

Item No. 7.2	Classification: Open	Date: 23 January 2018	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/AP/4299 for: Full Planning Application Address: BURGESS PARK, ALBANY ROAD, LONDON SE5 0DG Proposal: Installation of public art work comprising 10 replica houses to be located in 7 locations within Burgess Park		
Ward(s) or groups affected:	East Walworth		
From:	Director of Planning		
Application Start Date 20/11/2017		Application Expiry Date 15/01/2018	
Earliest Decision Date 04/01/2018			

RECOMMENDATION

1. Grant planning permission subject to conditions.

BACKGROUND INFORMATION

2. This application is being presented to committee for consideration due to the location of the site within Metropolitan Open Land (MOL).

Site location and description

3. The proposal relates to the open grassed area located to the south of Albany Road sited to the north eastern end of Burgess Park. Seven locations have been identified which predominantly cluster around the lake area.
4. The application site is located within:
 - Metropolitan Open Land (MOL)
 - Site of Importance to Nature Conservation (SINC)
 - Aylesbury Action Area
 - Urban Zone
 - Air Quality Management Area
 - PTAL 3
5. The site is not located within a conservation area and the area does not host any listed structures. The site is also located on the fringe of the Old Kent Road Opportunity Area.

Details of proposal

6. Installation of 10 small replica houses (three different sizes categorised as small, medium and large) in seven identified locations within Burgess Park. The artworks are to commemorate 100 years since the Zeppelin attack on Calmington Road that killed

10 people.

7. The proposed replica houses would have the following dimensions:
 - Small house would be 500mm (high) x 250mm (wide) x 400mm (deep)
 - Medium house would be 750mm (high) x 435mm (wide) x 650mm (deep)
 - Large house would be 1000mm (high) x 435mm (wide) x 650mm (deep)
8. Constructed from Jesmonite (a composite material) they would be finished in varying shades of pink and permanently secured to the ground.

Planning history

9. None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:
 - a) The principle of the development in terms of land use and conformity with strategic policies for Metropolitan Open Land,
 - b) Design, appearance, siting, and impact on accessibility, trees and biodiversity.

Planning policy

National Planning Policy Framework (the Framework)

11. Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 11 - Conserving and enhancing the natural environment
Section 12 - Conserving and enhancing the historic environment

The London Plan 2016

12. Policy 2.18 - Green Infrastructure
Policy 3.16 - Protection and enhancement of social infrastructure
Policy 7.2 - An inclusive environment
Policy 7.4 - Local character
Policy 7.5 - Public realm
Policy 7.8 - Heritage assets and archaeology
Policy 7.17 - Metropolitan Open Land
Policy 7.18 - Protecting open space and addressing deficiency
Policy 7.19 - Biodiversity and access to nature
Policy 7.21 - Trees and woodlands
Policy 6.9 - Cycling
Policy 6.10 - Walking

Core Strategy 2011

13. Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles
Strategic Policy 11 - Open spaces and wildlife
Strategic Policy 12 - Design and conservation

Southwark Plan 2007 (July) - saved policies

14. 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 3.2 - Protection of Amenity

Saved Policy 3.12 - Quality in design

Saved Policy 3.25 - Metropolitan Open Land

Saved Policy 3.28 - Biodiversity

Saved Policy 3.15 - Conservation of The Historic Environment

Saved Policy 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Saved Policy 5.3 - Walking and Cycling

The Aylesbury Area Action Plan 2010

15. Policy PL4 - Open Space
Policy PL5 - Burgess Park
Policy COM1 - Location of social and community facility
Policy COM5 - Community space and arts and culture

Principle of development

16. The application site is located within Metropolitan Open Land (MOL); as such saved policy 3.25 is applicable to the consideration of this proposal. This states that planning permission will only be permitted for the following purposes:
- i) Agriculture or forestry; or
 - ii) Essential services 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, providing 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 it replaces.
17. Policy 7.17 of The London Plan states that the strongest possible protection should be given to London's MOL, whilst Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy commits the council to protect open spaces against inappropriate development.
18. At their largest, the installations would stand at just 1m high and as such the proposed artworks would preserve the openness of the MOL and would not result in any sense of enclosure of land. No change of use would take place and the installations would be consistent with the existing recreational and cultural use of Burgess Park. They would not conflict with the purposes of including land within MOL and as such the development would be in accordance with local, regional and national policy with regard to MOL.

Design and appearance

19. Saved policies 3.13 and 3.12 seek to ensure new development is of the highest standard of design which should be coordinated wherever possible to avoid unnecessary clutter and to create an attractive environment.
20. The proposed artworks are small in scale and have been appropriately sited in various locations around the park so as to provide interest and significance. Their modest nature and sensitive positioning would not lead to either visual or practical clutter. They are considered to be in keeping with the character of the park and would enhance the cultural interest and historical heritage of the area.

Walking and cycling

21. The proposal would not give rise to any transport issues and the installations would be located so as to not restrict the movement of pedestrians or cyclists throughout the park.

Trees and ecology

22. No trees would be affected as a result of the proposed development and the ecological value of the SINC would be preserved.

Conclusion on planning issues

23. The proposed development would preserve the openness of the MOL in which the artworks would be sited. They would contribute positively to the cultural character and appearance of the area, and would not affect users of the park in terms of accessibility and mobility.
24. The proposal would be in accordance with the relevant policies of the Southwark Plan, the Core Strategy and the London Plan 2016. It is therefore recommended that planning permission be granted subject to conditions.

Community impact statement

25. 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.

Consultations

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

Consultation replies

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

Summary of consultation responses

28. One letter of support has been received. This welcomes the proposal citing the historical interest of the development and its unusual and engaging nature.

Human rights implications

29. 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.
30. This application has the legitimate aim of providing public artwork in Burgess 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

Background Papers	Held At	Contact
Site history file: TP/M2022 Application file: 17/AP/4299 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 0585 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	Mumtaz Shaikh, Planning Officer	
Version	Final	
Dated	9 January 2018	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		11 January 2017

APPENDIX 1

Consultation undertaken

Site notice date: 12/12/2017

Press notice date: n/a

Case officer site visit date: n/a

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

1. 35 Sansom Street London SE5
7RD

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

35 Sansom Street London SE5 7RD