

Item No. 7.6	Classification: OPEN	Date: 23 July 2013	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 13/AP/1068 for: Council's Own Development - Reg. 3 Address: BURGESS PARK, ALBANY ROAD, LONDON SE5 Proposal: The installation of five new containers including doors, windows and green roof incorporated into the BMX track layout.		
Ward(s) or groups affected:	Faraday		
From:	Head of Development Management		
Application Start Date	29/04/2013	Application Expiry Date	24/06/2013
Earliest Decision Date 15/06/2013			

RECOMMENDATION

- 1 That members resolve to grant planning permission subject to conditions.

BACKGROUND INFORMATION

- 2 That this application is reserved to members for decision as the site falls within Metropolitan Open Land (MOL).

Site location and description

- 3 The application site is located within Burgess Park which is to the southern side of Albany Road to the western side of the intersection with Wells Way. The area of the proposed development was previously an informal garden / park area and has recently been excavated as part of the wider regeneration of Burgess Park.
- 4 The site is located within a Site of Importance to Nature Conservation (SINC), Metropolitan Open Land (MOL), the Aylesbury Action Area. The site is not located within the setting of any conservation area or listed building.

Details of proposal

- 5 Planning permission is sought for the installation of five new containers including doors, windows and green roof incorporated into the BMX track layout. It is noted that the existing seven containers at the previous BMX track are to be removed as part of this redevelopment and disposed of.
- 6 The proposed containers will be arranged in an L shape, with three laid end to end, with the other two being stacked upright and adjoining the others. The containers each measure 6.06 metres long with a width of 2.44 metres and a height of 2.59 metres. The containers will have access doors, windows, sedum roof, partial green wall and be clad in timber.

- 7 The application has been amended since the original submission and the walls will either be a green wall or clad in timber, further details of these treatments are conditioned in the recommendation.

Planning history

- 8 The major regeneration of Burgess Park ('Burgess Park 2012') is currently well underway, following a substantial period of design and public consultation. The project is investing £6 million in re-landscaping the park, creating new facilities, and enhancing both the leisure environment and the biodiversity of the landscape.
- 9 At the time the wider project was being developed, there was a stated intention to create a high quality BMX track within the park. Public consultation during 2010 identified the site on the corner of Albany Road and Wells Way as the preferred location, and this was indicated on the plans for the main park improvement scheme. This location was considered to complement the adjacent Adventure Playground and Go-Kart track as the focus for 'high energy' activities within the park. However, at the time that the planning application for the main part improvements was submitted (November 2010), no funding had been secured for the BMX track, so it was excluded from that main application. The consultation on that planning application generated a number of queries about the omission of the BMX track from the scheme as submitted, and the issue was discussed at the Planning Committee when determining the main application.
- 10 Planning permission (11-AP-3764) was granted in March 2012 for the clearance of existing area of vegetation, existing inner trees and multi use games area at the corner of the park adjacent to Albany Road and Wells Way. Construction of a National Standard BMX Track and perimeter fencing. The proposal includes the retention of the trees fronting Albany Road and Wells way.
- 11 An approval of details (13-AP-1044) application has been submitted for a scheme to enhance the nature conservation interest pursuant to Condition 8 of the planning permission (11-AP-3764) above.

Planning history of adjoining sites

- 12 None considered to be directly relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The main issues to be considered in respect of this application are:
- a] the appropriateness of the proposed use as part of the wider Burgess Park environment, including compatibility with the designation as Metropolitan Open Land and SINC; and
 - b] the impact on the amenity of nearby residents, particularly in terms of noise and disturbance.

Planning policy

Core Strategy 2011

- 14 1 – Sustainable development

- 3 - Shopping, leisure and entertainment
- 4 – Places to learn and enjoy
- 11 - Open spaces and wildlife
- 12 – Design and conservation
- 13 – High environmental standards

Southwark Plan 2007 (July) - saved policies

- 15 The Council's cabinet on 19th March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
- 16 Policy 3.1 – Environmental effects;
Policy 3.2 – Protection of amenity;
Policy 3.12 – Quality in design;
Policy 3.25 – Metropolitan Open Land;
Policy 3.28 – Biodiversity;
Policy 5.3 - Walking and Cycling;

Aylesbury Area Action Plan 2010

- 17 The Aylesbury Area Action Plan (AAP) was adopted in January 2010 to guide the redevelopment of the Estate, and sets out a masterplan for the new neighbourhood. Burgess Park is a crucial resource for that new neighbourhood, and the AAP covers the whole of the Park area as part of its 'Wider Area'. The AAP expects Burgess Park to make provision for play for older youth, and that improvements to both the Aylesbury estate and the Park improve linkages between the two areas. Policy PL8 'Burgess Park' encourages sporting activities in the Park as part of the wider improvements.

London Plan 2011

- 18 Policy 3.2 - Improving health and addressing health inequalities;
Policy 7.17 - Metropolitan Open Land;
Policy 7.21 - Trees and Woodlands.

National Planning Policy Framework (NPPF)

Principle of development

- 19 The site is already in recreational use, and the BMX track has already been granted planning permission. The application will not change the primary use of the land, since it would remain a public open space use.
- 20 Burgess Park is designated as Metropolitan Open Land, and saved policy 3.25 of the Southwark Plan states that permission will only be granted for uses which protect the open nature of the areas, such as agriculture, or sport and recreational uses. The proposed facilities associated with the BMX track would satisfy the terms of this policy.
- 21 The site is also identified as a Site of Importance to Nature Conservation (SINC) and according to saved policy 3.28 of the Southwark Plan, developments will not be permitted which would damage the nature conservation value of the site. It is

considered that this has been fully addressed within the host planning permission (11-AP-3764) and compliance with condition 8.

- 22 The applicant had submitted an Ecological Management Plan carried out by LDA Design. The report covers the current ecological baseline of the site, and proposed mitigation and management at the site. The submitted document was written just before the new Southwark Biodiversity Action Plan (BAP) was adopted. The actions proposed in the ecological management plan (stag beetle loggery, bat and bird boxes and native planting), will contribute to the BAP and is therefore considered to satisfy the aims of the BAP. The Ecology officer has reviewed the report and its findings are considered acceptable and meet the requirements of condition 8. As such, this application has been recommended for approval, although at the time of writing this application has yet to be determined.
- 23 The track would provide for an activity which could be attractive to young people who are not engaged in traditional or team sports. The Council's Sports Development Plan recognises that this part of Southwark contains young people with low levels of physical activity. The casual, free access to the track should encourage wider use, whilst the coaching and competitive opportunities would maintain the challenge for more advanced cyclists. The facility would therefore support the corporate objective of improving the health and fitness of the Southwark population, and meet the requirements of Core Strategy policy SP 4 supports uses which encourage physical activity.

Environmental impact assessment

- 24 No Environmental Impact Assessment was submitted with the application, and no request for a Screening Opinion as to whether an EIA is required has been made. However, the wider Burgess Park application (10-AP-3246) was 'Screened' and the decision issued that the park improvements were not EIA development. Given the much more limited scale of the current proposal, it is reasonable to assume the same view would be reached. Although the site area exceeds the threshold of 0.5 ha for 'Schedule 2' development, the predicted impacts are not of more than local significance, and are compatible with the location within a metropolitan park.

Amenity

- 25 Saved Policy 3.2 'Protection of Amenity' within the Southwark Plan seeks to protect the amenity of existing and future occupiers in the surrounding area or on the site.
- 26 The approved BMX track is on the corner of two busy roads: Albany Road and Wells Way. It is separated from the nearest residential buildings (St Georges Court apartments, and the flats on the north side of Albany Road) by these busy roads.
- 27 The proposed facilities are not considered to result in any amenity impacts resulting to noise or general disturbance to any neighbouring occupiers.

Transport

- 28 The proposed facilities are ancillary to the use of this part of Burgess Park as a BMX track and as such most of the users are expected to arrive by cycle, and a such cycle parking was required as part of the main planning permission granting consent for the new track. It is not anticipated that there would be any harm caused to the function or safety of the transportation network.

Design issues

- 29 The proposed shipping containers are proposed to be clad with timber cladding, with a green wall on the front (southern) elevation.
- 30 With the amendments made to the plans, comprising of cladding the structure with timber (rather than painting it green), it is considered that the proposed building would be of a good standard and contribute positively to the character and appearance of the area, subject to the imposition of suitable conditions requiring the submission of further details relating to the materials, and green roof / wall.
- 31 Overall, it is considered that the development would contribute positively to the amenity of the area and would therefore be in accordance with the relevant policies of the Southwark Plan and the Core Strategy and should be granted on this basis.

Sustainable development implications

- 32 The development would provide a sedum roof and a partial green wall which will improve biodiversity and sustainability.

Other matters

- 33 The application is not CIL liable.

Conclusion on planning issues

- 34 Overall, for the reasons explored above, it is considered that the proposed development would not result in harm to the amenity of any neighbouring occupiers, would contribute positively to the character and appearance of the area, and the use would help to provide ancillary sport and recreation facilities for the park. It is therefore considered that subject to the imposition of suitable conditions, that the development would be in accordance with the relevant policies of the Southwark Plan and the Core Strategy and should be granted on this basis.

Community impact statement

- 35 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- 36 a) The impact on local people is set out above.

Consultation

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

Consultation replies

- 38 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 39 No replies.

Human rights implications

- 40 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.
- 41 This application has the legitimate aim of providing ancillary sports and recreation facilities. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 42 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/M2022 Application file: 13/AP/1068 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5470 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Fennel Mason, Planning Officer	
Version	Final	
Dated	01 July 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance & Corporate services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		11 July 2013

Consultation undertaken

Site notice date:

23 May 2013

Press notice date:

None

Case officer site visit date:

23 May 2013

Neighbour consultation letters sent:

None given the distance to any neighbouring occupiers, but several site notices were placed around the site

Internal services consulted:

Parks and Open Spaces
Urban Forester

Statutory and non-statutory organisations consulted:

Friends of Burgess Park

Neighbours and local groups consulted:

N/A

Re-consultation:

N/A

APPENDIX 2

Consultation responses received

Internal services

Parks and Open Spaces - supports the development

Urban Forester - no objection

Statutory and non-statutory organisations

Friends of Burgess Park - no comment

Neighbours and local groups

No replies.