

<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 13 November 2013	<b>Meeting Name:</b> Planning Sub Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Council's own development Application 13/AP/1700 for: Council's Own Development - Reg. 3  <b>Address:</b> HOMESTALL ROAD PLAYING FIELDS, HOMESTALL ROAD, LONDON SE22  <b>Proposal:</b> Construction of a 45.75 x 27.45 m (50 x 30 yard) artificial turf pitch, with associated fencing and floodlighting.		
<b>Ward(s) or groups affected:</b>	Peckham Rye		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 11/09/2013		<b>Application Expiry Date</b> 06/11/2013	
<b>Earliest Decision Date</b> 12/10/2013			

## RECOMMENDATION

- 1 Grant planning permission subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site is located within Homestall Road Sports Ground which is to the south-western side of Homestall Road. The area of the proposed development is a sport facility catering for football development aimed at Under 15's in the Peckham Rye Area.
- 3 The site is located within a Green Chain Park, Air Quality Management Area, Suburban Density Zone-Middle, Metropolitan Open Land (MOL) and Peckham and Nunhead Action Area as identified by the Development Plan. The site is not located within the setting of any conservation area or listed building.

### Details of proposal

- 4 Planning permission is sought for the construction of an artificial turf pitch measuring 45.75m x 27.45m on an old tennis court facility at Homestall Playing Fields. The tennis court area is immediately adjacent to a recently renovated natural turf facility comprising of three pitches. The proposed facility will include green powder-coated Weldmesh sports fencing 3m in height complete with goal recess and gates erected on the boundary of the proposed pitch with 4 x 10m high galvanised columns at each pitch corner with low-glare metal halide floodlights to minimise obtrusive light located outside the fence. The columns would carry each one floodlight to illuminate the pitch. The application has been amended since the original submission which sought hours of operation from 09:00 to 21:00. The revised proposal reduced the hours of operation to: Monday to Friday 09:00 to 19:00; Saturday 9:00 to 13:30; and Sunday 10:00 to

14:30.

### **Planning history**

- 5 No relevant planning history on application site.

### **Planning history of adjoining sites**

- 6 None considered to be directly relevant.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 7 The main issues to be considered in respect of this application are:

a] the appropriateness of the proposed use as part of the wider Homestall Road Playing Ground environment, including compatibility with the designation as Metropolitan Open Land; and

b] the impact on the amenity of nearby residents, particularly in terms of light pollution, noise and disturbance.

### **Planning policy**

#### Core Strategy 2011

- 8 Strategic policy 1 - Sustainable development  
Strategic policy 11 - Open spaces and wildlife  
Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards

#### Southwark Plan 2007 (July) - saved policies

- 9 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.
- 10 Policy 2.1 - Enhancement of Community Facilities;  
Policy 3.1 – Environmental effects;  
Policy 3.2 – Protection of amenity;  
Policy 3.12 – Quality in design;  
Policy 3.14 - Designing Out Crime;  
Policy 3.25 – Metropolitan Open Land;  
Policy 3.28 – Biodiversity;  
Policy 5.3 - Walking and Cycling;

#### London Plan 2011

- 11 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)

- 12 Chapter 7: Requiring good design  
Chapter 9: Protecting Green Belt Land  
Chapter 12: Conserving and enhancing the historic environment

### **Principle of development**

- 13 The principal land use consideration here is that the proposal sits within Metropolitan Open Land (MOL). There is a general presumption against inappropriate development in MOL. Part 9 of the NPPF sets out the uses of land which are deemed to be appropriate in the Green Belt, which applies also to MOL. London Plan policy 7.17 and saved Southwark Plan policy 3.25 both apply to MOL.
- 14 Saved Policy 3.25 stipulates that the following uses are appropriate in MOL:
- 15 i. Agriculture or forestry, or  
ii. Essential facilities for outdoor recreation or outdoor sport, for cemeteries, and for other uses of land which preserve the openness of MOL and 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 dwelling; or  
iv. Replacement of an existing dwelling, provided that the new dwelling is not materially larger than the dwelling it replaces.
- 16 The reasons for the policy are to:
- protect open space to provide a clear break in the urban fabric and contributing to the character of London;
  - Protecting open space to serve the needs of Londoners outside their local area;
  - Protecting open space that contains a feature of landscape or nature conservation of national or regional significance.
- 17 The construction of an artificial turf pitch, ancillary floodlights and 3m security fence falls with the definition of appropriate development as the site is already in recreational/sports use with an old tennis court and 3 recently renovated natural turf football pitches, and the new facilities are considered to constitute essential facilities for outdoor recreation/sport. Furthermore, notwithstanding the initial decision to advertise this application as a Departure to Development Plan policy in respect of MOL, officers have now carefully considered the nature of the development proposed and are satisfied that it will maintain the openness of the MOL and therefore is 'appropriate development' in this respect also. Accordingly the proposal is not now considered to be a Departure from MOL Policy.
- 18 In terms of other considerations, the artificial turf pitch would provide a facility catering for football development aimed at Under 15's in the Peckham Rye Area. The Council's Sports Development Plan recognises that this part of Southwark contains young people with low levels of physical activity. The facility should encourage wider use, whilst the coaching and competitive opportunities would maintain the challenge for football development. 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 which supports uses which encourage physical activity.
- 19 **Environmental impact assessment**
- 20 No Environmental Impact Assessment was submitted with the application. 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. As such, an Environmental Impact Assessment was not required.

### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

- 21 The nearest residential dwellings are located at Scutari Road which backs onto the Homestall Road Sports Ground. The proposed football pitch is approximately 36m from the rear of the residential properties. The proposal is to construct an artificial turf pitch measuring 45.75m x 27.45m on an old tennis court facility at Homestall Playing Fields. Furthermore to erect a Green powder-coated Weldmesh sports fencing 3m in height with 4 x 10m high galvanised columns at each pitch corner with low-glare metal halide floodlights to minimise obtrusive light located outside the fence. The lockable gates would prevent people entering the football pitch outside of the proposed hours of. Therefore the proposal will be conditioned that the football pitch may not be used outside the hours of:  
Monday to Friday 09:00 to 19:00;  
Saturday 9:00 to 13:30; and  
Sunday 10:00 to 14:30.

- 22 In terms of impacts on amenity, it is considered that the hours of operating the facility, which already exists as a tennis court, are sufficient to ensure any noise arising will be limited primarily to 'day time' hours and noise at sensitive times early in the morning or late at night will be avoided. In respect of the light emitted from the floodlights, the Council's Environmental Protection Team have advised that the light spill will be sufficiently contained such that neighbouring properties will not be unreasonably affected.

### **Transport**

- 23 As this site is already in recreational use with an old tennis court and 3 recently renovated natural turf football pitches it is not anticipated that there would be any harm caused to the function or safety of the transportation network. Any increase in visitors to the site would not be such as to warrant refusal.

### **Design issues**

- 24 Overall the design is typical of a sports facility and raises no concerns regarding the appearance of the site or local area, and would therefore be in accordance with the relevant policies of the Southwark Plan and the Core Strategy. There will only be 4 floodlight columns which will be slim in appearance.

### **Impact on character and setting of a listed building and/or conservation area**

- 25 The proposal site is not situated within a conservation area or near a listed building.

### **Impact on trees**

- 26 None envisaged

### **Safety and Security**

- 27 It is proposed to construct a 3m height green powder-coated Weldmesh sports fencing to four sides with two lockable gates at the proposed football pitch which would improve security at the proposal site. The lockable gates would prevent people

entering the football pitch outside the hours of Monday to Friday 09:00 to 19:00; Saturday 9:00 to 13:30; and Sunday 10:00 to 14:30.

- 28 Overall, the proposal is considered to promote the safety and security of present and future users of this facility, while not compromising that of nearby residents in the area.

#### **Planning obligations (S.106 undertaking or agreement)**

- 29 The proposal raises no S106 issues.

#### **Sustainable development implications**

- 30 The proposal will provide enhanced recreation/sports facility in a sustainable location with public transport access nearby.

#### **Other matters**

- 31 Advice has been taken from the Council's Ecology Officer who has advised that the floodlights will not affect commuting bats. A condition is recommended to secure suitable planting adjacent to the site in relation to landscaping.

- 32 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material "local financial consideration" in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. In this instance as the proposal does not create new floor space CIL is not payable.

- 33 Objections raised during the consultation period has been addressed in the following way:

##### **1. Noise and disturbance**

Application has been conditioned that the use hereby permitted for sports and recreational purposes shall not be carried on outside of the hours Monday to Friday 09:00 to 19:00; Saturday 9:00 to 13:30; and Sunday 10:00 to 14:30, and the floodlights shall not be used outside of these hours.

##### **2. Light pollution**

Application has been conditioned that the floodlights may not be used outside of the hours Monday to Friday 09:00 to 19:00; Saturday 9:00 to 13:30; and Sunday 10:00 to 14:30.

##### **3. Parking**

As this site is already in recreational use with an old tennis court and 3 recently renovated natural turf football pitches it is not anticipated that there would be any harm caused to the function or safety of the transportation network.

##### **4. Security and privacy**

It is proposed to construct a 3m height green powder-coated Weldmesh sports fencing to four sides with two lockable gates at the proposed football pitch which would improve security at the proposal site. The lockable gates would prevent people entering the football pitch outside the hours of Monday to Friday 09:00 to 19:00; Saturday 9:00 to 13:30; and Sunday 10:00 to 14:30.

##### **5. Rubbish**

As this site is already in recreational use with a tennis court and 3 recently renovated natural turf football pitches it is not anticipated that waste will materially increase as a result of these works.

## **6. Nature conservation**

Advice has been taken from the Council's Ecology Officer who has advised that the floodlights will not affect commuting bats. A condition is recommended to secure suitable planting adjacent to the site in relation to landscaping.

- 34 Other concerns raised by residents was dealt with by the Council, elected representatives (such as local Councillors) and the Olympic Legacy Fund during the procurement process

### **Conclusion on planning issues**

- 35 Overall, for the reasons explored above, it is considered that the proposal constitutes appropriate development in MOL enhancing the sports and recreation facilities already available at the site. It would contribute positively to the character and appearance of the area, and respect the amenities of neighbours. 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 Development Plan and should be granted.

### **Community impact statement**

- 36 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.
- 37 a) The impact on local people is set out above.

### **Consultations**

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

### **Consultation replies**

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

### **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/2613-A Application file: 13/AP/1700 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 5452 Council website: 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>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Neil Loubser, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	29 October 2013	
<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, 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
<b>Date final report sent to Constitutional Team</b>	1 November 2013	

### Consultation undertaken

- 43 **Site notice date:** 18-09-2013
- 44 **Press notice date:** 19-09-2013
- 45 **Case officer site visit date:** 18-09-2013
- 46 **Neighbour consultation letters sent:** 16-09-2013

#### Internal services consulted:

- 47 Environmental Protection Officer  
Ecology Officer

#### Statutory and non-statutory organisations consulted:

- 48 None

#### Neighbours and local groups consulted:

- 49 44 COLYTON ROAD LONDON SE22 0NP
- 43 COLYTON ROAD LONDON SE22 0NP
- 42 COLYTON ROAD LONDON SE22 0NP
- 45 COLYTON ROAD LONDON SE22 0NP
- 34 MUNDANIA ROAD LONDON SE22 0NW
- 32 MUNDANIA ROAD LONDON SE22 0NW
- 30 MUNDANIA ROAD LONDON SE22 0NW
- 41 COLYTON ROAD LONDON SE22 0NP
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- 39 COLYTON ROAD LONDON SE22 0NP
- 38 COLYTON ROAD LONDON SE22 0NP
- 36 MUNDANIA ROAD LONDON SE22 0NW
- 58 MUNDANIA ROAD LONDON SE22 0NW
- 56 MUNDANIA ROAD LONDON SE22 0NW
- 54 MUNDANIA ROAD LONDON SE22 0NW
- 42 HOMESTALL ROAD LONDON SE22 0SB
- 48 HOMESTALL ROAD LONDON SE22 0SB
- 46 HOMESTALL ROAD LONDON SE22 0SB
- 44 HOMESTALL ROAD LONDON SE22 0SB
- 52 MUNDANIA ROAD LONDON SE22 0NW
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- 46 MUNDANIA ROAD LONDON SE22 0NW
- 33 COLYTON ROAD LONDON SE22 0NP
- 27 SCUTARI ROAD LONDON SE22 0NN
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24 COLYTON ROAD LONDON SE22 0NP  
23 COLYTON ROAD LONDON SE22 0NP  
9 SCUTARI ROAD LONDON SE22 0NN  
54 Mundania Road London SE22 9NW

**Re-consultation:**

50 N/A

**Consultation responses received**

**Internal services**

- 51 Environmental Protection Officer - No objections  
Ecology Officer - No objections

**Statutory and non-statutory organisations**

- 52 N/A

**Neighbours and local groups**

- 53 2 Letters of support received from unknown addresses, and 3 letters received from residents living at 42, 46 and 54 Homestall Road raising the following objections:

**7. Noise and disturbance**

Many residents have concerns about the level of noise disturbance experienced from the current levels of play. This include shouting, swearing, whistles, kicking of the ball, ball impact noise on fencing and crowd noise every Saturday and Sunday, some evenings and some day times all through the year.

**8. Light pollution**

One of the attractions of this area is the lack of intrusive external lighting which allows for huge enjoyment of the dark night sky and sunsets. The introduction of floodlights would extend the time of play and therefore result in increased noise levels. It would also result in light pollution impeding residents' views of the evening and night sky and intruding into houses through our large rear windows. Additionally it would disturb those sleeping in rooms with windows overlooking the field (all the surrounding houses) and particularly of course the large number with loft rooms.

**9. Parking**

Increased play would increase the need for parking which is already inadequate around the field and Peckham Park. Those using the field currently park on Homestall Road which is not adopted or surfaced.

**10. Security and privacy**

We are very concerned about the security risks which would result from the gates being open after dark and access being afforded to the rears of the surrounding properties (three sides of the field). This would make them more exposed and vulnerable to break ins and nuisances.

**11. Rubbish**

Currently rubbish is not cleared or swept by Southwark Council when it spills out of the gates on to Homestall Road as it is not an adopted road. It gathers on the wooded footpath which residents have to clear. This is only likely to increase, becoming a greater risk and nuisance for residents in particular and also players.

**12. Nature conservation**

This is an area with an abundance of wildlife as it is very open, green and full of trees. Currently there are herons and great spotted woodpeckers as well as numerous other birds, bats and foxes in the area which would all be adversely affected by increased noise and floodlighting as this would disrupt their habitat and habits.

- 54 These raised issues have been addressed in the body of this report.