

<b>Item No.</b> 7.4	<b>Classification:</b> OPEN	<b>Date:</b> 24 January 2017	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<p><b>Development Management planning application:</b> Council's own development Application 16/AP/4014 for: Council's Own Development - Reg. 3</p> <p><b>Address:</b> PECKHAM RYE PARK, PECKHAM RYE, SE15</p> <p><b>Proposal:</b> The proposal seeks to revitalise Peckham Rye through a phased set of interventions:</p> <p>Phase 1: Establishment of a new car park (Previous application 15/AP/4297).</p> <p>Phase 2: Creation of new playground and associated landscape works on the site of the existing car park.</p> <p>Phase 3: Construction of new changing rooms, store, plant, public toilets and play room facilities with associated landscape works.</p> <p>Phase 4: Demolition of existing portacabins, PoW hut and tarmaced playgrounds and landscape works to return area to the common.</p>		
<b>Ward(s) or groups affected:</b>	Peckham Rye		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 29/09/2016		<b>Application Expiry Date</b> 24/11/2016	
<b>Earliest Decision Date</b> 01/12/2016			

## RECOMMENDATIONS

1. That planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

2. The application is referred to members by virtue of the site being located on Metropolitan Open Land.

### Site location and description

3. The site is in three different locations, with the first being the existing car park site, the second being the area of existing portacabins and the PoW building to the west and the located on Peckham Rye Common with the third element being the existing changing rooms which are located within the adjacent Peckham Rye Park, a Grade II registered Park, which is to the south. It is surrounded by a good mix of mature trees within the surrounding area. To the south of Strakers Road it presently has no particular use other than as open space. The River Peck is to the south and the site has the following designations:

Air Quality Management Area  
Green Chain Park  
Metropolitan Open Land (MOL)  
Peckham and Nunhead Action Area  
Site of Importance for Nature Conservation

### **Details of proposal**

3. The proposal seeks to revitalise Peckham Rye through a phased set on interventions. These are proposed as follows:

- Phase 1: Establishment of new car park (Previous consented application 15/AP/4297 which is currently under construction).
- Phase 2: Creation of new playground and associated landscape works on site of existing car park.
- Phase 3: Construction of new changing rooms, store, plant, public toilets and play room facilities with associated landscape works.
- Phase 4: Demolition of existing portacabins, PoW hut and tarmaced playgrounds and landscape works to return area to the common.

4. **Planning history**

99/AP/0954 Application type: Full Planning Permission (FUL) - Construction of a single storey building to be used as a cafe Decision date 16/03/2000 Decision: Grant (GRA)
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10/AP/2633 Application type: Council's Own Development - Reg. 3 (REG3)- The enlargement of an existing play area with partial closure of Strakers Road, relocation of lamp posts, new railings and gate and new play equipment including water feature. Decision date 03/03/2011 Decision: Granted (GRA)
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12/AP/1635 Application type: Council's Own Development - Reg. 3 (REG3) - Relocation of existing porta cabin buildings comprising 3 changing units and 1 storage unit to permanent location within the maintenance yard in Peckham Rye Park. Decision date 14/09/2012 Decision: Granted (GRA)
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15/AP/4297 Application type: Council's Own Development - Reg. 3 (REG3) - Construction of a new car-park facility on the South side of Strakers Road. Decision date 12/02/2016 Decision: Granted (GRA)
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### **Planning history of adjoining sites**

5. None relevant.

### **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 and its impact on Metropolitan Open Land
- b) The impact of the development on the Grade II registered Peckham Rye Park
- c) Impact on amenity for the park and common users

d) Environmental impacts

## **Planning policy**

### 7. National Planning Policy Framework (the Framework)

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

### 8. The London Plan 2016

Policy 3.19 - Sports facilities

Policy 5.3 - Sustainable design and construction

Policy 5.12 - Flood risk management

Policy 7.4 - Local character

Policy 7.5 - Public realm

Policy 7.6 - Architecture

Policy 7.8 - Heritage assets and archaeology

Policy 7.17 - Metropolitan open land

Policy 7.19 - Biodiversity and access to nature

Policy 7.21 - Trees and woodlands

Policy 7.30 - London's canals and other rivers and waterspaces

### 9. Core Strategy 2011

Strategic Policy 2 - Sustainable Transport

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

10. 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.

Saved Policy 3.1 - Environmental effects

Saved Policy 3.2 - Protection of Amenity

Saved Policy 3.9 - Water

Saved Policy 3.11 - Efficient Use of Land

Saved Policy 3.12 - Quality in Design

Saved Policy 3.15 - Conservation of the Historic Environment

Saved Policy 3.25 - Metropolitan Open land

Saved Policy 3.28 - Biodiversity

Saved Policy 5.2 - Transport Impacts

Saved Policy 5.6 - Car parking

### 11. Peckham and Nunhead Area Action Plan 2014

Policy 19 - Open space and sites of importance for nature conservation (SINC)

## Policy 34 - Natural environment (Peckham Rye, Nunhead and Honor Oak)

### **Summary of consultation responses.**

12. Two letters of support have been received with the application, one from a local resident and one from the Friends of Peckham Rye Park. However the letters of support do outline some areas of improvement and clarification, as follows:
  1. The total amount of play space proposed appears smaller than at present.
  2. There is a large grass area in the playground which could easily become very muddy as happens in most of the other local playgrounds. Reducing the amount of grass in the playground or replacing it with another surface would resolve this.
  3. There is not enough seating in the playground or on the side of the cafe adjacent to the playground for parents wanting to watch their children play.
  4. The proposed "ornamental planting and railing" to the periphery of the play area" does not specify its height.
  5. The play equipment should be suitably screened from the open Common.

### **Principle of development**

13. Peckham Rye Common and Park are afforded a significant degree of protection, being Metropolitan Open Land (MOL). Paragraph 7.56 of the London Plan states that paragraphs 79-92 of the NPPF on Green Belts apply equally to MOL. Paragraph 89 of the NPPF, in reference to buildings, states that certain forms of development are not inappropriate on Green Belt as long as they preserve the openness of Green Belt. The list includes appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.
14. Policy 7.17 'Metropolitan Open Land' of the London Plan states that the strongest possible protection should be given to London's MOL, the same level of protection as is given to Green Belt, and further that inappropriate development should be refused except in very special circumstances. The supporting text states that appropriate development should be limited to small scale structures to support open space uses and minimise any adverse impact on the openness of MOL.
15. Strategic Policy 11 Open spaces and wildlife of the Core Strategy commits the council to protect open spaces against inappropriate development. It refers to Southwark Plan policies 3.25-3.27 for further information on how such spaces would be protected.
16. Saved policy 3.25 of the Southwark Plan states that there is a general presumption against development on MOL and that planning permission will only be permitted for appropriate development for a number of purposes such as essential facilities for outdoor sport and recreation and importantly, for other uses that preserve the openness of MOL.
17. The removal of the existing car park and relocation is considered acceptable (and previously granted consent) in principle as it would be for people using the park and common for sport and outdoor recreation, so would be appropriate development on MOL.
18. The introduction of new play equipment within the place of the existing car park is also

considered acceptable as this would be ancillary to the main park use and provide new outdoor recreation apparatus. The removal of cars from this area of the common and the replacement with play equipment would not impact significantly upon the openness of the park as most of the play equipment would still allow for open views throughout the park. Further to this, the removal of the existing portacabins to the west of the site and reinstating the grassed area would help improve the openness within this area of the site and as such overall, the openness of the Common and Park would be maintained.

19. In terms of the proposed changing rooms, store, plant, public toilets and play room facilities, these would all be located within a single storey building. This would replace existing portacabin structures within this part of the park, but would also allow for the removal of the portacabins to the western part of the site, which would cumulatively result in the creation of a more green open space within the site.
20. As referred to above, the proposals would preserve the openness of the Common and Park and provide new outdoor recreation equipment and sports facilities. The proposal is therefore considered to be appropriate development on MOL and the principle of the development acceptable in accordance with the policies in the NPPF; London Plan 2016; Core Strategy 2011; Peckham and Nunhead Area Action Plan 2014 and the saved Southwark Plan 2007.

#### **Environmental impact assessment**

21. The development proposed is not one that detailed in either Schedule 1 or 2 of the Environmental Impact Regulations 2015 (as amended) and it does not otherwise qualify as an EIA application; an EIA is not required.

#### **Impact on amenity for the park and common users**

22. Presently, the location identified for 'Phase 2' is currently underused for recreational park activities as it contains the large existing car park. The area subject to 'Phase 4' contains the one o'clock club and some play equipment, as well as a number of portacabins which are at present used for storage only.
23. These spaces are not used to their full potential and the proposal would rationalise all of the play space into one large facility and the various buildings (PoW building, portacabins and changing rooms) would all be rationalised into one larger facility. This will provide a far enhanced provision, both in terms of indoor facilities and outdoor recreational and play facilities for the users of the park.
24. One of the representations received suggests that there may be a reduction in overall play space, however any reduction would be nominal and the proposed facilities would provide much more useable play space with an enhanced higher quality play apparatus for the users of the park and as such would help improve the usability of the open space as a whole. The new changing and play facilities would be provided in a new purpose built facility which would be far more suitable, thus improving the amenities of the users of the Park and Common.
25. Some disruption would occur during construction but this would be temporary, given the overall phasing of the development, this is likely to be limited and would allow for continuous use throughout the Common and Park.
26. The proposal would enhance the amenities of the users of the park through removing visual clutter and provide new improved facilities, thus benefiting the surrounding residents and users of the park. This is consistent with saved Southwark Plan policy 3.2 'Protection of Amenity'.

## **Transport issues**

27. A total of 41 new parking spaces on the common would be provided and this element has previously been consented under planning permission ref:15/AP/4297. The consent for the new car park has enabled the redevelopment of the existing car park, which has 53 parking spaces, representing an overall reduction of 12 parking spaces. This would encourage people to access the site by more sustainable modes and is consistent with the council's sustainable transport policies. To ensure that a situation does not arise whereby both car parks are used simultaneously, potentially increasing the amount of car parking on the common, as was previously recommended, a condition should be imposed prohibiting the use of the proposed car park until the existing car park closes.
28. No cycle storage has been shown on the plans, however it is recognised that there are a number of cycle stands already located throughout the park. Notwithstanding this, in order to ensure that there is sufficient cycle storage provision within the areas subject to this application (where there would be a high demand) a condition requiring further details is proposed.

## **Design issues**

29. In terms of the play equipment presented under 'Phase 2' of the proposal, the structures are modest in scale and would blend aesthetically within the context of the surrounding Park and Common. It is considered that the new play area and the introduction of the new play equipment will not unacceptably impact upon the openness of the MOL as it would replace an existing play area and would provide improved landscaping to this area of the Common.
30. One of the representations received raises concerns about the use of a significant area of grass within the play area as this would become muddy after use. Whilst it is recognised that plans show a grassed area within the park, there are also a number of other more solid materials that would enable the use of the park when the grass is muddy, as such no concerns are raised in relation to the proposed landscaping materials. However, as the level of detail that would normally be expected to show the landscaping has not been provided, further details of the landscaping would be required and as such a condition is proposed in this regard.
31. Another comment received questions the height of the fencing surrounding the play area. Having measured from the plans, this would be approximately 1.3m in height and officers are satisfied that this would be sufficient to ensure that the safety of the users of the play area would not be impacted upon. However details in terms of design of the fencing has not been provided and as such would form part of the requirements of the landscaping condition.
32. The proposed changing room and play room building is conceived as a new pavilion set within the park landscape. It would occupy an area that is currently occupied by the existing changing facilities, which are located within portacabin buildings. As these buildings are not suitable for the long term use, it is proposed to remove these and provide a new purpose built contemporary building.
33. The new building would be located adjacent to the existing adventure playground building to the east of the site and would be also be situated adjacent to the skate park to the west. The proposed building would have a contemporary appearance, and its L-shaped footprint would be built around the large Horse Chestnut tree and sit adjacent to the existing adventure playroom building. Its modest scale and location would preserve the openness of the MOL and the proposed timber materials are considered

appropriate as they would blend with the adjacent trees and landscaping. It is recommended that materials samples should be conditioned for approval prior to construction of the new facility.

34. Overall, the building is considered to be of a high standard of design that would be an exciting addition to the listed park and would complement and preserve its historic character. The proposal would therefore accord with saved policies 3.12 'Quality of Design' and 3.15 'Conservation of the Historic Environment' of the Southwark Plan (2007).

#### **The impact of the development on the Grade II registered Peckham Rye Park**

35. The significance of Peckham Rye Park as a heritage asset lies in its historic context and layout, which was created under the guidance of J. J. Sexby, the first chief officer of the London County Council. Notable are its grid-like pattern of compartments and paths that followed the then field boundaries and woodland belts, as are the gardens within it. A considerable amount of the park was reserved for sports, as it is today and these key features would not be impacted upon as a result of the proposed development.
36. One of the respondents to the consultation has suggested that screening should be increased to the play area. A balance needs to be struck between screening the site from the rest of the open space and a desire for natural surveillance for the play area, which the proposal would achieve, and as such officers are satisfied that the level of screening proposed is appropriate.
37. There is an PoW hut within the site which is proposed to be removed. The hut forms part of the history of the site, however is of little architectural interest and its loss is not resisted. The London Parks & Gardens Trust suggest that records of the hut are taken prior to the demolition of the site and stored within the council's archives. An informative is proposed to advise that photographic records are taken of the PoW hut and subsequently retained.
38. Overall, as noted above, the proposal would preserve the openness of the Park, would reduce visual clutter within the Park and Common and would not have a detrimental impact on any of the key historic features of the Park.

#### **Impact on trees**

39. A total of three trees would be required to be removed in order to facilitate the development of 'Phase 3' of the proposal - two category 'C' trees and one category 'U'. The submitted tree assessment identifies that the trees are in poor structural condition, smothered in ivy and that they are also required in order to facilitate the development of the new changing room building.
40. Officers are satisfied that the loss of these trees would not be detrimental to the overall canopy cover of the park, however the loss should be mitigated against through a scheme of re-planting. A condition is proposed to provide further details of tree planting and landscaping.

#### **Sustainable development implications**

41. None identified.

## **Other matters**

### Land contamination

42. The Environmental Protection team are satisfied that it would be unlikely that there would be any significant contaminants located within the site, however a condition is proposed to require further details of action to be taken in the event that contamination not previously identified is found to be present at the site.

### Drainage

43. No details have been provided in relation to drainage impacts of the proposal, however, as there would be an overall reduction of buildings (when considering the portacabins), and increased permeable materials as part of the landscaping, it is not considered that the proposal would result in detrimental impacts in terms of drainage.

## **Conclusion on planning issues**

44. The development is appropriate development to facilitate indoor and outdoor sport and recreation and it would also maintain the openness of the MOL. The impact on Peckham Common and Peckham Rye Park would be limited; the individual sites would be well screened by the mature trees surrounding them, while the potential for surface water impacts and contamination impacts can be mitigated through condition. It is therefore recommended that planning permission be granted.

## **Community impact statement**

45. 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 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**

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

## **Consultation replies**

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

### Summary of consultation responses

48. Sport England - Did not raise an objection to this application. However they noted that they would recommend that the detailed design of the proposed sports facility accords with Sport England's relevant design guidance in order to ensure that the facility is fit for purpose and of an appropriate quality. This is suggested as an informative.



49. Environmental Protection - Recommended approval with conditions.
50. Thames Water - No objections.
51. London Parks & Gardens Trust - No objections, however suggested that records are kept of the PoW hut prior to demolition and kept within the Local Authorities archives.

#### **Human rights implications**

52. 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.
53. This application has the legitimate aim of providing new recreational and sports facilities within the park. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2614-A Application file: 16/AP/4014 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 5416 Council website: www.southwark.gov.uk

#### **APPENDICES**

<b>No.</b>	<b>Title</b>
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>	Alex Cameron, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	6 January 2017	
<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 of 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>		11 January 2017

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 06/10/2016

**Press notice date:** n/a

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

**Neighbour consultation letters sent:** 06/10/2016

#### **Internal services consulted:**

Ecology Officer  
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]  
Flood and Drainage Team  
Public Realm Comments on Developments Where Trees are Affected

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

Garden History Society  
Sport England

#### **Neighbour and local groups consulted:**

Strakers Road Peckham Rye Common SE15 3UA 140 Peckham Rye SE22 9QH	32 Tresco Road London SE15 3PX  The Friends Of Peckham Rye Park Park Office, Strakers Rd, P Rye Park SE15 3UA Duck Island Cottage St James'S Park SW1A 2BJ
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**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**

Sport England

#### **Neighbours and local groups**

Duck Island Cottage St James'S Park SW1A 2BJ  
The Friends Of Peckham Rye Park Park Office, Strakers Rd, P Rye Park SE15 3UA  
32 Tresco Road London SE15 3PX