT MANAGEMENT ITEMS</b>  | <b>5 - 8</b>    |

| Item No. | Title   | Page No. |
|----------|---|----------|
| 7.1.     | <b>BURGESS PARK COMMUNITY SPORTS PAVILION, BURGESS PARK COMMUNITY SPORT GROUND, 106 COBOURG ROAD, LONDON, SOUTHWARK</b> | 9 - 21   |

Date: 17 April 2020

#### **EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

## Planning Sub-Committee

### Guidance on conduct of business for planning applications, enforcement cases and other planning proposals (virtual meetings)

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. The role of members of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present in the virtual meeting and wish to speak) for **not more than 3 minutes each**. **Speakers must notify the Chair at least 3 hours before the start of the meeting that they wish to speak.**

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
  - (b) The applicant or applicant's agent.
  - (c) One representative for any supporters (who live within 100 metres of the development site). If there is more than one supporter (who lives within 100 metres of the development site) wishing to speak, the time is divided within the 3-minute time slot.
  - (d) Ward councillor (spokesperson) from where the proposal is located.
  - (e) The members of the sub-committee will then debate the application and consider the recommendation.

**Note:** Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the three-minute time allowance must be divided amongst those wishing to speak. Where you are unable to decide who is to speak in advance of the meeting, the chair will ask which objector(s) would like to speak at the point the actual item is being considered. The clerk will put all objectors (and all supporters) who agree to this in touch with each other, so that they can arrange a representative to speak on their behalf at the meeting.
6. Speakers should lead the sub-committee to subjects on which they would welcome further questioning.

7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, will be speaking in their designated time-slots only, apart from answering brief questions for clarification; this is **not** an opportunity to take part in the debate of the sub-committee.
8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council sub-committee meeting to which is open to the public and there should be no interruptions from members of the public.
10. Members of the public are welcome to record, screenshot, or tweet the public proceedings of the meeting.
11. Please be considerate towards other people and take care not to disturb the proceedings.

**The arrangements at the meeting may be varied at the discretion of the chair.**

**Contacts:** General Enquiries  
Planning Section, Chief Executive's Department  
Tel: 020 7525 5403

**FOR ACCESS TO THE VIRTUAL MEETING (ONLINE/BY TELEPHONE)**

**PLEASE CONTACT:**

Planning Sub-committee Clerk, Constitutional Team  
Finance and Governance  
Tel: 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)



## Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Monday 16 March 2020 at 6.30 pm at Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor Sunil Chopra  
Councillor Martin Seaton  
Councillor Leanne Werner

**OTHER MEMBERS PRESENT:** Councillor Nick Johnson

**OFFICER SUPPORT:** Michael Tsoukaris, Development Management  
Margaret Foley, Legal Officer  
Dipesh Patel, Development Management  
Jessica Potter, Development Management  
Martin McKay, Design and Conservation  
Tim Murtagh, Constitutional Officer

### 1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

### 2. APOLOGIES

There were apologies for absence from Councillors Peter Babudu and David Noakes.

### 3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as voting members for the meeting.

### 4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following members made declarations regarding the agenda items below:

**Agenda item 7.1 – The Clipper, 562 Rotherhithe Street, London SE16 5EX**

Councillor Jane Salmon, declared an interest in item 7.1 and did not take part in the item. She left the meeting room whilst it was being heard.

**5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to items 6.1 and 6.2 – development management items
- Members' pack.

**6. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 29 January 2020 be approved as a correct record and signed by the chair.

*Councillor Jane Salmon left the meeting room.*

**7. DEVELOPMENT MANAGEMENT ITEMS**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they may be clearly specified.

**ADDENDUM REPORT**

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during this time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

**7.1 THE CLIPPER, 562 ROTHERHITHE STREET, LONDON SE16 5EX**

**Planning application reference: 18/AP/3420**

Report: see pages 10 to 40 of the agenda pack and pages 1 to 4 of the addendum report.

## PROPOSAL

*Redevelopment of public house (Use Class A4) to provide a four storey building comprising ground floor retail space (Use Class A1) and 6 residential units of 6 x 2 bed (Use Class C3); basement car parking; private amenity space and associated works.*

The sub-committee heard the officer's introduction to the report.

Councillors asked questions of the officer.

Objectors addressed the meeting and answered questions from the sub-committee.

The applicant's representatives addressed the sub-committee and answered questions posed by the sub-committee.

There were no supporters who lived within 100 metres of the development site.

Councillor Nick Johnson, a local ward councillor, spoke against the application and answered questions posed by the sub-committee.

The sub-committee put further questions to officers and discussed the application.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

## RESOLVED:

That planning application 18/AP/3420 be granted with conditions as set out in the report and addendum report and including the informative referred to in the addendum report.

*Councillor Jane Salmon re-joined the meeting.*

## 7.2 CAMBERWELL NEW CEMETERY, BRENCHLEY GARDENS, LONDON SE23 3RD

### Planning application reference: 19/AP/7365

Report: see pages 41 to 54 of the agenda pack.

## PROPOSAL

*Retention of a new single storey modular unit for continued use by grounds maintenance staff of the Cemetery and demolition of the existing modular structure.*

The sub-committee heard the officer's introduction to the report.

Councillors asked questions of the officer.

There were no objectors wishing to speak.

The applicant's representative addressed the sub-committee and answered questions



posed by the sub-committee.

There were no supporters who lived within 100 metres of the development site, or ward councillors, wishing to speak.

The sub-committee discussed the application.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

**RESOLVED:**

That planning application 19/AP/7365 be granted with conditions as set out in the report.

The meeting ended at 8.14pm.

**CHAIR:**

**DATED:**

|                                    |                                |                               |  |
|------------------------------------|--------------------------------|-------------------------------|--|
| <b>Item No.</b><br>7.              | <b>Classification:</b><br>Open | <b>Date:</b><br>27 April 2020 | <b>Meeting Name:</b><br>Planning Sub-Committee A |
| <b>Report title:</b>               |                                | Development Management        |  |
| <b>Ward(s) or groups affected:</b> |                                | All                           |  |
| <b>From:</b>                       |                                | Proper Constitutional Officer |  |

### RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

### BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F of Southwark Council's constitution which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

### KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
  - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
  - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
  - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Director of Law and Democracy**

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

## BACKGROUND DOCUMENTS

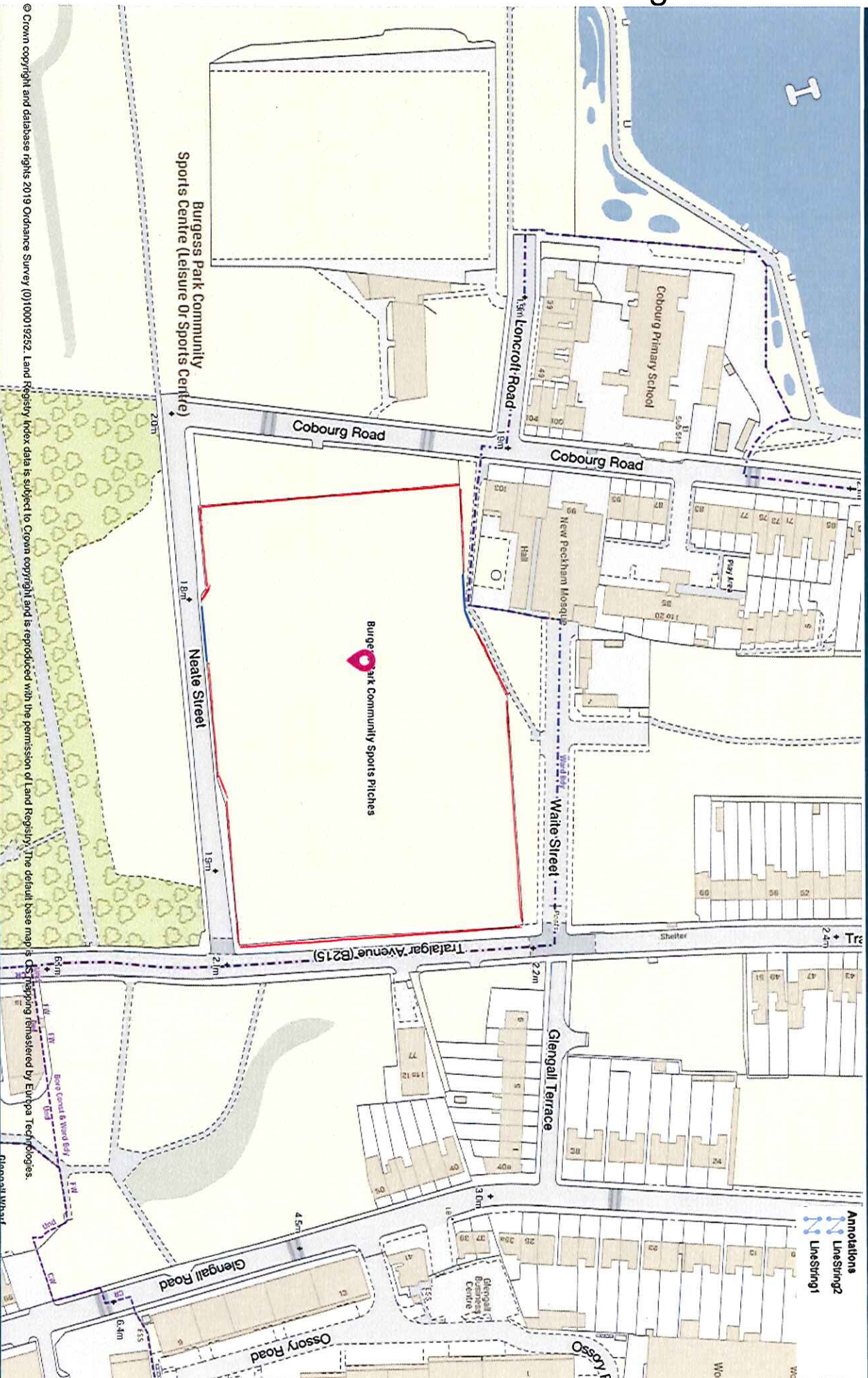
| Background Papers  | Held At   | Contact  |
|--|---|--|
| Council assembly agenda<br>23 May 2012                         | Constitutional Team<br>160 Tooley Street<br>London SE1 2QH      | Beverley Olamijulo<br>020 7525 7234                                |
| Each planning committee item has a separate planning case file | Development Management,<br>160 Tooley Street,<br>London SE1 2QH | The named case officer or the Planning Department<br>020 7525 5403 |

## APPENDICES

| No.  | Title |
|------|-------|
| None |       |

## AUDIT TRAIL

|   |   |                        |                          |
|---|---|------------------------|--------------------------|
| <b>Lead Officer</b>   | Chidilim Agada, Head of Constitutional Services   |                        |                          |
| <b>Report Author</b>  | Gerald Gohler, Constitutional Officer<br>Jonathan Gorst, Head of Regeneration and Development |                        |                          |
| <b>Version</b>  | Final   |                        |                          |
| <b>Dated</b>  | 16 April 2020   |                        |                          |
| <b>Key Decision?</b>  | No  |                        |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |   |                        |                          |
| <b>Officer Title</b>  |   | <b>Comments Sought</b> | <b>Comments Included</b> |
| Director of Law and Democracy   |   | Yes                    | Yes                      |
| Director of Planning  |   | No                     | No                       |
| <b>Cabinet Member</b>   |   | No                     | No                       |
| <b>Date final report sent to Constitutional Team</b>                    |   |                        | 16 April 2020            |



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Annotations  
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2-Jan-2020

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|--|---|---|--|
| <b>Item No.</b><br>7.1                   | <b>Classification:</b><br>Open  | <b>Date:</b><br>27 April 2020             | <b>Meeting Name:</b><br>Planning Sub-Committee A |
| <b>Report title:</b>                     | <b>Development Management planning application:</b><br>Application 20/AP/0055 for: Full Planning Application<br><br><b>Address:</b><br>BURGESS PARK COMMUNITY SPORTS PAVILION, BURGESS PARK COMMUNITY SPORT GROUND, 106 COBOURG ROAD, LONDON, SOUTHWARK<br><br><b>Proposal:</b><br>Erection of 2 x 20 m lengths of 6.4 m high fencing within the boundary of existing 3.6m high fencing from April to September each year |   |  |
| <b>Ward(s) or groups affected:</b>       | Faraday   |   |  |
| <b>From:</b>                             | Director of Planning  |   |  |
| <b>Application Start Date</b> 13/01/2020 |   | <b>Application Expiry Date</b> 09/03/2020 |  |
| <b>Earliest Decision Date</b> 26/02/2020 |   |   |  |

## RECOMMENDATION

1. That planning permission is granted, subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. The application site refers to the cricket pitch within Burgess Park which is bound by Cobourg Road, Neate Street, Waite Street and Trafalgar Avenue. Residential dwellings are located beyond these roads to the north, east and south. The Burgess Park Community Sports Centre and football pitch are located to the west of the site.
3. The site is subject to the following designations:
  - Metropolitan Open Land (MOL)
  - Site of Importance for Nature Conservation (SINC)
  - Flood Zones 2 and 3
  - Air Quality Management Area
  - Aylesbury Action Area.
4. The application site is not located with a conservation area; however, Cobourg Road Conservation Area is located immediately to the north. There are also a number of listed buildings to the north of the site, including the New Peckham mosque which is Grade II listed and various Grade II listed residential terraces on Trafalgar Avenue, Glengall Terrace and Glengall Road.

### Details of proposal

5. This application has been submitted by the council's environment and leisure team. The proposal seeks the erection of 2 x 20m lengths of 6.4m high fencing which would



comprise green posts and lightweight mesh netting. The fencing would be located on the pitch side of the existing 3.6m high metal link fencing. The 6.4m high fencing would only be erected during cricket season, which is from April to September, with one at the northern end and one at the southern end of the pitch.

6. The purpose for the proposed fencing is to ensure that cricket balls do not leave the cricket pitch and enter neighbouring properties and is a response to concerns raised by residents.

### **Planning history**

7. There is an extensive planning history within Burgess Park, including landscaping proposals and facilities for sport. The most recent and relevant planning application is:

19/AP/1275 – Demolition of existing sports centre and adjacent all-weather pitch and construction of a new single storey sports centre with 2 no. new all weather pitches, associated lighting and hard and soft landscaping including new 'spectator mounds' to west and north of new pitches.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

8. The main issues to be considered in respect of this application are:
  - a) Principle of development;
  - b) Design;
  - c) Impact of proposed development on amenity of adjoining occupiers and park users;
  - d) Environmental considerations;
  - e) Impact on trees.

#### **Adopted planning policy**

##### National Planning Policy Framework (NPPF)

9. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
10. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Chapter 2 Achieving sustainable development  
 Chapter 8 Promoting healthy and safe communities  
 Chapter 12 Achieving well-designed places  
 Chapter 15 Conserving and enhancing the natural environment

##### London Plan 2016

11. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 7.4 Local character  
 Policy 7.5 Public realm  
 Policy 7.17 Metropolitan open land  
 Policy 7.18 Protecting open space and addressing deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodland.

### Core Strategy 2011

12. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 1 Sustainable development

Strategic Policy 4 Places for learning, enjoyment and healthy lifestyles

Strategic Policy 11 Open spaces and wildlife

Strategic Policy 12 Design and conservation

Strategic Policy 13 High environmental standards.

### Southwark Plan 2007 (saved policies)

13. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 3.2 Protection of amenity

Policy 3.12 Quality in design

Policy 3.13 Urban design

Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites

Policy 3.25 Metropolitan open land (MOL)

Policy 3.28 Biodiversity.

### Draft New London Plan

14. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Minor suggested changes to the plan were published on 13 August 2018 and an Examination in Public (EIP) began on 15 January 2019 and closed in May 2019.
15. The Inspector's report and Panel Recommendations were issued to the Mayor of London in October 2019. The Mayor then issued his intentions to publish the London Plan along with a statement of reasons for not including all of the Inspector's recommendations to the Secretary of State. The Secretary of State will respond to the Mayor, due before 17 February 2020. Until the London Plan reaches formal adoption it can only be attributed limited weight.

### New Southwark Plan

16. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019.
17. The New Southwark Plan Submission Version – Proposed Modifications for Examination was submitted to the Secretary of State in January 2020 for Local Plan Examination. It is anticipated that the plan will be adopted in late 2020 following an Examination in Public (EIP). As the NSP is not yet adopted policy, it can only be

attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

### **Consultation**

18. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Summary of consultation responses from internal, statutory and non-statutory consultees

19. No consultation responses have been received.

Summary of public consultation responses

20. No public consultation responses have been received.

### **Principle of development**

21. The proposed development would involve the erection of 2 x 20m lengths of fencing in order to facilitate the use of the site as a cricket pitch and protect the amenity of neighbouring occupiers.
22. The application site falls within Metropolitan Open Land (MOL) designation and accordingly, any development must comply with the requirements of Policy 7.17 of the London Plan and Saved Policy 3.25 of the Southwark Plan. Saved Policy 3.25 of the Southwark Plan states that within MOL, planning permission will only be permitted for appropriate development which is considered to be the following purposes:
  - i) Agriculture and forestry; or
  - ii) Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or
  - iii) Extension of or alteration to an existing dwelling, provided that it does not result in disproportionate additions over and above the size of the original building; or
  - iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.

This is also carried forward within emerging draft Policy P56 of the New Southwark Plan.

23. The proposed development is an essential facility for outdoor sport and would not involve any significant development works which would retract from the openness of the MOL. The proposed sections of 20m fencing would be immediately adjacent to existing fencing and would be located within the cricket pitch. Furthermore, the fencing would not be in situ all year round. The purpose of the proposal is to support the use of the cricket pitch, whilst protecting the amenity of neighbouring occupiers. It is therefore deemed that the proposal would comply with the development plan policies regarding MOL.
24. The application site also falls within a Site of Importance for Nature Conservation (SINC). Saved Policy 3.28 of the Southwark Plan states that development will not be permitted which would damage the nature conservation value of Sites of Importance for Nature Conservation (SINC) and that where, exceptionally, such developments are permitted the council will seek mitigation and/or compensation for the damage to biodiversity. The scope of the proposed works would not adversely impact on the

nature conservation value of the site. Moreover, the application site has already been established for outdoor sport and therefore cannot be considered to have any significant nature conservation value. It is considered that the siting of the proposed fencing would not be contrary to Saved Policy 3.28 of the Southwark Plan.

### **Design**

25. The proposal is for 2 x 20m lengths of 6.4m high fencing which would comprise green posts and lightweight mesh netting adjacent to the 3.6m high metal link fencing. The proposed materiality would be fit for purpose, maintain the openness of the MOL designation and be consistent with the existing fencing on site. The design of the proposal is functional and would be in-keeping with this part of the park which has sporting infrastructure and will have more through the development of the all weather pitches and the new sports centre (19/AP/1275). The proposal would preserve the setting of the Coburg Road Conservation Area as it would not be readily visible from it and set against other sporting infrastructure.

### **Impact of proposed development on amenity of adjoining occupiers and users of the park**

26. By virtue of its materiality and location, the proposed fencing would not impact on the daylight, sunlight or sense of enclosure of neighbouring occupiers. The fencing would be located within the boundary of the existing fencing and would therefore not impact on any of the public footpaths or highways surrounding the cricket pitch.
27. The proposed fencing would protect the amenity of neighbouring occupiers by restricting the possibility of cricket balls leaving the cricket pitch and entering adjacent properties. The fencing would be located to the north and south of the cricket pitch. The residential properties that front Trafalgar Avenue and Cobourg Road and have gardens which are located to the north of the cricket pitch, beyond Waite Street, would be protected as a result of the proposed fencing. It would also safeguard the surrounding streets and vehicular users from the risk of being impacted on by cricket balls.
28. Overall it is deemed that the proposed fencing would protect the amenity of residential neighbouring occupiers, park users and vehicular users on the immediate surrounding streets from cricket balls leaving the cricket pitch.

### **Environmental considerations**

#### Ecology

29. The application site is currently in use as a cricket pitch and therefore does not have any significant ecological value. The installation of the proposed fencing within the boundary of the cricket pitch would therefore not impact on the ecological value of the wider Burgess Park.

#### Flood Risk

30. The application site is located within Flood Risk Zones 2 and 3; the scope of the proposed development is minimal and would not give rise to any flood risk issues.

### **Impact on trees**

31. The fencing would be located within the existing boundary of the cricket pitch and therefore do not have the potential to impact on any trees within the park.

### **Conclusion on planning issues**

32. The proposed fencing would support the use of the cricket pitch and can be considered an essential facility for outdoor sport on Metropolitan Open Land (MOL). The fencing would be consistent with the existing fencing on site, albeit higher, and would maintain the openness of the park. The principle of development is considered acceptable and in line with Saved Policy 3.25 of the Southwark Park. The fencing would improve the current impact the cricket pitch has on the amenity of neighbouring occupiers, park users and vehicular users of surrounding streets, which is supported.

### **Community impact statement / Equalities Assessment**

33. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
34. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
35. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
36. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. No matters pertaining to the impact of this development on people with protected characteristics have been raised through the consultation and no impact above in that detailed above in the ‘planning assessment’ is expected.
37. Throughout the consultation process no information was received to indicate that any members of the public falling under the protected characteristics would be affected by the development, and thus no specific mitigation measures are required in this regard.

### **Human rights implications**

38. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term ‘engage’ simply means that human rights may be affected or relevant.

39. This application has the legitimate aim of providing fencing for the existing cricket pitch. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## BACKGROUND DOCUMENTS

| Background Papers   | Held At  | Contact   |
|---|--|---|
| Site history file: TP/ M2022<br>Application file:20/AP/0055<br>Southwark Local Development Framework and Development Plan Documents | Place and Wellbeing Department<br>160 Tooley Street<br>London<br>SE1 2QH | Planning enquiries:<br>020 7525 0254<br>planning.enquiries@southwark.gov.uk<br>Case officer telephone:<br>020 7525 0254<br>Council website:<br>www.southwark.gov.uk |

## APPENDICES

| No.        | Title                           |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken         |
| Appendix 2 | Consultation responses received |
| Appendix 3 | Recommendation                  |

## AUDIT TRAIL

|   |                                   |                          |  |
|---|-----------------------------------|--------------------------|--|
| <b>Lead Officer</b>   | Simon Bevan, Director of Planning |                          |  |
| <b>Report Author</b>  | Abbie McGovern, Planning Officer  |                          |  |
| <b>Version</b>  | Final                             |                          |  |
| <b>Dated</b>  | 20 February 2020                  |                          |  |
| <b>Key Decision</b>   | No                                |                          |  |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |                                   |                          |  |
| <b>Officer Title</b>  | <b>Comments Sought</b>            | <b>Comments included</b> |  |
| Strategic Director of Finance and Governance                            | No                                | No                       |  |
| Strategic Director of Environment and Leisure                           | No                                | No                       |  |
| Strategic Director of Housing and Modernisation                         | No                                | No                       |  |
| Director of Regeneration  | No                                | No                       |  |
| <b>Date final report sent to Constitutional Team</b>                    |                                   | 20 March 2020            |  |

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 05/02/2020

Site notices were erected along Trafalgar Avenue, Neate Street and Cobourg Road.

**Press notice date:** n/a

**Case officer site visit date:** 05/02/2020

**Neighbour consultation letters sent:** n/a

**Internal services consulted:** n/a

**Statutory and non-statutory organisations:** n/a

**Neighbour and local groups consulted:** n/a

**Consultation responses received**

**Internal services:** n/a

**Statutory and non-statutory organisations:** n/a

**Neighbour and local groups consulted:** n/a



## RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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|                         |  |                    |            |
|-------------------------|--|--------------------|------------|
| <b>Applicant</b>        | Mr Alastair Findlay<br>Southwark Council | <b>Reg. Number</b> | 20/AP/0055 |
| <b>Application Type</b> | Local Authority Development              | <b>Case Number</b> | M2022      |
| <b>Recommendation</b>   | Granted                                  |                    |            |

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### Draft of Decision Notice

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**Planning permission is GRANTED for the following development:**

Erection of 2 x 20 m lengths of 6.4 m high fencing within the boundary of existing 3.6m high fencing from April to September each year

Burgess Park Community Sports Pavilion Burgess Park Community Sport Ground 106 Cobourg Road London

**In accordance with application received on 9 January 2020**

**and Applicant's Drawing Nos.:**

Existing Plans

Site Location Plan

Proposed Plans

Proposed Elevations

Other Documents received

Burgess Park Cricket Pitch Boundary Fence Height Extension – Cover Letter

1. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

Site Location Plan

Proposed Elevations

Reason:

For the avoidance of doubt and in the interests of proper planning.

**Time limit for implementing this permission and the approved plans**

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

**Permission is subject to the following Compliance Condition**

3. The development hereby permitted shall only be erected from April to September each year.

Reason:

To ensure that the proposal has limited impact on the Metropolitan Open Land (MOL) and to protect the amenity of neighbouring occupiers during cricket season in line with Strategic Policy 4 Places for learning, enjoyment and healthy lifestyles of the Core Strategy 2011, Saved Policy 3.2 Protection of amenity and Saved Policy 3.25 Metropolitan open land (MOL) of the Southwark Plan 2007.

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**PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20**

**NOTE:** Original held by Constitutional Team all amendments/queries to Gerald Gohler/Beverley Olamijulo Tel: 020 7525 7420/7234

| Name   | No of copies | Name                              | No of copies |
|--|--------------|-----------------------------------|--------------|
| <b>To all Members of the sub-committee</b>                                   |              |                                   |              |
| Councillor Kath Whittam (Chair)  | 1            | Environment & Social Regeneration | 1            |
| Councillor Jane Salmon (Vice-Chair)  | 1            | Environmental Protection Team     |              |
| Councillor Peter Babudu  | 1            |                                   |              |
| Councillor Sunil Chopra  | 1            |                                   |              |
| Councillor David Noakes  | 1            | Communications                    | By           |
| Councillor Martin Seaton   | 1            | Louise Neilan, media manager      | email        |
| Councillor Leanne Werner   | 1            |                                   |              |
|  |              | <b>Total:</b>                     | 11           |
| <b>(Reserves to receive electronic copies only)</b>                          |              | <b>Dated:</b> 16 April 2020       |              |
| Councillor Anood Al-Samerai  |              |                                   |              |
| Councillor Renata Hamvas   |              |                                   |              |
| Councillor Barrie Hargrove   |              |                                   |              |
| Councillor Richard Leeming   |              |                                   |              |
| Councillor Victoria Olisa  |              |                                   |              |
| <b>Officers</b>  |              |                                   |              |
| Constitutional Officer, Hub 2, Level 2, Tooley St.                           | By email     |                                   |              |
| Planning Team - Philippa Brown / Affie Demetriou - Hub 2 Level 5, Tooley St. | 2            |                                   |              |
| Margaret Foley, Legal Services (label provided)                              | 1            |                                   |              |