

Item No. 7.3	Classification: OPEN	Date: 1 July 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/1590 for: Full Planning Permission Address: NELSON SQUARE GARDEN, NELSON SQUARE, LONDON SE1 0LR Proposal: Hard and soft landscape works including new entrances, new play area, new MUGA, new site furniture and surfacing, new planting and grassed areas; Demolition and removal of existing dividing wall and planter and re-building in new location.		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application Start Date 29/04/2015		Application Expiry Date 24/06/2015	
Earliest Decision Date 25/06/2015			

RECOMMENDATION

1. That the planning sub-committee grant full planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. Nelson Square garden is 0.4Ha in area. It is protected under the London Squares Preservation Act 1931 and is identified as protected Borough Open Land in the Southwark Plan. It is located in the north of the Borough between the streets of Blackfriars Road, Union Street, Surrey Row and Great Suffolk Street.
3. It is enclosed most immediately by large residential blocks on each of its four sides, namely, Rowland Hill House, Vaughan House, Applegarth House and Helen Gladstone House. In addition to these buildings which overlook the park the Grade II Listed Blackfriars Settlement at 44-47 Nelson Square is also sited adjacent to the south-east edge of the park and slightly further afield fronting onto Blackfriars Road (No. 176) is the Grade II Listed Former Sons of Temperance Friendly Society Building. The site is not located in a conservation area. There are six mature London Plane trees within the gardens.

Brief history of Nelson Square

4. Nelson Square Gardens was originally only for the use of residents of the Square. In 1903 the owner Viscount Halifax gave the site to London County Council. It was laid out as a rectangular playground with a flower bed in the centre and a shrub and privet hedge around the perimeter. It opened to the public in February 1904. The cost to lay it out was £1,400 with half this amount met by owners of the houses and the remainder by the LCC and Southwark Metropolitan Borough Council. There were six mature plane trees, which remain in the gardens that had circular seats provided around them; there was a bandstand with flowerbeds and an ornamental drinking

fountain presented by the MPGA. The terrace of almshouses at one end of Nelson Square is all that remains of the original buildings, built between 1807 and 1810 possibly designed by Samuel Pepys Cockerell, now used by the Blackfriars Settlement. The rest of the housing around the square is medium rise flats built in the 1950s. Today the garden square is mainly a tarmac playground. Alongside it is a small rose garden enclosed by c.1930 cast iron railings on brick footings. Improvements were carried out in 2000/1 designed by Jennifer Coe Landscape Architects with new play equipment, new railings/fencing, surfacing with money raised by Bankside Open Spaces Trust (BOST) through the Cross River Open Spaces fund. Local residents replanted the rose garden and a gardening club undertakes work here, set up by BOST.

Details of proposal

5. The application seeks planning permission for changes to the layout, design and landscaping of the public square. The last improvements to the square were carried out 15 years ago and the design and access statement provided by the parks design team explains that the existing play area is dated, that in general the facilities in the square are in a state of disrepair and that while the kick-about is used its surface is in a poor condition.
6. The new layout seeks to upgrade / replace some of the existing facilities (e.g. the kick about) and otherwise provide a greater range of fitness, sport and play equipment that will appeal to a wider range of age-groups than at present. While some elements within the square would remain unavoidably self-contained such as the play area and the kick about, a key aim of the redesign has been to address the compartmentalised nature of the existing layout and to scale back or remove unnecessary internal boundaries to open up the square and re-unify it as a whole. The proposed curved paths from the four corners of the square are intended to make it easier to walk through the park. In general the proposed new layout is more open and informal. The design and access statement explains that the key design principles informing the new design are as follows:
 - a) to provide a safer environment for a wide range of activities and wider user groups;
 - b) to allow the site to function better and to improve circulation;
 - c) to develop an attractive site for people of all ages to enjoy; and
 - d) to create a flexible design.
7. The key elements in the new design are as follows:

New surfaces

Paths: Resin bound gravel/pea shingle (Total area covered - 1136sqm)

Play area: 'Jungle mulch' (Total area covered - 736sqm)

Kick-about: Type 4 Polymeric surface (Total area covered - 268sqm)

New lawn area: 693sqm (Old lawn area = 307sqm, so this represents an increase of 125%)

New boundaries

Square: Replacement of the existing 1.8m high metal boundary fence (grey) with a 1.2m high flat-topped metal rail fencing (finished in black).

Play area: 1.2m high flat-topped metal rail fencing (finished in black)

Kick-about: 3.8m high x 46.4m length 'Zaun' fencing incorporating chicane openings and two goal posts (3.8m high and 4.6m length) and additional 'Zaun' fencing returns of 2.5m high x 5m length.

New play area equipment

Large climbing frames x 2

Roundabout x 1

Gym equipment x 4 (shoulder press, leg press, cross trainer, recumbent bicycle),

Swing unit x 1

Slides x 2 (one incorporated within the climbing frame)

Table-tennis table x 1

Trampolines x 4 (two of which are incorporated into the climbing frame)

Stepping pod x 1

Balance bar x 1

New park furniture

Spectator benches x 2

Memorial bench x 1 (replace existing)

Timber and iron seats x 13

Timber bench x 1

Tree seat x 1

Picnic benches x 2

Litter bins x 7

Cycle stands x 5

New entrances

The removal of an existing entrance into the park mid-way along the northern perimeter is proposed and so the number of entrances into the park would be reduced from five to four. However, the new entrances would be wider than the existing points of entry and would be either level or gently sloping to provide easier access for all. They would also be evenly spaced, one on each of the park's four sides, just offset from the corners by a few metres. They would also remain open (un-gated) unlike the present entrances to further aid accessibility to the park.

Planning history

8. 09/CO/0001

Installation of new wire fencing 3030mm in height, powder coated blue, across both ends of existing ball court within Nelson Square Garden.

GRANTED: 31/07/2009

09/CO/0099

Details of sound proofing for the fence as required by Condition 3 on LBS reg: 09-CO-0001 dated 31/07/2009 for: Installation of new wire fencing 3030mm in height, powder coated blue, across both ends of existing ball court within Nelson Square Garden.

GRANTED: 04/06/2010

Planning history of adjoining sites

9. Applegarth House

04/AP/1090

The erection of a 4m high screen with associated landscaping and seating to enclose the ground floor entrance to a block of flats.

GRANTED: 10/08/2004

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:

- a) Principle of the development
- b) Impact on the amenity of neighbouring occupiers
- c) Design issues
- d) Accessibility
- e) Impact on character and setting of a listed building and/or conservation area
- f) Impact on biodiversity
- g) Impact on trees

Relevant planning policy

11. This application should be determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant:

National Planning Policy Framework (Published 27 March 2012)

Section 7: Requiring good design.

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

The London Plan (2015)

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.19 Sports facilities

Policy 5.3 Sustainable design and construction

Policy 5.10 Urban greening

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, etc

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

Other relevant guidance

The Mayor's Biodiversity Strategy (2002)

Open Space Strategies (CABE / Mayor of London)

Southwark Core Strategy (Adopted 6 April 2011)

Strategic Policy 11 - Open spaces and wildlife

Strategic Policy 12 - Design and conservation

Strategic Policy 13 - High environmental standards

Southwark Unitary Development Plan (Adopted 28 July 2007) (Saved Policies)

The Council's cabinet on 19th March 2013, as required by paragraph 215 of the National Planning Policy Framework (2012), 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.

Policy 3.1 (Environmental effects)

Policy 3.2 (Protection of Amenity)

Policy 3.6 (Air Quality)

Policy 3.9 (Water)

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 3.26 (Borough open land)

Policy 3.28 (Biodiversity)

Policy 5.3 (Walking and cycling)

Other relevant guidance

Supplementary Planning Document: Design & Access Statements (2007)

Southwark Biodiversity Action Plan (2013-2019)

Summary of representations received

12. A total of 10 responses have been received, 9 from local residents (all of whom oppose the plans), and 1 from the council's ecology officer.

In support:

Better disabled access supported.

In objection / of concern:

- No consideration for wildlife and the Council's current Biodiversity Action Plan.
- There should be more flowers and colour in the park not less.
- Bike racks and an informal bike path should not be included.
- The proposed wide entrance on the north side should be half-gated at least and should ensure that cars cannot access the park.
- The removal of flower beds and unmanaged planting will be detrimental to wildlife and will contribute to noise pollution.
- There is less seating and lighting than anticipated.
- The disabled access measures are unclear.
- A shame that the existing wall would be knocked down with the mature range of flower species and wildlife that resides there.
- It is hoped that existing bulbs and plants that have matured can be re-used elsewhere.
- The metal railings on the east side should not be retained. A thick, robust hedge (e.g., thorn, possibly with railings behind) would be a better alternative in terms of maintaining security and wildlife habitat.
- The plans discriminate by prioritising the provision of sports facilities for young people over the needs of older residents and their right to peace and quiet.
- The plans do little to address the on-going issue of noise nuisance in the square (traffic and construction noise, anti-social behaviour such as shouting, noise from motor bikes, impact noise from footballs kicked against railings/walls).
- Less use of synthetic surfaces and the creation of 'tranquillity zones' and wildlife habitats would be preferable.
- No need for an additional entrance on the east side as this will encourage more noise and anti-social behaviour.
- The plans should seek to address the public health risk from grassed areas being

heavily polluted from dog faeces.

- The proposed lowering of the railings around the square from 1.8m to 1.2m is a mistake as it will offer not protection from footballs.
- The consultation process has been inadequate. The lack of hardcopies of documents has prevented many elderly people from getting involved and expressing their views. The lack of letters sent to individual households has excluded many residents and stakeholders from the consultation process.
- The local heritage / history of the square is more interesting than the online report suggests and there is no report from a local historian. There is no recognition in the plans that the square is more than 100 years old or of past notable residents of the square.
- More proactive management of the trees in the square is needed.
- The works are a waste of money. Funds could be better invested in badly needed affordable housing.

Internal Consultee:

Ecology Officer - The bat survey did not record any bat roosts on the site or any bats commuting and foraging on the site. This is not unexpected as the area is heavily urbanised and has limited green spaces in the vicinity of Nelson Sq. As no bats were recorded, there is no requirement for further actions with regards to bats.

It is important to avoid the bird nesting season when works are carried out. It is recommended that a planting plan showing species should be submitted prior to works commencing on site (to be secured by condition). The focus of planting should be for species that provide pollen, nectar and fruit throughout the seasons. This is to ensure a biodiversity gain and provide forage for birds and invertebrates that are using the site and thus meets saved policy 3.28 of the Southwark Plan.

Principle of development

13. Nelson Square Gardens is identified as protected Borough Open Land in the Southwark Plan. Saved policy 3.26 (Borough Open Land) states that,

'Within Borough Open Land planning permission will not be granted for development unless:

- i. It is ancillary to the use of the open space; and*
- ii. It is small in scale; and*
- iii. It does not detract from the site's open nature and character; and*
- iv. It is required to enhance activities associated with the particular open space; and*
- v. It positively contributes to the setting and quality of the open space.'*

14. The most extensive structure proposed is the multi-use kick-about with its proposed 3.8m high fence enclosure. However, this would be a relatively small element in the context of the square as a whole and as the fencing would be a visually-permeable mesh design (see accompanying Play Equipment Palette plans) it would remain largely open in character in any event. As such, it is considered that the proposed works to re-landscape this public park are fully compliant with the above requirements and hence the proposal is acceptable in principle.

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

15. Saved Policy 3.2 (Protection of amenity) of the Southwark Plan (2007), Strategic Policy 13 (High environmental standards) of the Southwark Core Strategy (2011) and policies 7.6 (Architecture) and 7.15 (Reducing and managing noise, etc.) of the London Plan (2015) seek to ensure that new development does not adversely impact

upon the existing standard of residential amenity for occupiers nearby.

16. There would be no significant change to the nature, amount and location of the recreational uses already available within the square as a consequence of the proposed works. There would be no increase in the intensity of activities likely to generate noise in the square, for example, the new kick about is similar in both size and position to the existing facility.
17. It is noted that one of the objections received asserts that the plans will do little to address the on-going issue of noise nuisance in the square (traffic and construction noise, anti-social behaviour such as shouting, noise from motor bikes, impact noise from footballs kicked against railings/walls). However, most of these issues relate to existing sources of noise which emanate from outside the park and which is therefore beyond the scope of this application. Noise from footballs being kicked against railings (such as the fence surrounding the MUGA/kick about) will not be exacerbated by the proposal and the provision of a fenced enclosure is a necessary compromise to avoid the footballs being kicked into the roads surrounding the park (and other areas of the park) which is another issue that was raised by local residents.
18. As such, the application is considered to be fully compliant with the above policies and with the same sentiments as expressed in the government's national planning policy framework.

Impact of adjoining and nearby uses on occupiers and users of proposed development

19. There are no nearby uses that would affect the use of the park should planning permission be granted, over and above that already present.

Design issues

20. The design and access statement explains that the final design proposed here has been informed in the first instance by a thorough, best practice, SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis and that this has then been altered and/or refined in response to feedback received from neighbours and other interested stakeholders at local pre-planning community consultation events. The Design and Access Statement makes clear that the final design now put forward to be considered is supported by the majority of local residents.
21. The garden area would remain on the west side of the square where it is not heavily overshadowed by the canopies of the six London Planes further east. However, in response to the feedback from the pre-planning consultation exercises, it would be extended with a single, uninterrupted expanse of lawn now being proposed in place of the existing two formal square areas. Including the smaller grassed mound within the fenced-off play area, the total extent of lawn proposed in the new design would constitute an increase from 307sqm to 693sqm (an increase of 125%). Together with the provision of additional seating it is considered that this would be beneficial for members of the public who simply wish to use the park to sit and relax and particularly for older people.
22. One of the objections received asserts that the plans discriminate by prioritising the provision of sports facilities for young people over the needs of older residents and their right to peace and quiet but as explained immediately above and at paragraph 6 of this report, this would not be the case.
23. The increase in the lawn areas will also aid the site's natural drainage capacity and as such is also likely to be beneficial for the surrounding border planting that is proposed.

Similarly, the 'Jungle Mulch' surface for the play area is a sustainable product made of recycled rubber (which complies with the relevant British Standards for safety) that also allows rainwater to soak through naturally into the ground below.

24. The existing raised planter would be retained but relocated and rebuilt to match the existing and another raised planter installed at the north end of the garden. In response to the pre-planning consultation exercises undertaken by the regeneration team and then the parks and open spaces team, support was expressed for the retention of the existing circular rose beds. These would indeed be retained, albeit relocated, and they would have more extensive planting than the existing rose palette.
25. The design and access statement also explains that the pre-planning consultation exercises identified a strong desire among local residents and stakeholders to retain the play area, sports facilities and gardens. The play area would be enlarged in the proposed layout and the range of play equipment, surfaces and other facilities provided are intended to appeal to a wider age range of children than at present.
26. Two raised mounds would be incorporated into the grassed areas to provide a change in level to add to the visual interest and play interest.
27. The height of the fencing to enclose the kick-about area (3.8m) has been requested by the local community in response to concerns at balls being kicked into the road.
28. The issue of dog excrement in the park has been raised by an objector. However, this is not an issue that can be controlled by the planning system and notwithstanding this there are signs at all of the entrances which make clear that dogs are not allowed to be brought into the park. As such this is a park management issue that is beyond the scope of planning and this application.

Accessibility

29. A new pedestrian entrance is proposed, offset from the south-east corner, to improve access and circulation. The existing corner entrances would remain offset as recommended by the Southwark highways team for road crossing safety. The existing central entrance on the north side of the square is proposed to be removed as it is considered that it would not contribute to the improved circulation of the site. All of the new entrances would be un-gated, would include dropped kerbs and have solid, even easily-navigable path surfaces, all with a view to providing inclusive access. The Design and Access Statement states that the design detail is in accordance with the Equality Act 2010.
30. On reflection on all of the above points it is considered that the proposed access arrangements would be fully compliant with the relevant policies on design and access in the development plan as well as with other material considerations such as the National Planning Policy Framework.

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

31. The square forms the immediate setting for the Grade II Listed 44-47 Nelson Square (now occupied by the Blackfriars Settlement), the only surviving remnant of the Georgian terraced houses which originally surrounded the square.
32. There are no substantial structures proposed within the new layout. The kick about area, while proposed to be enclosed by fencing up to a maximum height of 3.8m, would remain open in character due to the open-mesh style of the fencing proposed (and as such would be little different in appearance to the existing kick about area). It would also be sited on the north side of the square away from 44-47 Nelson Square.

The setting of this listed building would therefore continue to be dominated by the canopies of the large mature London Plan trees and border planting around the edges of the square and would not be adversely affected by the proposal. Indeed, the painting of the existing boundary metal railings from light grey to black would enhance the setting of these Listed Buildings.

33. The other Grade II Listed Building in the vicinity of the site, the Former Sons of Temperance Friendly Society Building, is considered to be sited sufficiently far away from the square and to have a setting that is defined more by Blackfriars Road, onto which it fronts, such that its setting would not be significantly affected by the proposal in any way. The setting of this listed building would therefore be preserved.

Impact on biodiversity

34. The results of a bat survey undertaken in autumn 2014 have been submitted with the application. As part of the survey a desk study was undertaken, which showed two species of bat are recorded in the district. Both common pipistrelle bats (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*) were known within 500 metres of the site (further north at Bankside).
35. However, during the actual survey, no tree holes were noted, no bats were seen emerging from the trees and no bat activity was detected at any part of the Square. The Square was determined to have some potential for bat interest, but the survey report notes that there was little in the way of any vegetation links to draw bats into the Square. It was considered that there may be times of the year when the Square is used by pipistrelle bats as they have been recorded locally, for example at Bankside.
36. The survey concluded that the Plane trees are an important local feature providing roosting opportunities for birds; habitat for insects especially moths; and are suitable for foraging pipistrelle bat species at various times of the year. It recommended that the tree canopies remain intact as a 'light shield' to protect these species from the effects of off-site light spillage.
37. The council's ecology officer has noted that it is important to avoid the bird nesting season when works are carried out. It is recommended that a planting plan showing species should be submitted prior to works commencing on site. The focus of planting should be for species that provide pollen, nectar and fruit throughout the seasons. This is to ensure a biodiversity gain and provide forage for birds and invertebrates that are using the site and thus meets saved policy 3.28 of the Southwark Plan. Such details could be agreed by a condition requiring detailed planting plans and schedules to be provided to show the species, number/density, planting position of all new and retained plants in the square. Subject to such a condition, the impact of the proposal on local biodiversity is considered to be acceptable.
38. An objection was received on the grounds that the plans do not demonstrate consideration for wildlife and the council's current biodiversity action plan (2013-2019).
39. However, a bat survey by a fully-qualified, independent ecological consultant was undertaken prior to the submission of the application. This was prepared with regard to the Biodiversity Action Plan (2013-2019) (which is directly referenced at paragraph 3.1.1 of the report). The survey report also identified the presence of other species such as blackbirds, thrushes and moths and accordingly recommended that the canopies of the six Plane trees should remain intact to act as a 'light shield' to protect these species from the effects of off-site light spillage.
40. In addition, in line with the comments of the ecology officer a condition is recommended to require the submission of a detailed planting plan and species

schedule with a view to ensuring, among other things, that the planting plan will provide the best habitat possible to support local birds, insects and other wildlife fauna. The objection is therefore not considered to have any merit.

Impact on trees

41. The design and access statement states that the existing trees will be pruned back as part of the landscaping works associated with the proposal. It is assumed that this is referring to the six mature London Planes in the square. As the square is in the ownership of the council the trees are not subject to tree preservation orders. The Council may therefore undertake works to these trees as it sees necessary / appropriate without need of consent from any other authority. Given the advice contained in the accompanying bat survey report and the comments of the ecology officer it is considered appropriate to draw the attention of the applicant (the parks and open spaces team) to this advice and to recommend that both the ecology Officer and the urban forester are consulted on any future tree pruning.

Sustainable development implications

42. The works proposed would provide significant environmental benefits for the area, including better urban drainage and greater biodiversity. Social benefits include access to better outdoor sports and recreation facilities.

Other matters

43. Some matters have been raised in response to the public consultation on the application which officers consider are not relevant or material planning considerations. Such matters include, for example, claims that the consultation on the application was inadequate and excluded older residents; that the s106 funds allocated to the project should have been directed towards affordable housing; that there is no need for the proposed works. The full detail of all the consultation responses is set out in Appendix 2.

Conclusion on planning issues

44. The proposed re-design and re-landscaping of Nelson Square Garden has been informed by a thorough consultation process with local residents and other interested groups and stakeholders, which began in 2011. Many of the suggestions made have been incorporated into the design.
45. The final design would create a park square that retains much of the existing features whilst unifying the square by breaking down physical barriers, creating clear circulation routes, celebrating the existing Plane trees and creating a place for the whole community to enjoy. The needs of a wide range of users from toddlers to teenagers to older residents would be catered for through the provision of a play area, sports and fitness facilities as well as the creation of an enlarged quiet space on the west side of the square and the provision of more seating throughout the park. The scheme would also bring benefits in terms of better sustainable drainage, biodiversity and accessibility. It would avoid compromising the existing amenity of local residents and park users and would preserve the setting of the Listed Buildings in the square.
46. As such, subject to the imposition of necessary, relevant, precise and reasonable conditions and for all the reasons stated above, the development is considered to be acceptable, having demonstrated compliance with relevant policies in the Development Plan for the Borough and the Government's National Planning Policy Framework (2012) and therefore it is recommended that planning permission be granted.

Community impact statement

47. The impacts of this application have been assessed as part of the application process with regard to local people in respect of the “protected characteristics”, as set out in the Equality Act 2010, the council's community impact statement and Southwark Council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.

In assessing this application, the council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.

The impact on local people is set out above.

- a) There are no issues relevant to particular communities/groups likely to be affected by the proposal, and,
- b) There are no likely adverse or less good implications for any particular communities/groups.

Consultations

48. The site notices were erected in the vicinity of the four residential blocks immediately surrounding the gardens, i.e. Rowland Hill House, Applegarth House, Vaughan House and Helen Gladstone House. However, the invitation to comment on the application is open anyone. Three notices were posted within the surrounding streets; Surrey Row, Union Street and Blackfriars Road and three at the main points of entry to the gardens from these surrounding streets. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

49. Details of consultation responses received are set out in Appendix 2 and summarised in paragraph 12 of this report.

Human rights implications

50. 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.
51. This application has the legitimate aim of seeking to provide an enhanced public amenity and 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

52. None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1450-A Application file: 15/AP/1590 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 5461 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	Ciaran Regan, Planning Officer	
Version	Final	
Dated	18 June 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team	19 June 2015	

APPENDIX 1

Consultation undertaken

Site notice date: 08/05/2015

Press notice date: n/a

Case officer site visit date: 08/05/2015

Neighbour consultation letters sent: n/a

Internal services consulted:

Ecology Officer

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted: n/a

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

Ecology Officer

Statutory and non-statutory organisations

None

Neighbours and local groups

Email representation

Flat 132 Rowland Hill House Nelson Square SE1 0LU

Flat 45 Vaughan House, Nelson Square SE1 0PY

Flat 67 Rowland Hill House SE1 0LT

136 Rowland Hill House Nelson Square SE1 0LU

152 Rowland Hill House Nelson Square SE1 0LU

212 Helen Gladstone House Nelson Square Gardens SE1 0QB

7 Kellow House Tennis Street SE1 1YY

85 Rowland Hill House Nelson Square se1 0lt

Representations:

Flat 212, Helen Gladstone House

Having seen current plans, I have noticed that there is far less seating and lighting. It's a shame that you plan to knock down the existing wall, with the mature range of flower species and obvious wildlife that resides there. Not entirely sure regarding disabled access, all a little unclear. I would also like to register that I think it unfair that unless you raise your objection on line (which is not possible for all concerned) you actually have no voice, which is ultimately undemocratic.

Flat 132, Rowland Hill House

I object to the planning application due the lack of fair consultation. Not everyone has access to internet, not enough seating area has been provided, the historical landscaping of the square has not been considered, simplifying the garden with a loan will create a huge dog poo uncollected area, wildlife encouragement will be diminished. It is a horrendous waste of public money which would be best invested in maintaining and ornating the existing premise.

Flat 85, Rowland Hill House

There is no need for this work. It is an excuse to use up money from the Linden Homes development, which was widely opposed. Destroying the flowerbed planter will be an act of wanton vandalism. Having no seats or flowerbeds may make it cheaper to maintain, but will result in less amenity and more dog poo. It is also a huge disgrace that letters are not being put through every door overlooking the square, as not every resident is online or a regular surfer of the council website. The council development department really fancy themselves in this respect. Also, and more importantly, there seems to have been no consideration for the needs of wildlife.

Flat 45, Vaughan House

The plans published on this website deviate from the two proposals presented at the consultation meetings, and appear to make a negative impact on the square on the following points: - fixed seating has been removed, so that the latest proposal shows fewer benches than are either currently present or were shown in previous proposals.

The square is popular with residents and workers alike sitting down at lunch times, and if anything, more seating is required. - flower beds and unmanaged planting has been removed, compared both to the square's current state and the previous proposals. This is detrimental to wildlife and contributes to noise pollution.

Flat 152, Rowland Hill House

It appears from the plans that you are going to remove the brick wall from the perimeter of the Square and put up low railings, and also remove the raised flower beds separating the children's area from the garden part. This will surely cost an extortionate amount of money which would be much better spent making the Square disability accessible. When I was confined to a wheelchair it was not possible to get into the Square without help. It is good to see the current football pitch used regularly by local kids and their dads, and by the students from Pocock Street and from Lesoco but this will not make for a relaxing place to sit in the garden area. I am not quite sure why you say only one property is affected. The Square has four sides, Rowland Hill House has 106 flats, Helen Gladstone House about 60 including the maisonettes, Vaughan House 51 and I think Applegarth House is about the same. Further, there are the flats from what used to be Blackfriars Settlement, and the terrace leading to HGH maisonettes. Individuals will be affected, especially those on the lower floors. The perimeter we have at the moment does act as a sound barrier. A volunteer team from Nelson Square Gardens T&RA spent a lot of time and graft planting bulbs and shrubs and weeding, trimming, pruning under the guidance of BOST, even when we no longer had a T&RA. It would be good to think that some of the bulbs and other plants that have matured can be recycled elsewhere.

Flat 67, Rowland Hill House

This is factually inaccurate as there are more than 300 properties which are directly overlooking this Square. Why haven't properties directly affected had a letter, as many vulnerable social housing tenants live here and do not have access to websites? There is no recognition in these plans that the Square is more than 100 years old and no plans to recognize previous residents including the Fenian bombers - one of which signed the Easter Declaration which led to an independent Ireland, Percy Bysshe Shelley lived at No. 26 Nelson Square or that it was home to the first Women's University which became Blackfriars Settlement. Two of the existing street furniture was installed to mark the 100th year of the Square and the work of one of Blackfriars Settlement workers and were paid for by other bodies and there seems to be no spaces where they are guaranteed either space or restoration to the original owners. And there is no fence around the whole space or around the football area when this is inside a public road with traffic and parking? Where is the physical restraint for dogs or children to stop them being run over? Or people being hit by fairly hard hitting balls from the regular visitors from neighbouring LESCO college playing football. I may be misreading the plans but these seem to be exactly the same ones I saw at the consultation meeting in Blackfriars Settlement. So that was a pointless exercise if no one was listening to anything local people said.

Flat 136, Rowland Hill House

My comments concern the detail of the plan: I think lowering the height of the fencing is a mistake. The existing fence gives some protection against footballs going in to the road. It is really a waste of money and resources which could be used elsewhere. I would like to make sure that the large entrance to the playground side (nearest Rowland Hill can - as it is currently - be half shut and locked. If there is a wide entrance, I have no doubt cars will use it. I would like to see some evidence of the safety of the new entrances proposed, i.e., children run out of these, do they have a line of sight of cars? I do not think there are enough swings for young children. These have always been immensely popular. I can only see one table tennis table, this is really not enough especially given that the play area is increasingly used by young adults (often students). I cannot see the cherry and other blossom trees on-line and therefore wish to ensure that they will be maintained and protected both on the North and South side. They are

beautiful in spring and also provide cover for wildlife and birds. Although the text about the plan refers to keeping the two circular beds there seems to be only one on the visual plans. There needs to be more flowers and colour in the park not less. I do not think there should be bike racks or an informal bike path in the playground. I have already noted cyclists using the playground as a short-cut. Bikes are capable of severely injuring children. There could be a bike rack installed outside the park for those who need it. This playground serves a large area. The children need to feel it is theirs not that they are squashed in amongst many needs. I feel that the spectator seats by the football pitch are unusable as the footballs fly around at great speed - I certainly would not sit there. Those benches could be relocated to the park where more benches are needed, not least because only the foolhardy or ignorant sit on the grass which is heavily contaminated with dog faeces. I would like to see a large notice in at least the playground telling dog owners that dogs are not allowed in there.

Flat 160, Applegarth House and No. 7 Kellow House, Tennis Street

I oppose 15/AP/1590 in its present form on these grounds:- incomplete, nuisances, ecology, health, policy conflicts, ageist, wasteful, unimaginative, inappropriate, undemocratic, design. Ecology: No accessible concurrent report from the council's ecology & environmental health officers. Wrens, robins, blackbirds, goldfinches, blue tits, song thrushes, crows, magpies, jays and grey squirrels here. No consideration of Council's BAP 2012-2018 - identifies gardens and/or species found in gardens as local BAP priorities. Aesthetics: Oppose the retention of the prison stockade-like metal railings East side. A thick and robust (thorn) hedge (railings behind?) would prove effective for both security and wild life habitat. Discrimination: The council has prioritised sports facilities for young people over the needs of older residents and their right to peace and quiet. I fully support safe play areas for young children and well-managed open spaces. Nelson Square is an ugly, neglected and polluted moonscape. Noise Nuisances: Since 2001 complaints about noise & antisocial behaviour in the basketball/ football areas "SE1" website. Regular motor bike, impact noise from footballs kicked against wire/railings, shouting and foul language (from pitch users not from Nelson Square). Many housebound neighbours experience these noise nuisances street noise from the Nelson, traffic & construction noise. Numerous alternatives for young - enjoying nature (ask Childrens' Rights officer re: the Sensory Garden at Talford Place and "Speakerbox"). Prefer much less synthetic surfaces & creation of "tranquillity zones" & wild life habitats. Bankside Open Spaces Trust & Better Bankside (both partially funded by Southwark council) to advise. 5. Access: No need for additional entrance on East side - noise & anti-social behaviour - motor bikes, shouting etc. Better disabled access supported. 6. Public Health Risk: "Grassy areas" heavily polluted with dangerous bacteria & viruses from dog faeces collected at taxpayers' expense. Lunchtime the park full of people sitting & eating on grass near dog mess. Total dogs ban in the park (or designated "dogs' toilet"). Where seating, cigarette litter & food waste is ongoing. 7. Information: Council mis-describes Nelson Square as "council estate" - is a diverse area with private sector properties. Consultation process concentrated on 2 Southwark council buildings on the square. 8. Lack of Consultation: No hard copies of the report(s) available eliminates many elderly people, those who do not have access to the internet or who are not adept at IT. On-screen maps/ drawings small & difficult to follow. No letters sent out so many residents & stakeholders excluded from consultation & planning processes. Many feel the square represents more than a sports ground & could become a popular local & visitor attraction for diverse groups. 9. Local Heritage: More interesting than online report. More should be made of this valuable local asset. No report from local historian. 10. Darkness: London plane trees cast shadows over the square, deprive the lower West facing properties of Applegarth House of natural light, stunt plant growth and make some flats damp and gloomy. London parks pollard trees where they overhang streets and properties cutting out natural light. On windy days debris from twigs and leaves (rarely cleared) descends onto play surfaces, street and nearby gardens. 11. Inappropriate: Section 106 funding for scheme appears to be from "commuted sums" from developers elsewhere and directed towards the maintenance of existing green/

playground space neglected by Southwark Council since 2001. Only part of the expenditure is directed to a (new) capital project. My understanding is that TCPA does not allow councils to use section 106 to plug gap in revenue budgets. 12. Alternatives: Funds could be better invested in badly needed affordable housing which the money was originally meant for. Southwark has funds to repair the damaged surfaces and install new play/ keep fit areas. LBS's commitment to a programme of planned maintenance in question. With help of local volunteers, BOST, LWT there could be sustainable wild/ cultivated habitats. Problems with filthy grassy areas would disappear with enforced dog ban. Then older & disabled people can resume use of park. The council needs to show more imagination and fully engage all its residents & stakeholders.