

<b>Item No.</b> 5.6	<b>Classification:</b> Open	<b>Date:</b> 10 February 2015	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/3065 for: Full Planning Permission  <b>Address:</b> SOUTHWARK PARK, GOMM ROAD, LONDON SE16 2TL  <b>Proposal:</b> Construction of a block of two tennis courts enclosed by a 3m high black mesh fence		
<b>Ward(s) or groups affected:</b>	Rotherhithe		
<b>From:</b>	Head of Development Management		
<b>Application Start Date:</b> 16/12/2014		<b>Application Expiry Date:</b> 10/02/2015	
<b>Earliest Decision Date:</b> 24/01/2015			

## RECOMMENDATION

1. That the application is determined by the sub-committee as it represents development affecting Metropolitan Open Land (MOL); that the sub-committee consider whether the development meets the exception tests for small scale development within MOL and if satisfied that the relevant tests are met, grant planning permission subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. Southwark Park Sports Ground is a facility on the southeastern edge of Southwark Park. The park is Grade II registered park and garden and was one of the earliest parks opened by the Metropolitan Board of Works in 1869, it includes London's first public memorial to a working class person, Mr Jabez West who was a member of the local Temperance Society. A major refurbishment was undertaken in 2001 with funding from the Heritage Lottery Fund which included the installation of a bandstand. The site is not within a conservation area or within the vicinity of any other listed buildings or structures.
3. The site is covered by the following planning designations:
  - Site of Nature Conservation Importance
  - Air Quality Management Area
  - Metropolitan Open Land
  - Canada Water Action Plan
  - Grade II Registered Park and Garden
  - Flood Risk Zone

### Details of proposal

4. The application is for the construction of two hard-surfaced tennis courts immediately

to the north of the location of the existing two tennis courts approximately 50m west of the Bowling Green and to the east of Cornick, Glebe, Hickling and Matson houses.

5. With an overall dimensions of 31.7m (width) x34.75m (length), the courts would meet the Lawn Tennis Association's (LTA's) minimum standard and would be located on an area that is presently grass covered. Surrounding the courts would be a 3m high black mesh fence. Funding for this development has been obtained from the Cleaner Greener Safer fund and supplemented by funding from the London Marathon Charitable Trust (LMCT).

### **Planning history**

6. There are a number of planning applications for works in the park but none in the immediate vicinity of the site and no recent application in the wider vicinity of relevance to this application.

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

7. None of relevance to this application

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

8. The main issues to be considered in respect of this application are:
  - The principle of the development and its impact on Metropolitan Open Land
  - The impact of the development on the Grade II registered park and garden
  - The impact of the development on the amenity of local residents
  - The impact of the development on park users
  - Environmental impacts

### **Planning policy**

#### **National Planning Policy Framework (the Framework)**

9. This scheme should be considered against the Framework as a whole, however the following sections are considered to be particularly relevant:

8 - Promoting healthy communities

11 - Conserving and enhancing the natural environment

12 - Conserving and enhancing the historic environment

London Plan July 2011 consolidated with revised early minor alterations October 2013

Policy 3.19 Sports facilities

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.17 Metropolitan open land

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

#### **Core Strategy 2011**

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

The council's cabinet on 19 March 2013, as required by para 215 of the Framework, 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 Framework. 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 Framework. The following saved policies are relevant to this application:

Saved Policy 3.1 Environmental effects  
Saved Policy 3.2 Protection of Amenity  
Saved Policy 3.11 Efficient Use of Land  
Saved Policy 3.12 Quality in Design  
Saved Policy 3.15 Conservation of the Historic Environment  
Saved Policy 3.16 Conservation Areas  
Saved Policy 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage  
Saved Policy 3.25 Metropolitan Open land  
Saved Policy 3.28 Biodiversity  
Saved Policy 5.1 Locating Developments  
Saved Policy 5.2 Transport Impacts

**Principle of development**

10. Southwark Park is afforded a significant degree of protection in planning terms, being MOL. Paragraph 7.56 of the London Plan (consolidated with revised early minor alterations in October 2013) states that paragraphs 79-92 of the Framework on Green Belts apply equally to MOL. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate on Green Belt apart from certain exceptions. One of these is for the:

*"..provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it."*

11. While this provision is for buildings, it provides an indication of the type of facility that Government consider to be suitable on Green Belt and similarly MOL.
12. Policy 7.17 Metropolitan Open Land of the London Plan 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.
13. The tennis courts would be structures that would indeed support open space uses, being outdoor sport facilities.
14. 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.

15. Saved policy 3.25 Metropolitan Open Lane 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 outdoor sport and recreation, which this is an application for.
16. The proposal is considered to be appropriate development on MOL because it meets the exception tests for the type of development detailed above, including the impact on openness of MOL (which is considered in detail below). The principle of the development is acceptable in accordance with the policies in the National Planning Policy Framework 2012; London Plan (revised with minor alterations 2013); Core Strategy 2011 and the saved Southwark Plan 2007.

### **Environmental impact assessment**

17. The proposal is not EIA development as defined in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Its impact would not be of more than local significance, and the development would not give rise to significant environmental impacts.

The impact of the development on the Grade II listed Southwark Park and its openness

18. The historic significance of the park lies in its layout and historic features such as the gates; the drinking fountain which is the memorial to Jabez West; the Ada Salter Gardens and the lake. The development would be limited to an area on the western part of the park and sufficiently removed from historical features either by distance or screening, and would preserve the park's historical setting. It is arguable that the park's setting would be enhanced through the provision of a new sporting facility on this part of ground which seems an underused piece of land between the park's western boundary and the footpath to the east of the site.
19. Although the 3m high fence would be noticeable from the east along the footpath, it would be set against the background of the six storey Matson House and the existing tennis courts to the south. Views from further east would be interrupted by the Plane trees along the footpath, resulting in a development that would not adversely impact on the openness of the park.

### **The impact of the development on the amenity of local residents**

20. The visual impact on residents to the west of the site would be limited as the courts would be set behind the boundary fence of the park which is approximately 2m in height with a Hawthorn hedge adjacent to it (on the side of the park). This, coupled with distance the courts would be from Matson House (the closest block)- 20m- means that there would be no adverse impact on visual amenity.
21. Additional activity would be noticeable for residents to the east but tennis would be limited to the opening hours of the park and limited to eight additional players, this is above the eight that could use the two courts to the south. It would not cause unacceptable harm to residential amenity because of the very small degree of intensification proposed.

### **The impact of the development on park users**

22. Works proposed would be spatially limited and would not significantly affect the use of the park, other by providing an additional amenity. There would be some disturbance during the construction but this would be for a temporary period. Importantly, the development would result in enhanced sporting facilities for users of the park contributing towards the drive to encourage and building healthy communities.

## **Flood risk and biodiversity**

23. Replacement of the grassed area with a hard surfaced court could have an impact with respect to local surface water drainage. However there may be sufficient capacity elsewhere within the park to absorb this impact. The council's Flood and Drainage Team have been consulted on this matter and their advice will be included in an addendum report for the meeting.
24. The grassed area is of low biodiversity value and the replacement of this relatively small area is not likely to affect biodiversity within the park. There is however a hawthorn hedge near the boundary to the west that would need to be cut back. The council's ecologist has reviewed this application and advised that he has no objection to the scheme.

## **Impact on trees**

25. An arboricultural impact assessment has been submitted with the application which has identified a total of six trees that are in close proximity of the site and could be affected by the development. These include three veteran London Plan trees to the east of the site and three Turkish Hazels on Slippers Place. With suitable measures in place, these trees can be retained although some works to two of the London Planes would be required (minor works to branches under 200mm in diameter) for health and safety and access reasons. The council's Urban Forester has reviewed the impact assessment and advised that the means to protect the trees are suitable. Nonetheless, he has recommended a condition requiring these measures to be used and should any specimen identified in the report be destroyed or die within five years of the completion of development, that replacement planting takes place.

## **Planning obligations (S.106 undertaking or agreement) and Community Infrastructure Levy (CIL)**

26. Planning obligations are sought to mitigate specified negative impacts of development which is in other respects acceptable. As there are no negative impacts to be mitigated and given the small scale nature of the proposal, there is no requirement to secure any planning obligations. The works themselves would provide an enhancement to a community facility and result in benefits for the local area and the wider community.
27. There is no proposed change of use or any increase in floorspace. As such, the scheme would not attract a payment under CIL.

## **Conclusion on planning issues**

28. The provision of two new enclosed tennis courts on this part of Southwark Park would be appropriate development on MOL and provide a additional outdoor sport amenity for park. Its impact on local amenity would not cause significant harm due to its location away from the residential dwellings, the screening provided by the hawthorn hedge along the boundary and the limited use during the hours of daylight. The application is therefore recommended for approval.

## **Community impact statement**

29. 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. No adverse impact on any group with the protected

characteristics identified above is expected.

### **Consultations**

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

### **Consultation replies**

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

#### Summary of consultation responses

Ecology Officer: No concerns

Sport England: No comment

### **Human rights implications**

32. 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.
33. This application has the legitimate aim of providing an additional sporting facility. 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/139-G Application file: 14/AP/3065 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 1778 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
<b>Appendix 1</b>	Consultation undertaken
<b>Appendix 2</b>	Consultation responses received
<b>Appendix 3</b>	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Dipesh Patel, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 January 2014	
<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 Corporate Services	No	No
Strategic Director of Environment and Leisure	Yeas	Yes
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		29 January 2015

## APPENDIX 1

### Consultation Undertaken

**Site notice date:** 22/11/2014

**Press notice date:** 01/01/2015

**Case officer site visit date:** 22/11/2014

**Neighbour consultation letters sent:** 23/12/2014

**Internal services consulted:**

Ecology Officer

Flood and Drainage Team

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

Garden History Society

Sport England, 3 Oakwood drive

**Neighbour and local groups consulted:**

3 Westbrook Road London SE3 0NS

1 Priors Gardens Bedford Park W4 1TT  
Environment & Leisure Level 3 SE1 2QH

**Re-consultation:** n/a



## APPENDIX 2

### Consultation Responses Received

**Internal services:** None

**Statutory and non-statutory organisations:**

Sport England, 3 Oakwood drive

**Neighbours and local groups:** None