

Item No. 7.1	Classification: OPEN	Date: 1 November 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Council's own development Application 16/AP/3387 for: Council's Own Development - Reg. 3 Address: SOUTHWARK PARK, GOMM ROAD, LONDON SE16 2EH Proposal: Erection of single-storey building comprising park offices, cafe and public toilets.		
Ward(s) or groups affected:	Rotherhithe		
From:	Director of Planning		
Application Start Date 31/08/2016		Application Expiry Date 26/10/2016	
Earliest Decision Date 22/10/2016		Time Extension Date: 03/11/2016	

RECOMMENDATION

1. That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application relates to a 0.1988 hectare (ha) area of land within Southwark Park, located next to the boating lake. It currently comprises grassed areas, a bare area of land immediately adjoining the lake, tarmac paving and a number of trees.
3. Within the park there is a children's playground to the north, the CGP art gallery and cafe in a single-storey building to the north-east, and the Oval sports pitches are to the south. The park entrance closest to the application site is the Gomm Road entrance which is approximately 112m to the north-east.
4. Southwark Park is contained on the Historic England Register of Historic Parks and Gardens (Grade II). It was first laid out in the mid 19th century, although the current layout and structures largely date from the 20th century and in recent years the park has been subject to restoration and improvement works. Heritage assets within the park are the Swedish Seamans mission to the east of the site on Lower Road and the Former Clare College mission church to the south, both of which are Grade II listed.

Details of proposal

5. This application has been submitted by the Council's Parks and Leisure department and is for the erection of a single-storey building comprising a park office, a cafe and public toilets. It forms part of a wider Southwark Park masterplan project, which is currently being developed and is likely to include demolition of the existing park office which is in a temporary building near to Ann Moss Way and Gomm Road, possible demolition of the existing building next to this which houses a cafe, and provision of

new landscaping. The application before members seeks permission for a new building to replace the existing facilities.

6. The new building would be located next to the boating lake and would provide 410sqm of new floorspace (GEA). It would occupy a curved footprint and would measure 5.8m high with a flat roof. Materials proposed comprise white, acid etched pre-cast concrete and areas of curtain walling for the external walls, aluminium windows and doors, and a green, wild flower roof.
7. The cafe would occupy the central and largest portion of the building (245sqm net internal area - NIA), including a flexible meeting space with removable partition which could be used for community meetings. The cafe would open out onto a decked area next to the lake enclosed by railings, and could accommodate 40-60 covers internally and 60-100 externally with external seating on all sides. The public toilets would occupy the northern-most portion of the building and would be accessible from the park rather than from the cafe, and the park offices (38sqm NIA) which would be large enough to accommodate 6 members of staff, would occupy the southern-most portion of the building.
8. The cafe opening hours are given as 0830-1930 Monday to Saturday and 0900-1930 on Sundays and Bank Holidays. However, the park is only open during daylight hours and can close at around 1700 during winter and 2130 during summer. The cafe would only be able to operate when the park is open.

9. **Planning history**

07/CO/0112 Application type: Certificate of Lawfulness - proposed (CLP) Demolition of existing building and replacement with new single storey pre-fabricated building (for use by Parks grounds maintenance service). Decision date 25/09/2007 Decision: Granted (GRA)
10/AP/2412 Application type: Council's Own Development - Reg. 3 (REG3) Relocation of two caryatids (which are columns in the shape of human figures) from the Heygate Estate to Southwark Park. Decision date 05/01/2011 Decision: Granted (GRA)
14/AP/3065 Application type: Full Planning Permission (FULL) Construction of a block of two tennis courts enclosed by a 3m high black mesh fence Decision date 13/02/2015 Decision: Granted (GRA)

Planning history of adjoining sites

10. None relevant to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

11. The main issues to be considered in respect of this application are:
 - a) Principle in terms of land use;
 - b) Environmental impact assessment;
 - c) Design, impact upon the character and appearance of the historic park and the setting of listed buildings;
 - d) Impact on trees;
 - e) Ecology;

- f) Amenity;
- g) Transport;
- h) Flood risk and drainage;
- i) Contaminated land;
- j) Sustainable development implications;
- k) Community infrastructure levy (CIL);
- l) Sustainable development implications;
- m) Statement of community involvement.

Planning policy

12. Planning Policy Designations
 Suburban Density Zone
 Air Quality Management Area
 Canada Water Action Area
 Metropolitan Open Land
 Site of Interest for Nature Conservation

13. National Planning Policy Framework (the Framework)
 Section 4 - Promoting sustainable transport
 Section 7 - Requiring good design
 Section 8 - Promoting healthy communities
 Section 10 - Meeting the challenge of climate change, flooding and coastal change
 Section 11 - Conserving and enhancing the natural environment
 Section 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance

14. The London Plan 2016
 Policy 3.16 - Protection and enhancement of social infrastructure
 Policy 5.12 - Flood risk management
 Policy 5.13 - Sustainable drainage
 Policy 5.21 - Contaminated land
 Policy 6.9 - Cycling
 Policy 7.3 - Designing out crime
 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 woodland

15. Core Strategy 2011
 Strategic policy 1 - Sustainable development
 Strategic policy 2 - Sustainable transport
 Strategic policy 4 - Places for learning, enjoyment and healthy lifestyles
 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

16. 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.

- 3.2 - Protection of amenity
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.7 - Waste reduction
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.15 - Conservation of the historic environment
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.25 - Metropolitan open land
- 3.28 - Biodiversity
- 5.2 - Transport impacts
- 5.3 - Walking and cycling

17. Supplementary Planning Documents
Sustainable design and construction (2009)
Sustainable transport (2010)
Canada Water Area Action Plan

Principle of development

18. Southwark Park is designated Metropolitan Open Land (MOL), which is afforded protection under policy 7.17 of the London Plan. This policy advises that the strongest protection should be given to MOL and inappropriate development refused, unless in very special circumstances. With regard to Southwark's policies, saved policy 3.25 is relevant which states that within MOL planning permission will only be permitted for appropriate development which is considered to be for the following purposes:
- 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, provided 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.
19. The proposed development would provide a park office, cafe and public toilets which would support the use of the park for outdoor sport and recreation, and as such is considered to comply with part ii) of the policy. The design of the proposal is such that it would preserve the openness of the MOL and this is considered further below in the design section of this report. MOL is afforded the same protection as green belt thus the guidance on green below in the Framework is a material consideration. The Framework states that new buildings providing appropriate facilities for outdoor sport and recreation is acceptable. The principle of the proposed development is therefore considered to be acceptable in land use terms.

Environmental impact assessment (EIA)

20. Although Southwark Park is approximately 25 hectares, the area of land subject to this application is 0.1988 hectares and the building would be 410 sqm (GEA). The development could be considered an urban development project but as it would not include more than 1 hectare of urban development, no further assessment is required

under the EIA regulations.

Design, impact upon the character and appearance of the historic park and the setting of adjacent listed buildings

21. Saved policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments are of a high standard of architectural and urban design. As stated Southwark Park is a grade II listed historic park and saved policy 3.15 of the Southwark Plan requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance. The policy states that this includes historic parks and gardens.
22. The building is conceived as a new pavilion set within the park landscape. It would occupy a relatively central position within the park, close to the boating lake, playground, art gallery and the Oval, grouping many of the park facilities together and offering views towards them. It would occupy a more prominent position than the current park office, cafe and toilets which are tucked away and not particularly visible, but would not disrupt pedestrian / cyclist movement through the park. Consideration was given to extending the existing gallery to provide the required facilities, but for a number of reasons including the gallery building not lending itself to extension and differing opening times, security and management challenges, a design for a separate building has instead been developed.
23. The new building would have a striking, contemporary appearance, and its curved footprint would reflect the contours of the lake and wider park landscape. Its modest scale would preserve the openness of the MOL, and glazing is proposed on all sides which would allow views through the building to the parkland beyond. The proposed materials are considered to be appropriate, although samples should be conditioned for approval, and overall the building is considered to be of a high standard of design which would be an exciting addition to the listed park and would complement and preserve its historic character.
24. The listed Swedish Seamans mission is approximately 215m from the site and the gallery would sit between this and the proposed new building. The listed Former Clare College mission church to the south of the site is approximately 230m away. Given these separation distances and the modest scale of the proposed development, it is not considered that there would be any impact upon the setting of these listed buildings.

Secure by Design

25. The partially glazed elevations would offer views across many of the park facilities including the children's play area and the Oval sports pitches, providing good opportunities for natural surveillance. Shuttering would be provided to the glazed areas facing the play area and Oval to enable them to be secured at night, and two security cameras would be provided overlooking the main cafe space and lake edge; tables and chairs would be stored internally overnight.
26. The submitted design and access statement includes correspondence between the architects and the Metropolitan Police on the measures required to achieve Secured by Design accreditation. This confirms that a suite of measures, including those referenced above, are agreed. A compliance condition is proposed that secures the delivery of these measures.

Impact on trees

27. Six trees would need to be removed in order to accommodate the proposed building.

The trees have been categorised in terms of their quality and value, with category A being the highest quality, B of moderate quality and value, C of low quality and value, and U representing trees in such condition that any existing value would be lost within 10 years and which should, in the current context, be removed regardless of development. One category B tree, four category C trees and one category U tree would need to be removed and whilst the loss of the category B tree would be unfortunate, officers consider that the benefits of the new building would outweigh any harm caused in this instance and conditions to secure replacement tree planting within the park and to protect retained trees during construction are recommended.

Ecology

28. Southwark Park is designated a site of interest for nature conservation (SINC). Although no ecology report has been submitted with the application, there are known to be bats using the park, which are protected under both national and European legislation.
29. The area upon which the new building would be constructed comprises bare earth, grass and tarmac pathways. The Council's Ecology Officer has reviewed the application and is satisfied that there would be no adverse ecological impacts, and has recommended conditions to secure ecological enhancements. The trees which would be removed to facilitate the development are quite exposed and too small to offer bat roosting opportunities. Bat foraging opportunities would not be affected by the proposal and there are large amounts of alternative and better connected trees and shrub habitat within 50 metres of the site which offer better habitat for bats. The only external lighting proposed is low level lighting to allow staff to lock up and leave the building safely and whilst this should not impact upon bats, a condition for details is recommended. A biodiverse wildflower green roof would be provided on the building and this is welcomed.

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

30. Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
31. The proposed building would be in excess of 112m from the nearest residential occupiers on Gomm Road and as such would not result in any loss of amenity these properties. The proposed opening hours would not be particularly late, and would in any event be bound by park closing times. Daily deliveries to the cafe and refuse collection would take place from Gomm Road and as no details as to the hours that this would take place have been provided, a condition for a servicing management plan is recommended to prevent any loss of amenity to residents on Gomm Road.
32. A kitchen extract / ventilation system would be required, although only limited details have been provided at this stage. A condition for full details is therefore recommended, to prevent adverse impacts upon park users arising from cooking odours, fumes and plant noise.

Transport

33. Strategic policy 2 of the Core Strategy seeks to encourage sustainable modes of travel. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway impacts and to consider servicing requirements, and saved policy 5.3 relates to pedestrians and cyclists. Cycle parking standards are set out in the London Plan. The site has a public transport accessibility level (PTAL) of 4 (good).

34. Servicing - Service vehicles would be unable to drive up to the site therefore as stated, deliveries would need to be collected from Gomm Road by a member of staff. There would be limited storage within the cafe, therefore daily deliveries are likely to be required. Refuse would be transported to Gomm Road by a member of staff and collected by a private company. A servicing management plan would ensure this would not result any loss of amenity or adverse highway impacts.
35. Cycle parking - London Plan policy 6.9 (and associated table 6.3) establish a minimum requirement for 15 cycle parking spaces to serve the development, comprising 12 visitor spaces and 3 long stay spaces.
36. There would be 15 Sheffield stands near to the proposed building, next to the gallery and this is considered to be acceptable. Three vertical spaces would be provided within the new building for staff, and a condition for details is recommended to ensure that the racks provided would be easy to use.

Flood risk and drainage

37. The site is located in flood zone 3a which has a high probability of flooding. A flood risk assessment (FRA) has therefore been submitted with the application.
38. The FRA concludes that the development would not increase flood risk at the site or elsewhere, and recommends a number of measures including detailed construction to prevent flood water from rising up through the floor. A separate report submitted considering structural matters advises that low level flooding from the boating lake has occurred on the application site in the past. The report advises that the building would need to be suitably designed to withstand this without incurring costly damage, and this would be a structural matter relating to the construction details in the event that permission is granted. The proposed green roof would reduce water run-off and details of this feature should be conditioned for approval.
39. The Environment Agency has reviewed the submission and has no objections.

Contaminated land

40. A geotechnical survey relating to land contamination has been carried out. It advises that elevated levels of one particular type of contaminant were found, and recommends that remediation be carried out to areas in the site which would be retained as soft landscaping. A standard condition is proposed to this effect.
41. A UXO (unexploded ordnance) survey has been carried out which identifies the site as having a high risk level in relation to the likelihood of unexploded devices being present. The document provided sets out recommended mitigation measures including a risk management plan, safety briefings and particular surveying methods to check for potential devices.

Community infrastructure levy (CIL)

42. Section 143 of the Localism Act states that any financial contribution received as Community Infrastructure Levy (CIL) is a material "local financial consideration" in planning decisions. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance a Mayoral CIL payment of £13,898 and a Southwark CIL payment of £32,392 would be due.

Sustainable development implications

43. The proposal does not constitute a 'major' development as it would provide less than 1,000sqm of floorspace, therefore no energy assessment is required. Between 2016 – 2019 policy 5.2 of the London Plan requires non-domestic buildings to reduce carbon dioxide emissions in accordance with the Building Regulations, and Building Regulations approval would be required in the event that planning permission is granted.
44. Strategic policy 13 of the Core Strategy requires the proposed building to achieve BREEAM 'excellent'. The proposal would only achieve BREEAM 'good' and as such would not comply with the Council's policy. The applicant has advised that a number of additional surveys and physical measures would be required to increase the BREEAM rating. The currently targeted 'good' rating adds £15,520 to the overall project cost. It is estimated that it would cost £35k-£40k to achieve 'very good' and £340k to achieve 'excellent', which would add significantly to the £1.45m build cost of the project (excluding fees).
45. Additional measures which would be required to achieve 'excellent' include:
- A rainwater harvesting system;
 - Enclosed, internal storage for 16 bicycles;
 - Additional cyclist shower facilities (above those which would already be provided for staff);
 - Refuse compactors;
 - Refuse collection to be within 20m of an accessible road (not possible given the proposed central location within the park);
 - Provision of a gas connection to the proposed building (it is proposed that an electrical connection would be made which would be unlikely to comply with BREEAM 'excellent');
 - Additional ecology and transport consultants would be required;
 - A climate change adaptation study would be required.
46. In light of the above and given the cost implications and modest scale of the project, on balance officers consider that the failure to achieve BREEAM 'excellent' would not warrant the refusal of planning permission. The development would incorporate a number of measures to reduce its environmental impact including high performance insulation which would exceed the requirements set out in the Building Regulations, careful use of curtain walling to reduce heat loss in winter and avoid overheating during summer, the provision of 21sqm of photovoltaic panels on the roof to provide electricity, and the use of LED lighting.

Statement of Community Involvement

47. A Statement of Community Involvement has been submitted setting out details of consultation undertaken prior to the application being submitted, together with feedback received. It is divided into stakeholder consultation, Friends of Southwark Park (FOSP) consultation, and public consultation.
48. For the stakeholder consultation it advises that six meetings took place either at the existing park offices or the Council's Tooley Street offices attended by members of FOSP, staff from the Council's Parks and Leisure department, representatives from the CGP gallery, the Cabinet Member for Parks, Health and Leisure, and members of the public. Three consultations took place with FOSP attended by the Council's Parks and Leisure staff and the project architects. With regard to public consultation, two meetings took place in March / April this year and again in July which were

publicised by way of flyers. A meeting with the Heritage Lottery Fund was held in February this year. Feedback received was generally positive, although a number of issues were raised including FOSP raising concerns regarding the use of concrete and the building appearing overly solid, and that it may detract from the natural appearance of the landscape.

Conclusion on planning issues

49. The proposed development would be acceptable in land use terms as it would provide facilities to support outdoor sport and recreation in the park. It would be of a high standard of design which would preserve the special interest and historic character of the listed park and there would be no impact upon the setting of adjacent listed buildings. The trees to be removed would mostly be category C and replacement tree planting could be secured by way of a condition, and no adverse ecological impacts have been identified. No loss of amenity or increased flood risk would occur and although the proposal would not achieve BREEAM 'excellent' this is considered to have been adequately justified in this instance. Servicing details should be required by way of a condition. For the reasons set out in full in the officer report it is therefore recommended that planning permission be granted.

Community impact statement

50. 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 above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

53. Summary of consultation responses

54. Ecology Officer - No adverse impacts on bats would occur. Conditions recommended.

55. Natural England - no objections. The application has not been assessed in relation to protected species (standing advice should be considered). Consideration should be given to the impact upon the Thames pathway National Trail.

56. Environment Agency - No objections.

57. Historic England - Do not consider that it is necessary for this application to be notified to Historic England.

Human rights implications

58. 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.
59. This application has the legitimate aim of providing a new cafe, park office and public toilets. 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: 16/AP/3387 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquires telephone: 020 7525 5403 Planning enquires email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 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	Simon Bevan, Director of Planning	
Report Author	Victoria Lewis, Team Leader	
Version	Final	
Dated	18 October 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, 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
Date final report sent to Constitutional Team	20 October 2016	

APPENDIX 1

Consultation undertaken

Site notice date: 29/09/2016

Press notice date: 06/10/2016

Case officer site visit date: n/a

Neighbour consultation letters sent: 03/10/2016

Internal services consulted:

Ecology Officer
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
Flood and Drainage Team

Statutory and non-statutory organisations consulted:

Environment Agency
Garden History Society
Historic England
Natural England - London Region & South East Region

Neighbour and local groups consulted:

3 Westbrook Road London SE3 0NS

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations

Historic England
Natural England - London Region & South East Region

Neighbours and local groups

None