

<b>Item No.</b> 1/1	<b>Classification</b> OPEN	<b>Decision Level</b> PLANNING COMMITTEE	<b>Date</b> 2.02.2004
<b>From</b> DEVELOPMENT & BUILDING CONTROL MANAGER		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (03-AP-2161 )  The erection of a single storey building to provide a parent and children's day care centre including training facilities, drop in play centre and creche.		<b>Address</b>  Parks Depot, Burgess Park, Chumleigh Gardens SE5  <b>Ward</b> Faraday	

## 1. PURPOSE

- 1.1 To consider the above application which is for Committee consideration as it is a departure from the Unitary Development Plan and due to the number of objections received.

## 2. RECOMMENDATION

- 2.1 That the Development & Building Control Manager be authorised to grant permission subject to a) no adverse direction from the Government Office for London to whom the application has been referred as a departure from the Council's Unitary Development Plan and b) a legal agreement to provide funding to change waiting restrictions and provide a safe crossing area in Chumleigh Street.

## 3. BACKGROUND

- 3.1 The application site comprises of an area of land in the north part of Burgess Park bounded by Albany Road and Wells Way. The site is currently used as a ground maintenance depot with a yard and storage buildings.
- 3.2 The land is in the Council's ownership and the buildings affected comprise of a large two-storey brick building with corrugated roof and a part brick/part corrugated iron single storey storage building. The rest of the site comprises of a tarmac yard area which is used for parking by visitors to the property, electric vehicles owned by this Council and parks equipment. The site is currently occupied by the Parks Department but is shortly to be vacated. The brick building is in poor condition and is having to be supported. To the south of the site is the Grade II listed former almshouses that are now used as offices, cafe and conference facilities.
- 3.3 A temporary planning permission until 31 March 2004 was granted by the Planning Committee on 1 September 2003 for the retention of the east part of the depot site as a car park for the parking of fifteen school buses and up to

nine mini-vans with two associated cabins for offices. This does not form part of this application site.

- 3.4 An outline planning permission was granted on 2 July 2003 for the erection of a single storey Sure Start day nursery. Only siting was considered as part of that application.
- 3.5 The current application is very similar in nature to that approved in July 2003 but seeks full, detailed permission for a single storey building of different dimensions than previously envisaged. The proposed building would have a depth of 23.5 metres, a maximum width of 50 metres and height of 3.5 metres. The uses to be provided within the building would comprise a reception area, offices, drop in/multi activity area, activity rooms, therapy room, creche/after school area, indoor garden, kitchen and eating area. Externally an 'ecology garden' is provided which will be open to the general public and will become part of the park. Outside play areas and a terrace are provided for the centre. The entrance will be from Chumleigh Gardens; no parking is provided, users, staff and visitors will park in the adjoining car park.
- 3.6 The applicants have provided a statement outlining the provision to be provided; there will be 50 flexible child care places. They state '*The centre will offer day care provision in a range of activity spaces configured according to age range that allow for good supervision and opportunity for assistance in an optimum environment for learning and development. Thirty before and after school places are also to be provided for children between 3 and 5 years, along side a crèche which serves as a support facility to parents/carers using the training and learning facilities. 16 salaried training places will be provided for people over 16 wishing to train as childcare workers. The centre is to provide high quality external play facilities and will also be served by the necessary administrative office and back-up space provision.*'
- 3.7 The building has been designed to have two main areas, the day care unit and the community/training facility. The design is contemporary, the external treatments proposed are timber boarding and stone facing, the flat roofs have a single ply roofing membrane and the sloping roofs are to be finished in profiled metal sheet. The shell of the two storey is to be retained in part and forms the boundary of the site to the north and to the west of the site. The murals on the west part of the building will also be retained.
- 3.8 The applicant has stated that the building includes various sustainable design strategies ranging from the exploitation of thermal mass to minimise heating costs, energy, fuel and water consumption. The proposal provides photovoltaic panels to supplement the energy provision. Condensing boilers with underground heating will be provided and the heating and lighting systems will be carefully specified to optimise energy use patterns.
- 3.9 Landscaping is to be provided and it is to be of a high standard. The outside play area will be reached by a sliding glazed doors. The area is to be contoured with small level changes as appropriate to the children's activity and age range. A terrace for outdoor eating and communal activity is to be provided and a sand and water feature. The applicants envisage that the ecological zone, on the southern edge of the site, will merge the scheme with

the park.

#### **4. FACTORS FOR CONSIDERATION**

##### **4.1 Main Issues**

The main issues in this case are the acceptability of the use and a building on Metropolitan Open Land, impact on the setting of the listed Chumleigh Gardens, effect on neighbouring occupiers and traffic and parking issues.

##### **4.2 Planning Policy**

Metropolitan Open Land

Southwark Unitary Development Plan 1995 [UDP]:

Policy E.2.1 Layout and Building Line - Complies, siting is acceptable

Policy E.3.1 Protection of Amenity - Complies, no impact on adjoining occupiers

Policy E.4.6 Proposals Affecting Listed Buildings - Detailed design is considered acceptable.

Policy C.1.1 Premises for Community Facilities - Complies, will provide a much needed facility.

Policy C.5.4 Protection of Private and Public Open Space Complies, no loss of private or open public space.

Policy C.5.6 Metropolitan Open Land - Does not comply in full as the proposal involves building on MOL. However, the site is not currently used for recreational activities and does not have an open nature. The proposal would arguably make better use of the land, attracting more visitors to the park. The new building would not encroach on the public open space.

Policy C.5.8 Burgess Park - Complies, provides a community facility.

Policy T.1.2 Location of Development in Relation to the Transport Network - Complies subject to the provision of a safe crossing in Chumleigh Road and amendment of waiting restrictions.

Policy T.2.1 Measures for Pedestrians - complies subject to the above provision.

Draft Southwark Plan [agreed for Deposit November 2002]:

Policy 3.15 Urban Design - Complies, design is acceptable

Policy 3.14 Quality in Design - Complies

Policy 3.2 Protection of Amenity - Complies, no impact on the amenity of adjoining occupiers

Policy 3.6 Conservation Areas and Heritage - Complies

Policy 2.4 Provision of Community Facilities - Complies, will provide much needed nursery facilities.

Policy 3.8 Metropolitan Open Land - Does not comply in full, as C.5.6 above.

Policy 5.3 Pedestrians and Cyclists - Complies, subject to the provision of a safe crossing in Chumleigh Road and amendment of waiting restrictions.

##### **4.3 Consultations**

Site Notice: 3/12/03

Press Notice: 15/12/03

Consultees:

1-31 Calverton Albany Road; 1-28 Danesfield Albany Road; 80-162 Gayhurst, 1-144 Westmoreland Walk, Friends of Burgess Park 30 Northfield House, 14 Addington Square, Aylesbury T/A, 3 Urlwin Street, Art in the Park, Southwark Tigers Rugby Club, 11 Newburn House, 110 Albany Road.

Traffic Group; Conservation, Parks and Sports and Early Years

**Replies from:**

The Friends of Burgess Park - Buildings on site are used by Rangers employed in the surrounding Park and fulfill requirements of providing amenity for users of this land. 1,000 hectares of lost open space in the last 14 years. Contrary to planning policies, building is larger than existing footprint of buildings. The design will clash with listed almshouses. Reference made to recent refusal of permission and appeal dismissed at King William PH. No direct access to entrance shown. Ecology garden is small and of little benefit. Concerns about security of children.

2 Arklow House - Proposal would be better suited to the former public house in Albany Road, insufficient consultation, no drawings available for inspection

3 Urlwin Street SE5 - Object, it is on MOL land, doesn't add to the amenities of the park, size and situation will obstruct legitimate activities being carried out, inadequate consultation, proposal may not be compatible with adjoining listed buildings.

95 Gayhurst - Suggests process should be speeded up for the sake of the children.

11 Newburn House, Newburn Street SE11 - Lack of consultation by Southwark Building Design Services, Chumleigh Gardens is an important resource it should not be carved up for the benefit of the Sure Start Project. Against the principles of MOL policies, set a dangerous precedent for other applications in the park.

Circular letter received from

146 Taplow, 1, 5, 9 Arklow House, 55 Innis House objecting on the following grounds: The proposed building does not fulfil the criteria required for buildings on Metropolitan Land; will not add to amenities of the Park; obstruct legitimate activities that do bring extra amenities; modern construction, not compatible with listed buildings; inadequate consultation (by applicant); no one has seen full drawings and master plan; object to all plans to build on Depot.

Southwark Arts Forum - Proposal affects Art in the Park and Hamish Horsely, sculptor. Affect current use and potential for expansion of future environmental and arts projects directly related to the park. Users have drawn up an alternative proposal which would not waste so much space. Design of proposed building is unsympathetic to listed almshouses.

Camberwell Society (14 Addington Square) - Complains about one sided consultation with Aylesbury residents only and lack of consultation by Environment and Leisure Department. Proposal is not shown in its context and setting. Outline permission should not have been granted as outline permissions are not acceptable in respect to listed buildings and their settings.

88 Gayhurst Hopwood Road - No objections

Early Years - Children's Services fully endorse this application.

Traffic Group - No objections to the principle of the development. Funds should be sought for 'at anytime' waiting restriction on Chumleigh Street and

Albany Road to prevent opportunist parking. Pedestrian access from the Chumleigh Street Council car park to the day care facility must be improved. This should include pedestrian footways from the car park to Chumleigh Street and a crossing point such as a zebra crossing to provide a safe crossing area. These should be secured through a S106 agreement and be fully funded by the applicant.

Parks and Sports - Support the application

Conservation and Design - Satisfied that the proposal will not affect the setting of the listed buildings and it is acceptable in principle.

Metropolitan Police Crime Prevention and Design Advisor - No issues subject to boundary fences being high enough to deter potential offenders.

## **5 PLANNING CONSIDERATIONS**

### Land use policy

- 5.1 Currently the application site is being used as a maintenance depot with ancillary yard and storage facilities, although the buildings are generally underused. Adjoining the application site are parking for the Council's fleet of electric cars and visitors, artists workshops, Park Rangers Offices, Southwark Tigers Rugby club house and 'Art In The Park'. The latter is an arts education charity that has occupied part of the adjoining site since 1996.
- 5.2 The premises occupied by the rugby club and 'Art in the Park' are not directly affected by this application. The Council's Parks section will be vacating the application site soon. Whilst part of the maintenance depot will be displaced, it is understood that sufficient space will be left adjoining Chumleigh Gardens not to disrupt the Parks Group's operations. An application for a Bio Gas facility on the rest of the site was recently withdrawn and a masterplan for the site is being prepared and will be submitted as a planning application shortly. It is understood that the current application has been submitted in advance of the masterplan proposal because of crucial funding deadlines. It is understood that the current proposals are fully consistent with the masterplan proposals now being prepared by the Council's Environment & Leisure Department, which will cover the service yard area and provide for the following facilities:-
- A Sure Start nursery, training and community facility (also a national pilot for the Greenstart project)
  - A community re-cycling and biogas energy generation centre providing energy to the entire complex and functioning as a national pilot for re-cycling based energy production
  - A national sculpture manufactory
  - A base for Art in the Park community arts organisation
  - A base for the Southwark Tigers Rugby club
  - A service yard for the Chumleigh Gardens 'World Garden' and horticultural demonstration area.

The masterplan will also consider site access requirements.

- 5.3 The principal issue is considered to be the siting of a nursery on Metropolitan Open Land (MOL). This was considered by the Planning Committee when permission was granted last year for the outline scheme. It was accepted then

that there was a need for additional nursery provision in this part of the borough and that this part of Chumleigh Gardens was an acceptable location having regard to its current usage, condition and relationship to the park as a whole. The proposal will provide an ecology garden that will be open to the general public and provide an additional green space where currently there is a hard surfacing and buildings. Additionally, the facility is likely to attract more parents and children into Burgess Park and to Chumleigh Gardens.

- 5.4 The Council's policy in relation to proposals affecting MOL states that planning permission would not normally be granted for either a development or change of use that would result in the loss of MOL. The land to be built upon is not presently publicly accessible open space. The current application is considered consistent in all respects with the already granted outline consent and there are no change in circumstances with regard to the principle of the development to now suggest a different conclusion.

#### Proposed building

- 5.5 The building will be single storey (to facilitate ease of access) and lower than the majority of the buildings currently on site and is therefore unlikely to have any greater visual impact. This should also ensure that it does not challenge the identity of the listed almshouses located a short distance to the south. The new building should complement and enhance the setting of the listed buildings by reason of its sensitive massing and detailing and the landscaping that is proposed.
- 5.6 The demolition of the existing storage buildings does not require permission. The existing buildings are relatively unattractive and the proposal will provide a high quality building in their place.

#### Traffic and Parking

- 5.7 The proposal does not provide any off-street parking and is car free. It is anticipated that the majority of users will arrive on foot or by bicycle from nearby residential areas. Secure cycle parking and 'buggy store' will be provided. Staff and users who do arrive by vehicle would be likely to park in the nearby public car park within the park. Pedestrians would have to cross the site of the existing depot, which it is proposed to layout as part of the masterplan proposals. In the absence of approved plans for this part of the site, further information will need to be submitted in order to clarify the access arrangements. It is recommended that this be the subject of a condition.
- 5.8 There will also be a need for vehicular access to deliver food and materials and to collect refuse. The applicant states that these will be low key and small scale commensurate with the scale of the building itself.

#### Other issues raised by objectors

- 5.9 In relation to consultation, the applicants have stated that the scheme has *'been developed through an extensive process of consultation, both at the initial stage of establishing the brief and through the ensuing process'*. Two open meetings have taken place with the potential user groups, local

parents/carer's and service providers and other stakeholder's and a presentation to the Walworth Community Council.

5.10 The buildings to be demolished have been underused for some time and are shortly to be vacated. In respect of the users of the other part of the site, it is understood that they will not be displaced and will be able to co-exist with the centre. These parts of the site will need to be addressed as part of the anticipated application for the remainder of the site.

5.11 An objector has referred to an appeal that has recently been dismissed for the King William IV PH in Albany Road, for the erection of a 7 storey residential block. In this case the Inspector considered that the new buildings mass, bulk and height would make it very prominent, compromising the open character of the MOL. It is not considered that this is comparable to the current application which proposes a single storey structure.

## **6. EQUAL OPPORTUNITY IMPLICATIONS**

6.1 The scheme will provide access to child care, training and support for parents.

## **7. LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS**

7.1 Will make better use of land and provide a needed facility for the local community without the need to travel.

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REPORT AUTHOR	Michele Sterry	[tel. 020 7525 5453]
CASE FILE	TP/M2022	
Papers held at:	Council Offices, Chiltern, Portland Street SE17 2ES	[tel. 020 7525 5402]

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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application

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<b>Applicant</b>	Southwark Primary Care NHS Trust	<b>Reg. Number</b>	03-AP-2161
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/M2022
<b>Recommendation</b>	Grant subject to Legal Agreement and SoS		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

The erection of a single storey building to provide a parent and children's day care centre including training facilities, drop in play centre and creche.

**At:** Parks Depot, Burgess Park, Chumleigh Gardens SE5

**In accordance with application received on** 12/11/2003

**and Applicant's Drawing Nos.** 03011-20-100, 101, 102, 103, 104, 105, 110, 111, 112, 113

**Subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the end of five years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990.

- 2 No development pursuant to the permission hereby granted shall take place until a satisfactory pedestrian and vehicular access to the application site, across the adjoining land to the east, has been laid out. The development hereby approved shall only be carried out in accordance in with detailed drawings showing the route, detailed layout and materials of the access, which shall be submitted to the Local Planning Authority and the development shall not commence until any such drawings for the access have been approved.

Reason

In order that a satisfactory pedestrian and vehicular access to the site is provided in accordance with policy T.1.2 Location of Development in Relation to Transport Network and policy T.2.1 Measures for Pedestrians of the Southwark Unitary Development Plan.

- 3 The use hereby permitted shall not be commenced before details of the arrangements for the storing of refuse have been submitted to (2 copies) and approved by the Local Planning Authority and the facilities approved have been provided and are available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy E.3.1: Protection of Amenity and Policy T.1.3: Design of Development and Conformity with Council's Standards and Controls of Southwark's Unitary Development Plan.

- 4 Notwithstanding the provisions of Class D1 of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders) the use hereby permitted shall not include any use as a child and parent centre with ancillary office, training and meeting room facilities.



#### Reason

The proposal is on Metropolitan Open Land and is of direct benefit to the immediately adjoining Aylesbury Estate. Other uses falling within this use class may not have a similar justification for a departure from Unitary Development Plan Policy and Government and Mayor's guidance on Metropolitan Open Land.

- 5 If ventilation equipment is required full particulars and details (2 copies) of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

#### Reason

In order to that the Council may be satisfied that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with Policy E.3.1: Protection of Amenity and Policy S.1.6: Hot Food Outlets of Southwark's Unitary Development Plan, and Planning Policy Guidance 24 Planning and Noise.

- 6 Detailed drawings of a landscaping scheme (2 copies), including provision for the planting of suitable trees and shrubs, showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways) shall be submitted to and approved by the Council before the development hereby permitted is begun and the landscaping scheme approved shall thereafter be carried out in the first appropriate planting season following completion of the building works.

#### Reason

In order that the external appearance of the proposal is satisfactory, in compliance with Policies E.2.5 'External space' of the Southwark Unitary Development Plan.

- 7 Any tree or shrub required to be retained or to be planted as part of a landscaping scheme approved, either as part of this decision or arising from a condition imposed as part of this decision, that is found to be dead, dying, severely damaged or seriously diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of similar or appropriate size and species in the first suitable planting season.

#### Reason

In order that the external appearance of the proposal is satisfactory, in compliance with Policies E.2.5 'External space' of the Southwark Unitary Development Plan.

- 8 Details of a survey and investigation of the soil conditions of the site (2 copies), sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal, or remove the contaminating substances, shall be submitted to and approved by the Local Planning Authority and thereafter shall be carried out before any works in connection with this permission are begun.

#### Reason

In order to protect construction employees and future occupiers of the site from potential health-threatening substances in the soil in accordance with Policy E.1.1: Safety and Security in the Environment of Southwark's Unitary Development Plan.

- 9 Details of the facilities to be provided for the secure storage of cycles shall be submitted to (2 copies) and approved by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

#### Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with policy T.4.1 Measures for Cyclists of the Southwark Unitary Development Plan.

- 10 Details of the means of enclosure for all site boundaries shall be submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with any approval given. The development hereby permitted shall not be occupied until the works approved pursuant to this condition have been carried out.

Reason

In order that the external appearance of the proposal is satisfactory, in compliance with Policies E.2.5 'External space' of the Southwark Unitary Development Plan.

- 11 Details of a safe crossing for pedestrians in Chumleigh Street shall be submitted to and approved in writing by the Local Planning Authority and this shall be provided to the satisfaction of the Local Planning Authority prior to the building hereby approved being occupied, thereafter the crossing shall be retained unless the Local Planning Authority gives written consent that it can be removed.

Reason

In order to ensure a safe environment for pedestrians using the proposed centre, in compliance with Policies T.1.2 'Location of Development in Relation to the Transport Network' and T.2.1 'Measures for Pedestrians' of the Southwark Unitary Development Plan and Policy 5.3 'Pedestrians and Cyclists' of the Draft Deposit unitary Development Plan (November 2002).

- 12 Samples of the facing and roofing materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the facing and roofing materials in the interest of the appearance of the building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.

**Reasons for granting planning permission.**

This planning application was considered with regard to various policies including, but not exclusively:

- a] Policies E.2.1 Layout and Building Line, Policy E.3.1 Protection of Amenity, E.4.6 Proposals Affecting Listed Buildings, C.1.1 Premises for Community Facilities, C.5.4 Protection of Private and Public Open Space C.5.6 Metropolitan Open Land C.5.8 Burgess Park, T.1.2 Location of Development in Relation to the Transport Network, T.2.1 Measures for Pedestrians of the Southwark Unitary Development Plan 1995
- b] Policies Policy 3.15 Urban Design - Complies, design is acceptable, 3.14 Quality in Design, 3.2 Protection of Amenity, 3.6 Conservation Areas and Heritage, 2.4 Provision of Community Facilities, 3.8 Metropolitan Open Land, 5.3 Pedestrians and Cyclists of the draft Southwark Plan as placed on deposit November 2002.

Particular regard was had to issues regarding Metropolitan Open Land, but it was considered that this would be outweighed by the provision of a well designed community facility and the re-use of land that is not presently open in character.