

Planning Sub-Committee A

Tuesday 9 February 2016

6.30 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Lorraine Lauder MBE (Chair)
Councillor Ben Johnson (Vice-Chair)
Councillor Nick Dolezal
Councillor Anne Kirby
Councillor Octavia Lamb
Councillor Eliza Mann
Councillor Sandra Rhule

Reserves

Councillor Evelyn Akoto
Councillor David Hubber
Councillor Sarah King
Councillor Darren Merrill
Councillor Kath Whittam

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

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Contact

Gerald Gohler on 020 7525 7420 or email: Gerald.gohler@southwark.gov.uk

Webpage: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 1 February 2016



Planning Sub-Committee A

Tuesday 9 February 2016

6.30 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 3
	To approve as a correct record the minutes of the meeting held on 22 December 2015.	
7.	DEVELOPMENT MANAGEMENT ITEMS	4 - 8
	7.1. PECKHAM RYE PARK, PECKHAM RYE, LONDON SE15	9 - 21

Date: 1 February 2016

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”



PLANNING SUB-COMMITTEE

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. Your role as a member of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

(a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.

(b) The applicant or applicant's agent.

(c) One representative for any supporters (who live within 100 metres of the development site).

(d) Ward councillor (spokesperson) from where the proposal is located.

(e) The members of the sub-committee will then debate the application and consider the recommendation.

Note: Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees.
8. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

The arrangements at the meeting may be varied at the discretion of the chair.

Contacts: Director of Planning
Chief Executive's Department
Tel: 020 7525 5655

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance Department
Tel: 020 7525 7420



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Tuesday 22 December 2015 at 6.30 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Ben Johnson (Vice-Chair)
Councillor Nick Dolezal
Councillor Sandra Rhule
Councillor Kath Whittam

OFFICER SUPPORT: Rob Bristow (Development Management)
Jon Gorst (Legal Officer)
Neil Loubser (Development Management)
Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillors Octavia Hill and Anne Kirby.

3. CONFIRMATION OF VOTING MEMBERS

The members of the committee present were confirmed as the voting members.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7 - development management items.
- the Members' pack

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 11 October 2015 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation, responses, additional information and revisions.

7. 33 NUTBROOK STREET, LONDON SE15 4JU

Planning application reference number: 15/AP/2624

Report: see pages 11 to 53 of the agenda pack and pages 1 to 4 of the addendum report.

PROPOSAL

Demolish existing B1 premises and construct 3 houses (Use Class C3) with car parking to the front and a new substation outbuilding to replace existing.

The sub-committee heard an introduction to the report from a planning officer who also highlighted the additional comments and conditions in the addendum report. Members asked questions of the officer.

Spokespersons for the objectors addressed the meeting. Members asked questions of the objectors.

The applicant's agent addressed the meeting. Members asked questions of the applicant's agent.

There were no supporters of the development living within 100 metres of it or ward councillors, who wished to speak.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning permission for application number 15/AP/2624 be granted, subject to the conditions set out in the report and addendum report, and with an additional condition stipulating that access to the site be controlled as follows:

1. With a gate at the Howden Street entrance, which is to be kept closed at all times, but allows for appropriate emergency access/egress.
2. With a gate at the Nutbrook Street entrance which is to be open during the hours of operation of the remaining commercial property which are currently conditioned (07:30 to 19:00 Mon to Fri and 07:30 to 13:00 Sat); and closed with an appropriate entry system outside these conditioned hours.

Meeting ended at 7.35 pm

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 9 February 2015	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Gerald Gohler 020 7525 7420
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Simon Bevan 020 7525 5655

APPENDICES

No.	Title
None.	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	1 February 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		1 February 2016

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A
on Tuesday 09 February 2016

Appl. Type Council's Own Development - Reg. 3
Site PECKHAM RYE PARK, PECKHAM RYE, LONDON SE15

Reg. No. 15-AP-4297

TP No. TP/2614-A

Ward Peckham Rye

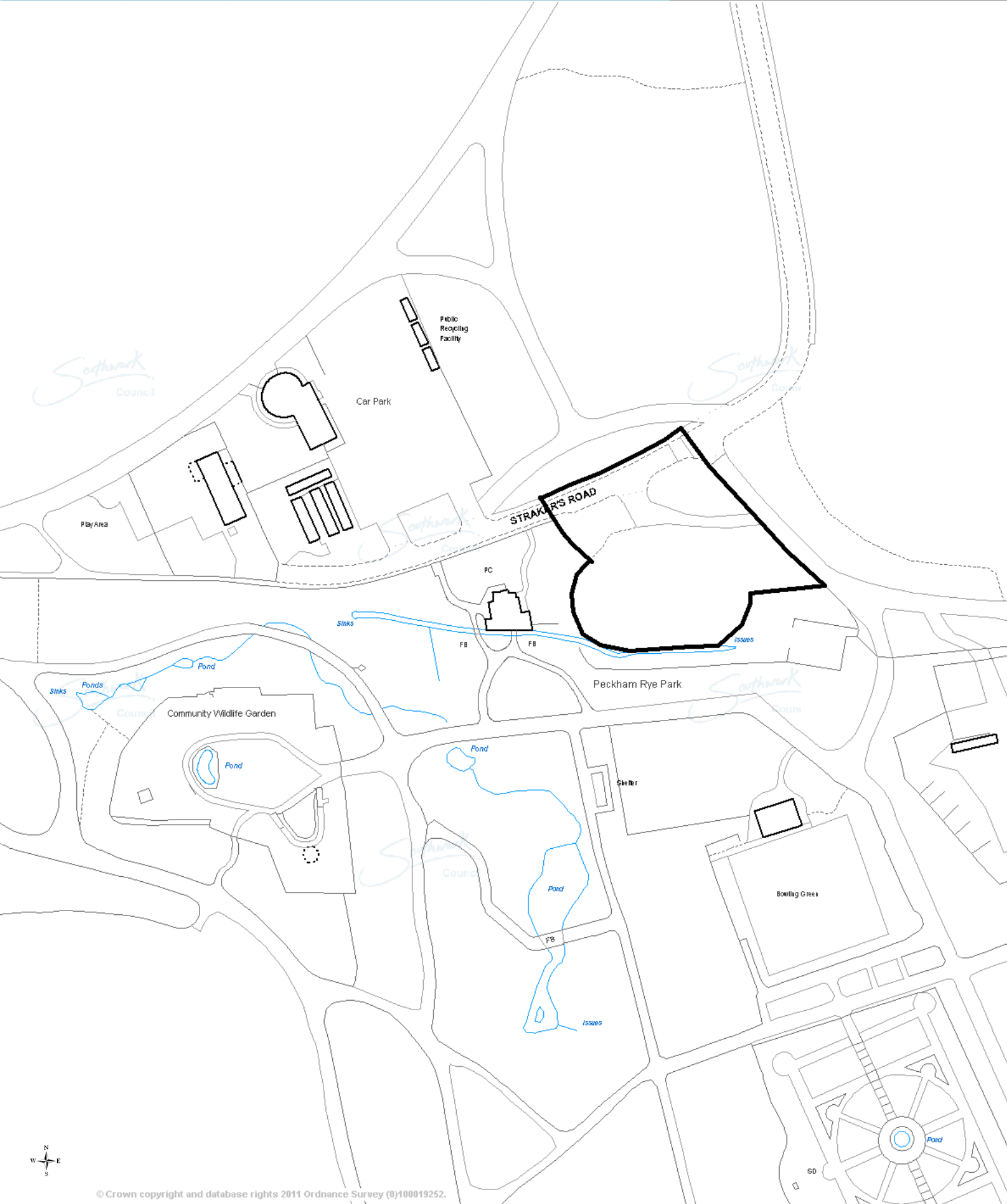
Officer Dipesh Patel

Recommendation GRANT PERMISSION

Proposal

Construction of a new car-park facility on the South side of Strakers Road.

Item 7.1



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Item No. 7.1	Classification: Open	Date: 9 February 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 15/AP/4297 for: Council's Own Development - Reg. 3 Address: PECKHAM RYE PARK, PECKHAM RYE, LONDON SE15 Proposal: Construction of a new car-park facility on the South side of Strakers Road.		
Ward(s) or groups affected:	Peckham Rye		
From:	Director of Planning		
Application Start Date 02/11/2015		Application Expiry Date 28/12/2015	
Earliest Decision Date 09/02/2016			

RECOMMENDATION

1. That planning permission be granted.

BACKGROUND INFORMATION

Site location and description

2. The site is presently grass covered and located on Peckham Rye Common, adjacent to Peckham Rye Park, a Grade II registered Park, which is to the south. It is surrounded by a good mix of mature trees, primarily London Plane and Lime. 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 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 is for the creation of a car park on the site capable of accommodating 41 car parking spaces, of which four would be for blue badge holders. The surface of the car park is proposed to be permeable. Vehicular barriers are proposed for the entrance to the car park itself and to its west on Strakers Road. This is the first phase of a wider improvement programme which would enable the existing car park which is to the north of Strakers Road to be redeveloped to a children's playground.
4. **Planning history**

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)

12/AP/1635 Application type: Council's Own Development - Reg. 3 (REG3)

Relocation of existing portacabin 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)

Planning history of adjoining sites

5. None of particular relevance to this application.

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

National Planning Policy Framework (the Framework) 2012

7. This application should be considered against the NPPF as a whole, however the following sections are considered to be particularly relevant:
 - 8 Promoting healthy communities
 - 10 Meeting the challenge of climate change, flooding and coastal change
 - 11 Conserving and enhancing the natural environment
 - 12 Conserving and enhancing the historic environment

London Plan July 2015

8. 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

Core Strategy 2011

9. 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 paragraph 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. The following saved policies are relevant to this application:

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

Summary of consultation responses

11. Three comments from members of the public have been received for this application. Concern has been expressed about the proposed material (macadam) for the car park and the selective clearing of vegetation to the River Peck. Comments also recommend more screening for the car park and question whether the site is on Peckham Rye Park or on Peckham Common. The site is on the common. Comments have also been made about plans for a playground on the site of the existing car park to the north of Strakers Road but this is not part of this application, indeed there is no planning application for this playground presently registered.
12. These comments and those from internal and statutory consultees are detailed and addressed below.

Principle of development

13. Peckham Rye Common and Park are afforded a significant degree of protection, being 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, while 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. The car park would be for people using the park and common for sport and outdoor recreation so would be appropriate development on MOL. Presently the ground level of the site varies from its highest at the centre, dropping down radially, effectively forming a mound. While vehicles being parked on the site would have some impact on the openness of the land, this would be mitigated by the fact that the ground level would be reduced, a reduction in the height of the mound by up to 2.7m. Additionally,

the fact that the site is surrounded by mature trees would mean that the impact on openness would be very limited. Overall, the openness of the common and park would be maintained. Indeed, only very locally would there be any impact on openness which would be similar to the impact that the existing car park to the north of Strakers Road has.

15. 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. Structures to be erected on the site would be limited to low level ones such as the barriers and as referred to above, the openness of the common and park would be maintained.
16. 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.
17. 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. As referred to above, the proposals would preserve the openness of the common and park. 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 2011; Core Strategy 2011 and the saved Southwark Plan 2007.

Environmental impact assessment

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

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

19. 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.
20. Some of the important features of the site are close to the park, such as the River Peck. Visual separation of the site from the park by the trees on its southern boundary would mean that there the impact, if any, would be very limited. The barriers that are proposed are clearly more functional than aesthetic, however their design is appropriate to the use of the site as a car park and indeed necessary for security and management. No harm would be caused to the registered park and its setting would be preserved.
21. Some respondents to the consultation have suggested that screening should be increased. 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 car park which the proposal would achieve. Concern has also been expressed about the use of macadam for the surface and why concrete webbing has not been proposed.

Macadam as a material for the surface has the benefit of requiring little maintenance and is a cost effective solution; the permeable material proposed and a recommended condition (see below) would ensure that surface water run off from this material would not be adversely affected.

Impact on amenity for the park and common users

22. Presently an underused area of grassland amenity, the impact of the car park on the users of the common and park would be limited. While not part of this application, the proposed car park would accommodate parking that would be displaced by the creation of a playground on the site of the existing car park, to the north of Strakers Road. Some disruption would occur during construction but this would be temporary.

Environmental impacts

23. The development would involve work close to large London Plane trees. No trees would need to be felled but to ensure that the movement of material and other work within root protection zones would not cause harm to the trees, it is recommended that a condition is imposed requiring an arboricultural method statement to be submitted (detailing how trees would be protected) before the commencement of works.
24. A new area of hard surfacing on the site has the potential to affect surface water drainage, including drainage into the nearby River Peck. While a permeable surface is proposed, It is important that the development does not increase run off and a condition is thus recommended requiring a drainage strategy to be submitted for approval prior to the commencement of works. Clearance of some vegetation near the river does not require planning permission, and would be undertaken outside of the bird nesting season as required by the Wildlife and Conservation Act 1981. The council's ecologist has no objection to the application and is satisfied with these controls.
25. Testing of the soil within the site identified some contamination. Much of this material would be removed from the site by the proposed levelling of the ground and the proposed car park surface would provide an effective barrier, preventing any remaining contamination from affecting users of the park. A remediation strategy is nonetheless required and can be secured through condition.

Transport issues

26. A total of 41 new parking spaces on the common would be an increase in parking that would not normally meet policies aimed at increasing sustainable modes of transport. However, this application is essentially enabling development to allow the redevelopment of the existing car park which has 53 parking spaces. There would ultimately be a reduction of 12 parking spaces which would encourage people to access the site by more sustainable modes and is compliant with sustainable transport policies. To ensure that both car parks are not used simultaneously and to avoid an increase in car parking on the common, it is recommended that a condition be imposed prohibiting the use of the proposed car park until the existing car park closes.

Other matters

27. Some respondents have highlighted that the plans do not show the barriers that are proposed. They are shown in the design and access statement and the architect is preparing a drawing that will be reported to members in an addendum report.

Conclusion on planning issues

28. The development is appropriate development to facilitate outdoor sport and recreation, and it would also maintain the openness of the MOL. Although not part of this application, it would facilitate the redevelopment of the present car park to the north of Strakers Road to a play area. The impact on Peckham Common and Peckham Rye Park would be limited; the site would be well screened by the mature trees surrounding it 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

29. 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.

Consultations

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

Consultation replies

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

Human rights implications

32. 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.
33. This application has the legitimate aim of providing a car 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/2614-A Application file: 15/AP/4297 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 1778 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Dipesh Patel, Team Leader - Major Applications	
Version	Final	
Dated	25 January 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, housing and modernisation	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		27 January 2016

APPENDIX 1**Consultation undertaken**

Site notice date: 18/11/2015

Press notice date: n/a

Case officer site visit date: n/a

Neighbour consultation letters sent: 24/11/2015

Internal services consulted:

Ecology Officer
Flood and Drainage Team

Statutory and non-statutory organisations consulted:

Garden History Society

Neighbour and local groups consulted:

140 Peckham Rye SE22 9QH
Strakers Road Peckham Rye Common SE15 3UA

32 Tresco Road London SE15 3PX
140 Peckham Rye London SE22 9QH

Re-consultation: n/a

APPENDIX 2**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

None

Neighbours and local groups

140 Peckham Rye SE22 9QH
140 Peckham Rye London SE22 9QH
32 Tresco Road London SE15 3PX

RECOMMENDATION

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.

Applicant	Ms Rebecca Marsh Southwark Council	Reg. Number	15/AP/4297
Application Type	Council's Own Development - Reg. 3	Case Number	TP/2614-A
Recommendation	Grant permission		

Draft of Decision Notice

Permission was GRANTED, subject to the conditions and reasons stated in the Schedule below, for the following development:

Construction of a new car-park facility on the South side of Strakers Road.

At: PECKHAM RYE PARK, PECKHAM RYE, LONDON SE15

In accordance with application received on 23/10/2015 08:00:39

and Applicant's Drawing Nos. Design and access statement

Design risk assessment

Report on a ground investigation

Tree survey shedule

Drawings:

214-L02 (site plan)

Site location plan ('blue line' plan)

214L01

214L02

TCP1_PRC Rev B

Subject to the following six conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

214LS01
214L01

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be begun before the end of three years from the date of this permission.

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

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Prior to works commencing, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.

b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

4 a) Prior to the commencement of works other than that required as part of a planning condition for this permission, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

b) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.

c) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with saved policy 3.2 protection of amenity of the Southwark Plan 2007, strategic policy 13 high environmental standards of the Core Strategy 2011 and the National Planning Policy Framework 2012.

5 Prior to the commencement of development, details of surface water management measures to detail how runoff rates would not be increased compared to existing rates and how run off to the River Peck would be buffered shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall thereafter be carried out in accordance with the approved details.

Reason

To prevent the increased risk of flooding, improve water quality and protect biodiversity in accordance with the National Planning Policy Framework 2012, policies 5.12 flood risk management and 7.19 biodiversity and access to nature of the London Plan 2015; Strategic Policy 13 high environmental standards of the Core Strategy 2011

and saved policies 3.1 environmental effects; 3.9 water and 3.28 biodiversity of the Southwark Plan 2007.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 6 The use of the car park shall not commence until the cessation of the use of the existing car park to the north of Strakers Road.

Reason:

To ensure that there no a net increase in car parking for Peckham Common and Peckham Rye Park in accordance with the National Planning Policy Framework 2012; Strategic Policy 2 sustainable transport of the Core Strategy 2011 and saved policy 5.2 transport impacts of the Southwark Plan 2007.

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2015-16

NOTE: Original held by Constitutional Team all amendments/queries to Gerald Gohler Tel: 020 7525 7420

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Councillor Nick Dolezal	1		
Councillor Anne Kirby	1		
Councillor Octavia Lamb	1	Communications	By
Councillor Eliza Mann	1	Louise Neilan, media manager	email
Councillor Sandra Rhule	1		
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Officers			
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Jacquelyne Green/Abrar Sharif/Selva Selvaratnam, Hub 2 (5 th Floor) Tooley St.	3		
Jon Gorst, Legal Services Hub 2 (2 nd Floor) Tooley St.	1		