

<b>Item No.</b> 7.4	<b>Classification:</b> OPEN	<b>Date:</b> 21 October 2015	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Council's own development Application 15/AP/2763 for: Council's Own Development - Reg. 3  <b>Address:</b> BURGESS PARK FISHING CLUB, BURGESS PARK, LONDON, SE1  <b>Proposal:</b> Demolition of existing buildings and erection of a single storey pre-fabricated building comprising a public toilet, office and storage and associated hard and soft landscaping		
<b>Ward(s) or groups affected:</b>	East Walworth		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 04/08/2015		<b>Application Expiry Date</b> 29/09/2015	
<b>Earliest Decision Date</b> 05/09/2015			

### RECOMMENDATION

1. That Members grant full planning permission subject to conditions.

### BACKGROUND INFORMATION

2. This application is reported to planning sub-committee as it concerns Metropolitan Open Land (MOL).

### Site location and description

3. The application site relates to part of Burgess Park between Cobourg Road and the lake, just north of Cobourg Primary School. To the east of the application site is the Cobourg Avenue conservation area. The site is irregularly shaped encompassing the existing buildings to be removed and the location of the proposed replacement building. The existing buildings comprise two pre-fabricated buildings sited close to the pedestrian access to the park from Cobourg Road. The buildings are set within a compound formed by a timber fence which encloses an unsightly yard. Both buildings are utilitarian in appearance and appear to be nearing the end of their useful lives. It is noted that there is a temporary structure in the form of a portable toilet on the footpath near to Cobourg Primary School.
4. The proposed building would be sited in a landscaped area in an area reclaimed from the lake when the park was refurbished some years ago.

### Details of proposal

5. The proposal would provide public conveniences to users of the park, as well as an office and storage facility for the fishing club. The building would have a footprint of approximately 50sqm and a height of approximately 2.9m. The building would replace the existing office and storage facilities as well as the temporary

toilets that currently existing. These areas would be the subject of landscaping.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

6. The main issues to be considered in respect of this application are:
  - a) The principle of the development, with reference to preserving the openness of the Metropolitan Open Land;
  - b) The impact on nearby residents and Cobourg Primary School;
  - b) Whether the proposal is acceptable in design terms; and
  - c) Whether the proposal would have an acceptable impact on biodiversity and trees.

### **Planning policy**

7. National Planning Policy Framework (the Framework)
  7. Requiring good design
  9. Protecting green belt land
  11. Conserving and enhancing the natural environment
8. London Plan 2015 consolidated with alterations 2011
  - Policy 7.17 Metropolitan Open Land
  - Policy 7.19 Biodiversity and access to nature
9. Core Strategy 2011
  - Strategic Policy 11 – Open spaces and wildlife
  - Strategic Policy 12 – Design and conservation
10. 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.

  - Policy 3.12 Quality in design
  - Policy 3.13 Urban design
  - Policy 3.25 Metropolitan open land
  - Policy 3.28 Biodiversity

### **Principle of development**

11. The application site forms part of the Borough's network of Metropolitan Open Land (MOL), whereby the policy context at all tiers aims to keep such spaces open and free from development, except (within the context of this proposal) where the proposal is considered to represent 'appropriate development' and would preserve the openness of the MOL. In particular, Policy 7.17 of the London Plan states '*Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL*'. The policy explains that small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of MOL are considered to represent appropriate development.

12. The proposal which consists of public conveniences and offices and storage area for the fishing club are considered to fall within the above definition. It is noted that public conveniences are essential for facilities for users of a public park. The fishing club, a sporting activity, is directly related to the use of the lake within the park and the siting of the building adjacent to the lake is appropriate within this context. This is consistent with policy 3.25 of the Southwark Plan as it would fall within the definition of 'essential facilities for outdoor sport and outdoor recreation' which is considered to represent appropriate development.
13. The location of the proposed building, would be in a slightly more prominent position than the existing buildings, whereby views of the building from the footpaths surrounding the lake would be more apparent. That said, the volume of the replacement building would be less than the two existing buildings to be removed. Thus the amount of built form would be reduced. Further benefits to the openness of the MOL would result from the removal of the fence enclosing the compound alongside a comprehensive landscaping scheme. Therefore, whilst the building would be sited in a more prominent position, this would be compensated for by the net reduction in built form and improvements to the landscaping of the park.

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

14. The proposed location was selected by the applicant following public consultation, which preferred a location for the proposal away from the residential properties on Cobourg Road. Thus the proposal would offer an enhancement to the visual amenity of these properties, by virtue of the landscaping work that would be undertaken in the location of the existing buildings. The proposal would not be harmful to the nearby school, given the scale of the proposal, its separation from the boundary treatment and existing levels of activity in the park. No objection has been received from the school.

#### **Design issues**

15. The proposed building, would replace the existing utilitarian buildings and thus the proposal (alongside the proposed landscaping), would offer enhancements to the setting of Burgess Park and the adjacent conservation area. The key facing material of the building, which would be cedar cladding is appropriate for this location being natural in appearance, further details will be sought by condition given the prominence of the building.

#### **Sustainable development implications**

16. The application site is within a site of importance for nature conservation (SINC). The Ecology officer has been consulted on the proposal and has noted the proposal would not have a material impact on biodiversity and welcomes the inclusion of a brown roof. It is noted that the existing buildings (to be demolished) are unlikely to provide a habitat for bats.
17. The tree officer raises no objection in relation to the impact of the proposal on existing trees, but additional information is requested in relation to landscaping. This is considered to be necessary given that this forms part of the justification of the principle of the proposal.

#### **Conclusion on planning issues**

18. The proposal would provide an essential facility for outdoor sport and recreation and would preserve the openness of the MOL. There would be enhancements in design

terms to the setting of the park and adjacent Cobourg Avenue conservation area. There would be no significant adverse impacts on biodiversity or trees as a result of the proposal.

### **Community impact statement**

19. 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.

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

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: None.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: None.

### **Consultations**

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

### **Consultation replies**

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

22. Summary of consultation responses

- Ecology - No objection
- Trees - No objection, subject to further details in relation to landscaping.
- No representations have been received from neighbouring properties.

### **Human rights implications**

23. 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.

24. This application has the legitimate aim of providing enhanced toilet and facilities for outdoor sport. 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/M2022 Application file: 15/AP/2763 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 4424 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>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Matthew Harvey, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	1 October 2015	
<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 and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		8 October 2015

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 13/08/2015

**Press notice date:** n/a

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** 07/08/2015

**Internal services consulted:**

Ecology Officer

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

Friends of Burgess Park, 48 Willowbrook Road

**Neighbour and local groups consulted:**

67 Cobourg Road London SE5 0HU	75a Cobourg Road London SE5 0HU
65 Cobourg Road London SE5 0HU	75 Cobourg Road London SE5 0HU
83 Cobourg Road London SE5 0HU	Main Block Cobourg Primary School SE5 0JD
73 Cobourg Road London SE5 0HU	81 Cobourg Road London SE5 0HU
71 Cobourg Road London SE5 0HU	79 Cobourg Road London SE5 0HU
69 Cobourg Road London SE5 0HU	77 Cobourg Road London SE5 0HU

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

None