

<b>Item No.</b> 7.3	<b>Classification:</b> Open	<b>Date:</b> 28 June 2016	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 16/AP/1050 for: Full Planning Permission  <b>Address:</b> JAGS SPORTS CLUB, RED POST HILL, LONDON SE24 9JN  <b>Proposal:</b> Construction of a single storey pavilion to accommodate a cafe (A3 Use Class) and associated landscaping		
<b>Ward(s) or groups affected:</b>	South Camberwell		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	31/03/2016	<b>Application Expiry Date</b>	26/05/2016
<b>Earliest Decision Date</b> 30/04/2016			

## RECOMMENDATION

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

## BACKGROUND INFORMATION

2. This application is reported to Planning Sub-Committee B as it concerns Metropolitan Open Land (MOL).

### Site location and description

3. The site comprises a landscaped area to the front of The Jags Sports Centre adjacent to its carpark. The sports centre provides sport facilities for members of the general public and the students of the Charter School and James Allen's Girls School.
4. The site is designated as Metropolitan Open Land. It is noted that a mature Beech is present near to the site.

### Details of proposal

5. Erection of a single storey cafe (A3 use) pavilion building internally connected to the Jags Sports Club.
6. The proposed building would be externally finished in render. Aluminium framed windows and a flat roof sedum 'green roof' are proposed.

Maximum height: 3.24metres  
 Depth: metres: 6.53metres  
 Width:15.36metres  
 Total floor area: 90m2

7. A small terrace covered by a roof overhang is proposed to the west elevation. The overhang would measure 1.5metres.

8. The cafe will operate cafe within the hours of 09:00-21:00 (Monday - Friday) and 08:00-18:00 (Saturday - Sunday).
9. Hard landscaping in the form of gabion walls as well as ventilation is proposed.

#### **Planning history**

10. 13/AP/2874 - Three storey side extension to block A on north-east area of site to provide for 9 additional classrooms (phase 2). Approved 27/11/2013.
11. 12/AP/2136 - Erection of an infill extension at first floor level and erection of an additional floor at second floor level to existing block A on eastern side of the school site

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

12. None of direct relevance.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

13. 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 and conformity of the proposed land use;
  - b) The impact on nearby residents and users of the Charter 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**

14. National Planning Policy Framework (the Framework)  
  
Section 7 - Requiring good design  
Section 9 - Protecting Green Belt land  
Section 11 - Conserving and enhancing the natural environment
15. London Plan July 2015 consolidated with alterations since 2011  
  
Policy 7.17 Metropolitan Open Land  
Policy 7.19 Biodiversity and access to nature  
Policy 7.4 - Local Character  
Policy 7.6 - Architecture
16. 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
17. 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 3.2 - Protection of amenity  
Policy 3.12 Quality in design  
Policy 3.13 Urban design  
Policy 3.25 Metropolitan open land  
Policy 3.28 Biodiversity  
Policy 5.2 - Transport Impacts

### **Principle of development**

18. 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.
19. The proposal would see the erection of a single storey pavilion building. This building would serve an ancillary function to the existing sports centre offering cold and warm drinks and a limited food offering to users and members of the sports club.
20. Positioned within the envelope of the existing sports club and surrounding school and sports buildings the proposed building would not appear prominent within the context of the wider school campus. Occupying an under utilised landscaped area, the proposed pavilion would see an enhancement of the immediate area, offering users and members an informal meeting space ancillary to the existing use.
21. Therefore whilst the building would result in the loss of some Metropolitan Open Land, the land lost would be insignificant within the context of both the openness of the MOL and within the functional open area. The proposed landscaping would offer an enhancement to the immediate site whilst the tree protection measures would ensure the retention of the important Beech tree. To ensure that the intended A3 use is retained and not lost to other uses without planning permission, a condition removing permitted development rights should be imposed.

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

22. The proposed pavilion cafe building would be positioned away from any sensitive uses. Adjacent to the sports centre any limited noise generation from users of the outdoor seating area would be sufficiently contained. Importantly good separation distancing of over 40metres between the proposed building and the nearest school building would be achieved. Proposed hard landscaping in the form of gabion walls would partially obscure any views of the outdoor seating area.
23. Any ventilation would be sufficiently positioned away from any adjoining sensitive or residential properties. This separation distance in excess of 20metres would allow for adequate odour dispersal. Given the intended A3 use and the significant separation between the building and nearby sensitive residential uses it is considered that the

proposed ventilation would not harm the amenity of the occupiers or users of any nearby properties.

24. The proposed opening hours are considered appropriate. These hours would match those of the sport centre. As such the operation of the proposed cafe within the hours of 09:00-21:00 (Monday - Friday) and 08:00-18:00 (Saturday - Sunday) would not have a material impact beyond the established use.

#### **Transport issues**

25. The proposed building and A3 cafe use would not result in an increased level of trip generation. The cafe would offer facilities to existing users and members. This ancillary function would, given the presence of controlled member only vehicle and pedestrian access coupled with the distance from Red Post Hill would sufficiently prevent the A3 cafe from serving the general public.
26. The proposal would not result in a significant increase in refuse and servicing beyond the existing arrangement which in place for the sports centre. Refuse storage areas would sufficiently accommodate any increases in waste. Waste collection vehicles would still access the site.

#### **Design issues**

27. The proposed building and landscaping would help enhance the appearance of the site. A high quality modern building of an appropriate scale is proposed. A simple flat roof design, exposed steel frames, large glazed aluminium framed openings, white render and a sedum roof would contribute to help to achieve a high quality modern external finish.
28. It is considered that the proposed building would be of a standard of design which complements the existing sports centre. The Pavilion would also offer improved legibility to the front entrance of the sports centre.

#### **Impact on trees**

29. The proposed extension is within close proximity to a mature Beech tree shown as 'T1' on the plans. This Beech tree offers significant amenity value to the MOL.
30. The mature Beech tree (T1) would be vulnerable to root disturbance and severance. The Impacts Assessment notes that deep strip foundations or sheet piling could have a significant detrimental impact on the health of T1.
31. The Impacts Assessment recommends that investigations are undertaken to determine the extent of rooting activity beneath the footprint of the proposed new building so that the impact can be properly assessed and appropriate mitigation measures established (including the possible use of bespoke foundations).
32. It is advised that a proposal could be accommodated in this location subject to detailed exploration works and bespoke foundations. Conditions requiring exploration and protection measures would sufficiently ensure the health of the Beach tree. These conditions should be imposed

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

33. The building is internally connected to the existing sports centre. Being ancillary to the function of the sports centre and internally connected the proposal is classified as an extension. The proposed additional floor space would be under the 100m<sup>2</sup>

threshold. As such a Mayoral or Southwark CIL charge is not triggered.

### **Conclusion on planning issues**

34. The proposal would preserve the openness of the MOL being positioned within the curtilage of an existing building. Provided that conditions are attached to any permission and development is undertaken in accordance with necessary mitigation measures the proposal would not harm the health of the adjacent Beech tree. It is not considered that the proposal would harm the amenity of the users of adjoining school buildings. Given the ancillary function of the proposed cafe and the restricted member only pedestrian and vehicular access into the site the proposal would not introduce a commercial public facing operation.
35. Members are therefore recommended to approve the application subject to conditions.

### **Community impact statement**

36. In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
37. The impact on local people is set out above.

### **Consultations**

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

### **Consultation replies**

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

### Summary of consultation responses

40. No external responses were received.

### Internal

41. Urban forester - Support application subject to imposition of exploratory and compliance conditions.

### **Human rights implications**

42. 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.
43. This application has the legitimate aim of providing an ancillary A3 cafe. 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/2100-A Application file: 16/AP/1050 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: 0207 525 5976 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>	Lewis Goodley, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	8 June 2016	
<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 Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		17 June 2016

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 07/04/2016

**Press notice date:** n/a

**Case officer site visit date:** 13/05/2016

**Neighbour consultation letters sent:** n/a

**Internal services consulted:**

n/a

**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**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

None