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| Item No. 7.2 | Classification: OPEN | Date: 23 June 2014 | Meeting Name: Planning Sub-Committee A |
| Report title: | Development Management planning application: Council's own development Application 14/AP/1214 for: Council's Own Development - Reg. 3 Address: CAMBERWELL OLD CEMETERY, FOREST HILL ROAD LONDON SE22 0RU Proposal: Erection of a temporary building providing two new public toilets within the existing cemetery. | | |
| Ward(s) or groups affected: | Peckham Rye | | |
| From: | Head of Development Management | | |
| Application Start Date 22/04/2014 | | Application Expiry Date 17/06/2014 | |
| Earliest Decision Date 23/05/2014 | | | |

RECOMMENDATIONS

- 1 That members consider whether the proposed development meets the exception test as set out in paragraph 89 of section 9 NPPF.
- 2 In the event that the exception test is met, that members grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 3 That members consider the application as it represents development on Metropolitan Open Land (MOL);
- 4 The application site relates to an area of land within the middle of the Camberwell Old Cemetery. The site has the following development plan designations:
 - Green chain park;
 - Site of important nature conservation;
 - Air quality management area;
 - Metropolitan Open Land. (MOL)
- 5 Surrounding uses vary and comprise a mixture of commercial, residential and public open space. It is noted that given the size of the Camberwell Old Cemetery, the area of land identified as the application sites is located around 100 metres away from the nearest boundary of the cemetery, this being a residential property to the north east.

Details of proposal

- 6 The proposal seeks permission for the construction of a temporary toilet building with

a 3.0m x 3.65m footprint and a height of 2.5 metres. The proposed toilet building would provide two unisex toilets with ramps and fittings to provide WC access for disabled persons and is proposed for a period of 5 years. The building would be clad in timber boarding, painted dark green. There are currently no public toilets for visitors to the cemetery and this proposal will address that shortcoming.

Planning history

- 7 None applicable to this proposal.

Planning history of adjoining sites

- 8 None applicable to this proposal.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 9 The main issues to be considered in respect of this application are:
- a) Policy issues including impact on the openness of MOL land;
 - b) Impact on neighbours and users of the facility;
 - c) Acceptability of the design; and
 - d) Impacts on ecology and trees

Planning policy

- 10 Core Strategy 2011
Strategic policy 11 'Open spaces and wildlife'
Strategic policy 12 'Design and conservation'
Strategic policy 13 'High environmental standards'

- 11 Southwark Plan 2007 (July) - saved policies
The council's cabinet on 19 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.

- 12 3.2 'Protection of amenity'
3.12 'Quality in design'
3.13 'Urban design'
3.25 'Metropolitan open land';
3.28 'Biodiversity'

- 13 London Plan July 2011 consolidated with revised early minor alterations October 2013
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.17 Metropolitan Open Land
Policy 7.18 Protecting local open space and addressing local deficiency
Policy 7.20 Geological conservation
Policy 7.21 Trees and Woodlands
Policy 7.23 Burial spaces

National Planning Policy Framework (NPPF)

- 14 Section 7: Requiring good design
Section 9: Protecting Green Belt Land
Section 11: Conserving and enhancing the natural environment

Principle of development

- 15 The application site is situated within Metropolitan Open Land and Paragraph 7.56 of the London Plan (consolidated with revised early minor alterations in October 2013) states that paragraphs 79-92 of section 9 NPPF on green belts apply equally to MOL. Paragraph 88 of the NPPF advises that in considering any planning application (i.e. a loss of unbuilt land), local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 89 describes the exceptions for buildings and facilities within the green belt (and MOL). The toilet block is considered as an appropriate facility for cemetery purposes and therefore meets the exception criteria as outlined in paragraph 89 of section 9 in the NPPF.
- 16 Policy 7.17 'Metropolitan Open Land' of the London Plan, as amended, states that the strongest possible protection should be given to London's MOL, the same level of protection as is given to green belt, and further that inappropriate development should be refused except in very special circumstances. The supporting text states that appropriate development should be limited to small scale structures to support open space uses and minimise any adverse impact on the openness of MOL.
- 17 The toilet block would be relatively modest in scale at a maximum 3.0m x 3.65m footprint and a height of 2.5 metres, and would have minimal affect on the openness of the park. It would be limited in height and scale and will support the increased use of the cemetery by visiting members of the public whose numbers are expected to increase in the short term. It is proposed as a temporary structure that will be replaced by a permanent facility at some point in the future.
- 18 Strategic Policy 11 'Open spaces and wildlife' of the core strategy commits the council to protect open spaces against inappropriate development. It refers to Southwark Plan policies 3.25-3.27 for further information on how such spaces would be protected.
- 19 Saved policy 3.25 of the Southwark Plan states that there is a general presumption against development on MOL and that planning permission will only be permitted for appropriate development for a number of purposes such as essential facilities for:
- 20 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, providing 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.
- 21 As set out above, the proposal would provide for some increased use of the cemetery; would preserve its openness given its modest size; and its appearance would not adversely impact the visual amenity of the cemetery. The proposal is therefore

considered to be development meeting the exception test and the principle of the development acceptable in accordance with the NPPF; London Plan 2011; Core Strategy 2011 and the saved Southwark Plan 2007.

- 22 As such, it is considered that the provision of a modest building for toilet facilities within the existing cemetery land meets the very special circumstances exception tests provided that the design is considered acceptable, the openness of the MOL is maintained and impacts on the natural environment (ecology, trees etc) and neighbouring occupiers are acceptable. These matters are considered below.

Environmental impact assessment

- 23 Not required due to the scale of the development.

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

- 24 The proposed toilet building, with a footprint of 3.0m x 3.65m and a height of 2.5 metres would be of a modest size, particularly when viewed in the context of the large cemetery. The building would be located around 100m away from the nearest residential occupier and would not be visible from out side of the site given this distance and existing vegetation on the site. It is therefore not anticipated that there would be any impacts on adjoining residential occupiers.

Design issues and its impact on the openness of the Metropolitan Open Land

- 25 As is outlined above, the size of the building would be modest, particularly when viewed in the context of the large cemetery within which it sits. As is outlined above, saved policy 3.25 states that , in the case of cemeteries, planning permission would only be permitted for appropriate development which is considered to be essential and the proposed toilet facility is considered to fall within that policy exception. Furthermore, the modest size of the facility would ensure that the building would not be visually intrusive within the MOL and would ensure that any harm to its openness is minimised.
- 26 The proposed building would be clad in timber which would be painted dark green. This would help the building to blend into the dominant green fabric of its surrounds (i.e. the vegetation) and would ensure that the building would blend into the surrounding environment, to a degree. It is also noted that the applicant has proposed a timeframe of only 5 years for the proposed building while a more suitable, permanent facility is designed.
- 27 Whilst, for the reasons outlined above, it is considered that the proposed toilet building is acceptable, it should also be noted that from public viewpoints outside of the cemetery and indeed from the majority of the land within the cemetery itself, there would be no visibility of the toilet block given the significant level of existing vegetation on site.
- 28 As such, it is considered that the design and appearance are acceptable and that any adverse impact to the openness of the MOL land would be minimised.

Impact on trees and ecology

Trees

- 29 It is not anticipated that the toilet block would have any detrimental impacts toward existing trees and vegetation, given its small scale, location within an existing car park

(an old building site) and separation from trees within the site.

Ecology

- 30 Council's ecology officer has reviewed the proposal and confirmed that it is not anticipated the proposed toilet block would have any detrimental impacts in relation to ecology. The scale of the toilet block is minimal and would be located on land which was previously a building site and is now a car park. Furthermore, the facility is a temporary one while a more permanent one to be developed in the future which would have to be assessed again on ecology issues.

Conclusion on planning issues

- 31 The proposed temporary toilet block facility would be located well away from the cemetery boundaries and would not be detrimental to the amenity of neighbouring occupiers as a result. The small scale and appropriate location of the building ensures that impacts on ecology and existing trees and vegetation would also be minimal. Furthermore, it is not anticipated that the openness of the MOL would be compromised and it provides an essential facility for users of the cemetery. As such, it is recommended that permission is granted.

Community impact statement

- 32 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.
- 33 The impact on local people is set out above. There will be no impact on nearby residential and would provide an essential facility for users of the cemetery who are likely to be borough residents and to those users requiring disabled access.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 36 Urban Forester - No large or specimen trees within the vicinity of the sewerage excavations are shown to be affected by the proposals. A tree protection condition is therefore not necessary.

Ecology Officer - No objection or concerns with regard to ecology.

Parks and Open Spaces - Parks and Open Spaces area the Applicant. Support application. Visitor numbers are anticipated to increase and cemetery currently does not provide any public WC provision and has been an ongoing problem with anti-social behaviour associated with the lack of such a facility.

Human rights implications

- 37 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.
- 38 This application has the legitimate aim of providing for a temporary toilet block building. 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

- 39 None.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|--|
| Site history file: TP/2341-F Application file: 14/AP/1214 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 7708 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 | Jonathan Payne, Planning Officer | |
| Version | Final | |
| Dated | 6 June 2014 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic Director, Finance and 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 June 2014 | |

APPENDIX 1

Consultation undertaken

Site notice date: 30/04/2014

Press notice date: None.

Case officer site visit date: 30/04/2014

Neighbour consultation letters sent: N/A

Internal services consulted:

Parks and Open Spaces
Urban Forester
Ecology Officer

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

None (two site notices put up instead - one at cemetery entrance and once beside location of toilet block inside the cemetery).

Re-consultation:

None

APPENDIX 2

Consultation responses received

Internal services

Urban Forester - No large or specimen trees within the vicinity of the sewerage excavations are shown to be affected by the proposals. A tree protection condition is therefore not necessary.

Ecology Officer - No objection or concerns with regard to ecology.

Parks and Open Spaces - Parks and Open Spaces area the Applicant. Support application. Visitor numbers are anticipated to increase and cemetery currently does not provide any public WC provision and has been an ongoing problem with anti-social behaviour associated with the lack of such a facility.

Statutory and non-statutory organisations

None.

Neighbours and local groups

None.