

## Planning Sub-Committee A

Wednesday 15 March 2023

6.30 pm

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

### Membership

Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor John Batteson  
Councillor Natasha Ennin  
Councillor Ketzia Harper  
Councillor Adam Hood  
Councillor Richard Livingstone

### Reserves

Councillor Maggie Browning  
Councillor Victor Chamberlain  
Councillor Gavin Edwards  
Councillor Jason Ochere  
Councillor Chloe Tomlinson

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### 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.

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**Contact:** Gerald Gohler on 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 7 March 2023



# Planning Sub-Committee A

Wednesday 15 March 2023

6.30 pm

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

## Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 5
	To approve as a correct record the minutes of the meeting held on 25 January 2023.	
7.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	6 - 10

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>7.1. VICTORY COMMUNITY PARK, MUNTON ROAD, LONDON SOUTHWARK SE17</b>	11 - 44

Date: 7 March 2023

#### **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 committee.
3. The role of members 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 committee (if they are present and wish to speak) for **not more than three 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 committee will then debate the application and consider the recommendation.

**Note:** Members of the 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 committee. If more than one person wishes to speak, the three-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.

6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.
8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. 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.

**Please note:**

Those wishing to speak at the meeting should notify the constitutional team by email at [ConsTeam@southwark.gov.uk](mailto:ConsTeam@southwark.gov.uk) in advance of the meeting by **5pm** on the working day preceding the meeting.

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

**Contacts:** General Enquiries  
Planning Section, Chief Executive's Department  
Tel: 020 7525 5403

Planning Sub-Committee Clerk, Constitutional Team  
Finance and Governance  
Email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)



## Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Wednesday 25 January 2023 at 6.30 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor John Batterson  
Councillor Natasha Ennin  
Councillor Adam Hood  
Councillor Richard Livingstone

**OFFICER SUPPORT:** Dennis Sangweme (Head of Development Management)  
Sadia Hussain (Specialist Lawyer Planning)  
Zoe Brown (Planning Team Leader)  
Andre Verster (Planning Team Leader)  
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 Councillor Ketzia Harper.

At this point Councillor Natasha Ennin joined the meeting.

### 3. CONFIRMATION OF VOTING MEMBERS

Those members listed above were confirmed as voting members of the sub-committee.

#### 4. **DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

The following members declared an interest in item:

##### **7.1 South Dock Marina, Rope Street, London, SE16 1TX**

Councillor Adam Hood, non-pecuniary, as the application was in his ward. He would, however, approach the application with an open mind.

Councillor Jane Salmon, non-pecuniary, as the application was in her ward. She would, however, approach the application with an open mind.

Councillor Richard Livingstone, non-pecuniary, as he had been the cabinet member responsible for the marina in 2019 when the fees for berths were harmonised, he would be withdrawing from this item.

#### 5. **ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

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

- Members' pack
- Addendum report relating to item 7.3

#### 6. **MINUTES**

##### **RESOLVED:**

That the minutes of the meeting held on the 15 November 2022 be deferred to the next meeting to allow officers to verify details of a complaint that had been received.

#### 7. **DEVELOPMENT MANAGEMENT ITEMS**

Members noted the development management report.

##### **RESOLVED:**

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 agenda 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 can be clearly specified.

At this point Councillor Richard Livingstone withdrew from the meeting.

## 7.1 SOUTH DOCK MARINA, ROPE STREET, LONDON, SE16 1TX

### **Planning application number: 22/AP/3036**

Report: see pages 11 to 45 of the agenda pack.

### **PROPOSAL**

*Variation of Condition 12 pursuant to planning permission LDDC S/96/0021 for 'Variation of condition 12 of LDDC S/88/248 to permit 65% of berths to be used as permanent residencies'. The amendment seeks the following: removal of Condition 12 to permit 100% residential use of vessels in the marina.*

The sub-committee heard the officer's introduction to the report. Members of the sub-committee asked questions of the officers.

An objector addressed the meeting and responded to questions from members of the sub-committee.

A representative of the applicant addressed the meeting and responded to questions from members of the sub-committee.

There were no supporters living within 100 metres of the application site or ward councillors who wished to address the meeting.

Members of the sub-committee further debated the application and asked further questions of the objector.

A motion to approve the planning application was moved, seconded, put to the vote and declared carried.

### **RESOLVED:**

That the removal of condition 12, as set out in the report, be granted.

At this point Councillor Richard Livingstone re-joined the meeting.



## 7.2 HERNE HILL STADIUM, 104 BURBAGE ROAD, LONDON SE24 9HE

**Planning application number: 22/AP/2788**

Report: see pages 46 to 63 of the agenda pack.

### **PROPOSAL**

*Construction of a single storey building to provide an accessible toilet.*

The sub-committee heard the officer's introduction to the report.

Members of the sub-committee asked questions of the officer.

There were no objectors, applicants or their agents, supporters living within 100 metres of the application site or ward councillors present and wishing to speak.

A motion to approve the planning application was moved, seconded, put to the vote and declared carried.

### **RESOLVED:**

That planning permission be granted subject to the conditions set out in the report.

## 7.3 THE WORKSHOP SITE, LAND BOUNDED BY GILKES PLACE GILKES CRESCENT AND CALTON AVENUE TO THE REAR OF 25 DULWICH VILLAGE, LONDON

**Planning application number: 21/AP/4229**

Report: see pages 64 to 81 of the agenda pack and pages 1 to 3 of the addendum report.

### **PROPOSAL**

*Variation of Section 106 agreement relating to planning permission 14/AP/3104 (Redevelopment of the site to include the demolition of all existing buildings (Use Class B2) and the excavation and removal of fuel tanks and associated supply lines and the construction of 12 dwellings (Use Class C3), 1 x 2 bed and 2 x 1 bed affordable dwellings, 1 x 3 bed house (affordable, wheelchair accessible dwelling), 4 x 4 bed houses and 4 x 5 bed houses with ancillary living accommodation and car parking at basement level accessed from Gilkes Place and landscaping): to*

*replace the proposed 4 onsite affordable housing units in approved scheme with a payment in lieu of affordable housing and requiring a six month period of marketing for a private wheelchair unit to be fitted out based on demand or a payment in lieu.*

The sub-committee heard the officer's introduction to the report and addendum report.

Members of the sub-committee asked questions of the officers.

There were no objectors, applicants or their agents, supporters living within 100 metres of the application site or ward councillors present and wishing to speak.

Members of the sub-committee further debated the application and asked questions of officers.

A motion to approve the planning application was moved, seconded, put to the vote and declared carried.

**RESOLVED:**

That the variation of the Section 106 agreement, as set out in the report, be granted, subject to a S106 requirement for the affordable housing contribution to be spent as a priority within the ward or alternatively in adjoining wards in the south of the borough.

The meeting ended at 7.44 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 15 March 2023	<b>Meeting Name:</b> Planning Committee A	Sub-
<b>Report title:</b>		Development Management		
<b>Ward(s) or groups affected:</b>		All		
<b>From:</b>		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. 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 sub-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 Levelling Up, Housing and Communities 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**

#### **Assistant Chief Executive – Governance and Assurance**

12. A resolution to grant planning permission shall mean that the director of planning and growth is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the sub-committee and issued under the signature of the director of planning and growth shall constitute a planning permission. Any additional conditions required by the sub-committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning sub-committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the director of planning and growth 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 assistant chief executive – governance and assurance, and which is satisfactory to the director of planning and growth. 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 assistant chief executive – governance and assurance. 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.
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 the Southwark Plan which was adopted by the council in February 2022. The Southwark Plan 2022 was adopted after the London Plan in 2021. For the purpose of decision-making, the policies of the London Plan 2021 should not be considered out of date simply because they were adopted before the Southwark Plan 2022. London Plan policies should be given weight according to the degree of consistency with the Southwark Plan 2022.
16. The National Planning Policy Framework (NPPF), as amended in July 2021, is a relevant material consideration and should be taken into account in any decision-making.
17. Section 143 of the Localism Act 2011 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.
18. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010 as amended, 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."

19. 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.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Each planning sub-committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	Planning Department 020 7525 5403

## APPENDICES

No.	Title
None	

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services		
<b>Report Author</b>	Gerald Gohler, Constitutional Officer Nagla Stevens, Deputy Head of Law (Planning and Development)		
<b>Version</b>	Final		
<b>Dated</b>	23 February 2023		
<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>	
Assistant Chief Executive – Governance and Assurance	Yes	Yes	
Director of Planning and Growth	No	No	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>		27 February 2023	



22/AP/2455

Victory Community Park, Munton Road, London, Southwark, SE17



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14-Feb-2023



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<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 15 March 2023	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management:</b> Application 22/AP/2455 for: Planning Permission  <b>Address:</b> Victory Community Park Muntun Road London Southwark SE17  <b>Proposal:</b> The regeneration of Victory Community Park (adjacent to grade II listed building Elephant House) to include the relocation of the MUGA, opening up of a nature garden, creation of a new leisure area, improvement and expansion of the existing playground, soft and hard landscaping and improved entrance access to align with the future raised table crossing point leading to Elephant Park to the west.		
<b>Ward(s) or groups affected:</b>	North Walworth		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b>	05.09.2022	<b>Expiry Date</b>	29.03.2023
<b>Earliest Decision Date</b>	1.03.2023	<b>PPA Date</b>	29.03.2023

## RECOMMENDATION

1. That planning permission be granted subject to conditions.

## EXECUTIVE SUMMARY

2. The application involves regeneration of Victory Community Park in the context of enhancing the existing green spaces in Elephant and Castle Regeneration Area, strengthening connection with East Walworth's Green Link and improving the accessibility by users of different needs in accordance with the council's public sector equality duty.
3. The proposal includes the relocation and in-filling of the multi-use games area (MUGA), creation of a new leisure area, improvement and expansion of the existing playground, soft and hard landscaping and improved entrance access to align with the future raised table crossing point leading to Elephant Park to the west.
4. It should be noted that the majority of the proposal, including re-landscaping, changes to the pedestrian route and provision of new playspace, benefits from the fallback position of permitted development rights (Class A, Part 12, Schedule

2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended)). In the interest of clarity and cohesiveness for the scheme, all proposed elements would be reviewed with suggested conditions where necessary.

5. The proposed development would not detract from the openness and the character of the existing open space, nor would it cause adverse harm on the significance of Yates Estate and Victory Conservation Area and the surrounding listed buildings.
6. During the determination period, a number of revisions have been made in response to public comments, including the change of entrances and ball court's layout to match the existing arrangement. In conclusion, the proposal is found acceptable in terms of safety, ecological and arboricultural impacts and therefore recommended for approval subject to appropriately worded conditions.

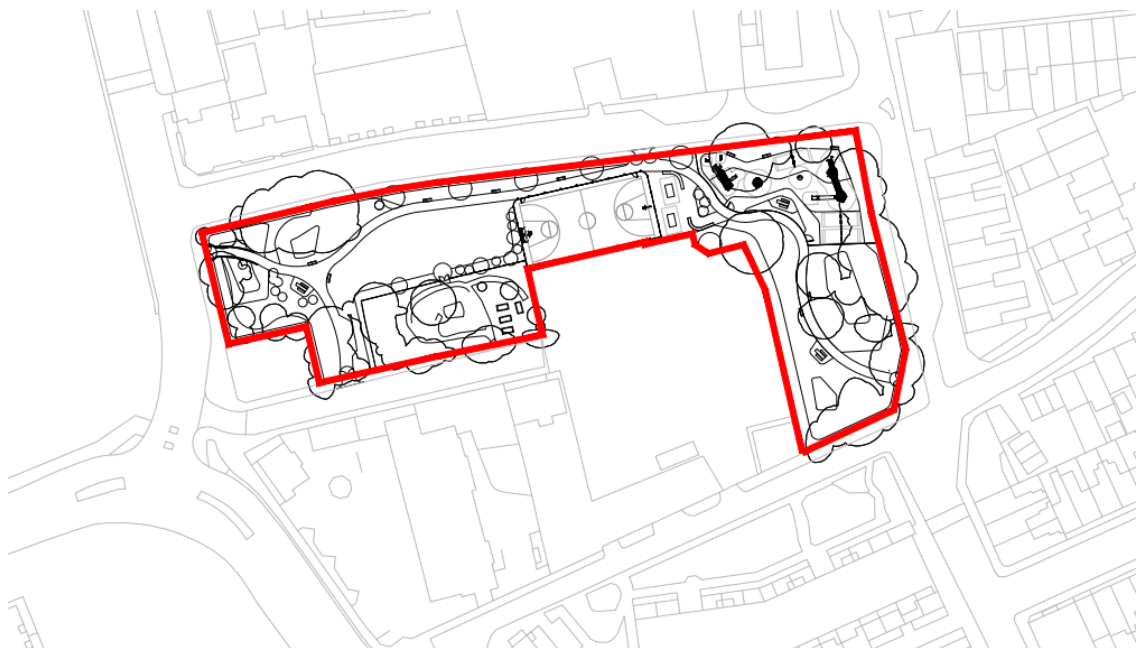
## **BACKGROUND INFORMATION**

### **Site location, history and description**

#### *Location*

7. The application site refers to a green space named Victory Community Park, forming an L-shaped public area bounded by Munton Road to the north, Balfour Street to the east, Rodney Place to the west. To the south it is bordered by part Victory Place, part Victory Primary School's playground and part Elba Place.

Figure 1: Site Location Plan



8. It currently hosts a series of amenity functions associated with a public park including a multi-use game area (MUGA), play area, seating areas, lawn grounds

and Elba Place Nature Garden that is managed by local Friends of Victory Community Park group with regular public access.

9. Enclosed by residential uses and immediately adjacent to Victory Primary School, the site provides not only a public amenity area, but also routes throughout the park to different further destinations. Reflecting the latter function, the park benefits from multiple access including primary entrances from Rodney Place (west) and Munton Road (north to the right) and secondary entrances from Munton Road (north to the left), Victory Place (south) and Balfour Street (south).

### **History and conservation area designation**

10. The site's former use consisted of Victorian housing, a warehouse and a factory which were destroyed and demolished from the wartime and site clearance. Campaigned by the local community, the land was converted into a park that opened in 1980 with design and planting efforts of the local groups. In 2007, a major refurbishment project was undertaken by the Council as part of the '4 Parks project', creating the park as it is today.
11. The park falls within recently designated Yates Estate and Victory Conservation Area and is in proximity to Grade II listed Elephant House at 4 Victory Place. Notable positive contributors to the character of the conservation area include:
  - Nos. 67 – 83 Balfour Street
  - No. 5a Elba Place
  - Victory Primary School

The Conservation Area Appraisal recognises the site as a contemporary open space created in the 20<sup>th</sup> century, together with the mature trees, that provide a green, open setting for the conservation area and offer a pleasing contrast to the densely packed residential streets.

### *Other policy designations*

12. The application site is Borough Open Land (BOL) with the typology of 'Small Local Park' as set out in Open Space Strategy 2013. It is also a Site of Importance for Nature Conservation (SINC), named 'Victory Park and Elba Place Nature Garden' that features herb and species-rich neutral grassland as outlined in SINC Review and Borough Ecological Survey 2014-2015.
13. The site forms part of East Walworth's Green Link, created by 5 parks friends group, to provide an alternative way of travelling on foot or by cycling through parks between the Elephant and Castle and Burgess Park.
14. It is located within Elephant and Castle Opportunity Area and Elephant and Castle Area Vision. As part of the regeneration programme of the Opportunity Area, the park was approved by the Cabinet in 2004 among the 'Elephant and Castle Open Spaces' to be regenerated and enhanced in terms of infrastructure and linkage with other green spaces. This has resulted in the current proposal.
15. In all, the site is subject to the following designations:

- Elephant and Castle Opportunity Area
- Elephant and Castle Area Vision
- Central Activity Zone
- Borough Open Land
- Site of Importance for Nature Conservation
- Flood Zone 3
- Yates Estate and Victory Conservation Area
- Air Quality Management Area

### **Details of proposal**

16. Planning consent is sought for the regeneration of Victory Community Park (adjacent to grade II listed building Elephant House) to include the relocation and in-filling of the MUGA, creation of a new leisure area, improvement and expansion of the existing playground, soft and hard landscaping and improved entrance access to align with the future raised table crossing point leading to Elephant Park to the west.
17. It is noted that the majority of the proposal falls within the remit of permitted development by local authorities and benefits from a fallback position pursuant to Class A, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended). These elements include reconfiguration of pedestrian routes, re-landscaping and re-provision of play areas which either meet the definition of equipment on land not exceeding 4m in height (Aa) or infrastructure required in connection with the operation of the park (Ab) as set out in the legislation.
18. The elements of filling-in of the MUGA (engineering over and under land) and boundary fencing higher than 1m next to a highway are considered to fall outside of the scope for permitted development and require planning permission.
19. In the interests of clarity and cohesiveness for the proposal, all elements will be reviewed in the subsequent parts of the report.

Figure 2: Proposed plan



## Project background

20. The proposal has been informed and influenced by the following preliminary research and equality review.

### Park Survey

21. Observation surveys were conducted over a period of three weeks in August-September 2019 to understand the profile of visitor and patterns of use in the park, leading to the following findings:
- Underused in comparison to other similar parks in the borough by the measure of number of visits
  - Over half of the visits to the park were as a route straight through to a further destination, showing the importance of the park as a green link in a wider pedestrian and cycling network
  - Potential of restoring connectivity between the west and east of the park currently lost from the closed/demolished pedestrian bridge to the south of the sunken MUGA.

## **Equalities Impact Assessment**

22. An equalities impact assessment was conducted pursuant to the Public Sector Equality Act to review the equality implications of various options during the design stage. The key conclusions included:
- Concept design 3 (final proposal) provides level access throughout the park and fills in the sunken ball court to the ground level, which is supported for the benefit of accessibility to all and preferred to a long and convoluted ramp or no wheelchair access (as shown in an alternative design option) accessing the sunken ball court
  - Regard should be had to accessibility for wheelchair users and those with mobility disabilities and visual impairments when designing path width, play and sports area, seating and picnic area.

### **Public consultation undertaken by the applicant: Pre-planning stage (13 January 2020 – 27 September 2021)**

23. Before the submission of full planning application on 8 Jul 2022, two public consultations were undertaken to inform and evolve the design options:
- First consultation in Jan-Feb 2020 to solicit views on the design and direction of the project via an online survey and two public drop-in sessions;
  - Second consultation in Sep-Oct 2020 to seek feedback on three design options via an online survey and a public online consultation meeting

Due to constraints to consulting during the COVID period, an additional consultation took place in Aug-Sep 2021 for the public to feedback on the adopted design option through a public drop-in meeting at the park, an online survey and a paper survey available upon request.

### **Consultation responses from members of the public and local groups**

24. The proposed development falls within the definition of ‘minor development’ in the adopted Statement of Community Involvement (2008), as the site area is 0.5 hectare, does not propose any residential dwellings nor any building that contains floorspace (i.e. area of the floor of a building). In accordance with the consultation requirement applying to minor development, site notices have been displayed near park entrances and at lampposts identified surrounding the site. In addition to the above requirement, additional notification by way of letter was made to 39 addresses including Victory Primary School.
25. A total of 27 representations have been received from the members of the public, 23 of which are objections and 3 are in support of the proposal. These representations include a questionnaire conducted by Friends of Victory Park to 15 addresses on Munton Road and Balfour Street. The representations are summarised as follows:

## 26. Objections (23)

- Poor consultation during design conceptualisation and planning process
- Design and layout:
  - Rearrangement of entrances involves removal of mature trees, which are natural habitats for wildlife species as recognised by SINC designation
  - Removal of Muntun Road entrance leading to Elba Place impedes pedestrian movement to Victory Place especially for schoolchildren and parents going to Victory Primary School
  - New Balfour Street/Muntun Road entrance raises highway safety concerns
  - Lower fencing, together with the in-filling of the MUGA, encourages unauthorised access and anti-social behaviour at night
  - Raising up the level of the MUGA is incompatible with activities of the adjacent lawn area
  - Proposed spikey bush along fencing presents danger to users
  - The loss of x1 football goal post and an informal skateboarding facilities for the local young community, especially from the BAME background, resulting from the filling in and reconfiguration of the MUGA
  - The in-fill of the MUGA is contrary to the Council's climate emergency strategy by unnecessarily increasing the carbon footprint
  - Compromise park users' safety by streamlining the paths through the park
  - Impacts on the character of the Conservation Area
  - Local needs are ignored by serving as a borough wide sports facility

Officer response: Statutory consultation for planning requirements was undertaken in compliance with policy as explained above. The other comments will be addressed in the assessment section of this report.

## Support (3)

- The infilling of the MUGA improves safety and reduces anti-social behaviour
- Preserve the character and appearance of the Conservation Area and the setting of Elephant House
- Better connection from Elephant and Castle through Elephant Park and Victory Park
- Essential characteristics of the park as a public area of open space remain unchanged
- Derelict pedestrian bridge will be restored for accessibility
- Proposed fencing height is appropriate as seen in other parks across the Borough

Officer response: noted.



*Applicant's response to the comments made over planning period*

27. In response to representations received from this application, the applicant clarified that changes have been made in the final design to address responses from earlier pre-planning consultations. There are certain elements, nonetheless, that remain divergent from the above comments due to divided public opinions, technical considerations and constraints. These will be set out in the following sections of the report.
28. However, having acknowledged the comments received during the planning process, the applicant agreed to incorporate further amendments below:
- the new MUGA will have football goal posts and basketball hoops on both ends, with possibility being explored of a third basketball hoop on the half way line facing the school;
  - Rodney Place entrance will be kept in approximately the same location, meaning that two trees originally proposed for removal will no longer need to be felled;
  - An entrance will be added to Munton Road near Rodney Place as the route through to Victory Primary School

These amendments and the whole design proposal was explained on a park visit with Friends of Victory Park on 9 November 2022 (minutes made by the group is available on the public register).

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

29. The main issues to be considered in respect of this application are:
- Principle of proposed development in terms of land use
  - Design and layout, impact on heritage assets
  - Trees and landscaping
  - Ecology
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area
  - Transport
  - Flood risk
  - Fire safety
  - Mayoral and borough community infrastructure levy (CIL)
  - Community involvement and engagement
  - Community impact and equalities assessment
  - Consultation responses from external and statutory consultees
  - Human rights
  - Positive and proactive statement

These matters are discussed in detail in the 'Assessment' section of this report.

## **Legal context**

30. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
31. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections and in the overall assessment at the end of the report.

## **Planning policy**

32. The statutory development plan for the Borough comprises the London Plan 2021 and The Southwark Plan (2022). The National Planning Policy Framework (2021) constitutes material considerations but is not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## **ASSESSMENT**

### **Principle of the proposed development in terms of land use**

33. The proposal would not involve change of use, but to maintain the existing uses for recreation and outdoor sport by way of upgrading and relocating the existing facilities.

#### *Development on Borough Open Land*

34. Policy: P57 of Southwark Plan 2022 states that development will not be permitted on Borough Open Land, unless:
  - i. It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL (or BOL) must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL (or BOL) and do not conflict with its MOL (or BOL) function; or

- ii. It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or
  - iii. It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.
35. The proposed development seeks to improve the accessibility for all by filling in the sunken MUGA and relocating the new equivalent to the east, whereas the close/demolished pedestrian bridge would be turned into part of the new MUGA and tree planting area. As informed by the equalities impact assessment, the proposal would result in a new MUGA at ground level, providing level access for all users that is not possible under the current spatial layout. The proposed reconfiguration of the entrances is also part of the drive to improve connectivity and accessibility along the East Walworth Green Link in junction with the future raised table-crossing point linking Elephant Park to the west.
36. The proposal would see upgrade and relocation of the existing facilities, which would not be too dissimilar to what is already in existence regarding recreational uses and the open character.
37. The pedestrian bridge, sitting above the sunken MUGA that used to provide the pedestrian route throughout the park, had been closed for a number of years, due to structural issues identified, before it was demolished in August 2022. It is currently being hoarded as shown in the photograph (figure 3) below. Owing to the in-filling of the MUGA providing level access, a replacement pedestrian bridge would no longer been necessary and the footprint accordingly would be reused as part of the new MUGA and tree planting. By way of removing the hoarding and bringing this area into active use, the proposal would mark significant improvement to the green and open character of the public park.

Therefore it satisfies Criterion i).

Figure 3: existing pedestrian bridge (right) demolished due to structural issues since August 2022



38. As no additional buildings are proposed as a result of this development, Criteria ii) and iii) are not relevant.

### **Green Link and Vision Area of Elephant and Castle Opportunity Area**

39. Policy P51: Walking of Southwark Plan requires development to enhance strategic walking and cycling networks such as Green links across the borough. This proposal would contribute to the pedestrian connections within East Walworth's Green Links, meeting the objectives of both P51 and the Council's Elephant and Castle Open Spaces Programme.
40. For the above considerations, the proposed development is acceptable in principle subject to the other policy considerations explained below.

### **Environmental impact assessment (EIA)**

41. The proposed development does not meet or exceed any of the thresholds set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and as such an EIA is not required in this instance.

### **Design and layout, impact on heritage assets**

#### **Impact on the character of conservation area and setting of listed buildings**

42. Para 195 of National Planning Policy Framework (NPPF) requires that *'local planning authorities should identify and assess the particular significance of any*

*heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.*

43. The application site is located within Yates and Victory Conservation Area and in proximity to listed buildings such as Grade II listed Elephant House at 4 Victory Place. Notable positive contributors to the character of the conservation area include:
- Nos. 67 – 83 Balfour Street
  - No. 5a Elba Place
  - Victory Primary School
44. The application site is recognised in the Conservation Area Appraisal as a contemporary open space in the 20<sup>th</sup> century, together with the mature trees, that provide a green, open setting for the conservation area and offer a pleasing contrast with the densely packed residential streets. As already explained, the alterations to the park would be similar to the existing in terms of the character and nature of openness.
45. The design and conservation officer has been consulted on the proposed park regeneration raises no objection to the application and does not consider the proposal to impose any adverse impacts on the heritage assets.

### **Equality and safety issues of design and layout**

46. Whilst the proposed development is not considered to have any adverse impacts design and heritage grounds, concerns have been raised by members of the public regarding the equality and safety aspects of the proposed design and layout. These have been set out as follows:

#### Changes to the MUGA

47. Public concerns have been raised over the loss of the informal skateboarding use derived from the sunken MUGA for young people, especially from the BAME background as a result of filling-in. Officers are aware that whilst the proposal would result in the loss of an informal skateboarding facility, it would deliver positive benefits including the overall improved accessibility of the MUGA and strengthened connectivity with the Green Link, providing easier access to a new skate bowl currently being proposed in Burgess Park (part of the Link).
48. Comments from members of the public refer to the loss of space for the local community as the proposed design is positioned to serve as a borough-wide facility with the number of football goal posts being reduced to one in order to provide basketball hoops. The applicant has confirmed that the refurbished park would remain open to all users without exclusively being used by any interest groups. The new MUGA will provide the same function as the existing sport

facilities, whereby the final design consists of dual football goal posts and basketball hoops on either end. The applicant confirms possibility is being explored of a third basketball hoop being installed in situ and markings for netball activities. In addition, expansion of the play area would see x2 new table tennis tables. These provisions would be additional to the existing sport facility.

### Fencing

49. The perimeter fencing of the park is proposed to be reduced from the current height of 2m to 1.4m. There were comments supporting and objecting to the alteration to the fencing height during both the pre-planning and planning consultation processes. Safety concerns have been raised over the lower height such as balls flying to the road from the raised ground level MUGA and unauthorised access at night resulting in anti-social behaviour. On the other hand, some express support for the proposed height or no fencing referencing Dickens Field, which is believed to provide an open setting for passive surveillance from the surrounding residential properties and reduce incidence of anti-social behaviour.
50. The applicant explained that the current high fencing does not effectively promote safety as there have been incidences of authorised access at night with the current height. As such, the proposed height reduction is to create a more welcoming and open feel to the park with natural surveillance, whilst mitigating the risk of balls flying outside of the park. At the design stage, the proposed height has been reviewed and supported by Designing Out Crime Officer of Metropolitan Police Service. It is also of note that in addition to the lower fencing, other safety measures are proposed, as endorsed by the Officer's advice, such as introduction of defensive planting (i.e. spikey hedges) behind the fencing to provide further protection.

### Entrances

51. Public objections have been received to the removal of the West Munton Road entrance that has been widely used as a route to Victory Primary School, affecting particularly schoolchildren and parents.

The consolidation of the two entrances to the south-east from Balfour Street and Victory Place with one at the road corner has also been objected on the grounds of user safety because the junction is adjacent to cycle route and heavy trafficked road.

Another objection refers to the relocation to the west-south of the entrance off Rodney Place, resulting in loss of x2 category C trees. This will be discussed in the chapter relating to trees.

52. The applicant explained the new south-east entrance would not have significant road safety issues as it would be set well back from the highway with sufficient street width.

In response to the consultation comments, it is agreed by the applicant that the following entrances have been revised in response to minor repositioning of pedestrian crossing on Rodney Place leading to Elephant Park:

- A replacement West Munton Road entrance is proposed to reinstate the route to Victory Primary School;
- Maintain the entrance off Rodney Place at its original location

Accordingly, the arrangement of entrances in the new proposal would be largely similar to the existing in terms of location and pedestrian desire lines, without significant impacts on the pedestrian and highway safety.

## **Trees**

53. Policy G7 of the London Plan 'Trees and woodlands' states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy P61 of the Southwark Plan states that development must retain and protect significant existing trees. It states that development must retain and enhance the borough's trees and canopy cover.
54. An arboricultural impact assessment was submitted on 4 February 2022, setting out the removal of 17 young trees and 3 semi-mature category 'C' trees which will all be replaced with trees of similar girth. As explained in para 51, the new entrance off Rodney Place would be maintained at the existing location, therefore the planned removal of two C3 trees (T38 and T41) is no longer required. In conclusion, the proposal would result in the removal of 17 young trees and 1 semi-mature category 'C' tree (T61).
55. Urban Forestry and Council's Street Arboricultural Teams were consulted on this application, both considering the retention of mature trees and tree works associated with the proposed refurbishment to be compliant with Policy P61. This aspect is acceptable in principle subject to appropriately worded conditions.

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

56. Policy P56 of the Southwark Plan states that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations which will be taken into account include privacy and outlook, overlooking, smell, noise, vibration, daylight, sunlight and wind microclimate impacts. The adopted Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.
57. The proposal does not involve the erection of any new buildings on the site. The proposed refurbishment and replacement of facilities would not be too dissimilar to what is already established on site, therefore it is not foreseen to add greater

amenity harm to the surrounding residents by reason of noise disturbance and overlooking.

58. The applicant confirmed the proposal would not propose any lighting as the existing given the park would be locked at night in response to public consultation. As a result, it is not predicted to raise any amenity concerns over light disturbance.

## **Ecology**

59. The park is a Site of Importance for Nature Conservation (SINC) as 'Victory Park and Elba Place Nature Garden', featuring herb and species-rich neutral grassland as outlined in SINC Review and Borough Ecological Survey 2014-2015.
60. Policy G6 of the London Plan 'Biodiversity and access to nature' states that SINC's should be protected. Where harm to a SINC is unavoidable and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the policy sets out a mitigation hierarchy which must be followed. The policy states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
61. At borough level policy P60 of the Southwark Plan 'Biodiversity' states that development must contribute to net gains in biodiversity including through enhancing the nature conservation value of SINC's, protecting and avoiding damage to SINC's, protected species and habitats, and including features such as green and brown roofs, green walls and soft landscaping.
62. A preliminary ecological appraisal dated Nov 2021 was submitted to establish the ecological value of the application and set out proposed protection measures for sensitive ecological receptors and enhancement recommendations to deliver measurable biodiversity gains. The Council's Ecology Team has been consulted and agrees the overall scheme provides biodiversity net gain with a number of ecological features such as native hedging and wildflower turf. This element is acceptable subject to a planning condition requiring the recommended measures will be implemented prior to the new development being first brought into use.

## **Transport**

63. The proposed development would not be dissimilar to the existing in terms of use and activities. Additionally, the proposed refurbishment seeks to improve the pedestrian and cycling network of East Walworth's Green Link. As such, it is not foreseen to generate significant change or pressure to the existing highway network.



## **Flood risk**

64. Whilst the site is located in Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding, it is categorised as 'water-compatible development' for its amenity open space with no change of use proposed from the existing.
65. The applicant has submitted a Flood Risk Assessment, indicating the area has a low flood risk from fluvial sources due to the presence of the flood defences, alongside the low flood risk from sewers, groundwater and surface water.
66. Additionally, a surface water strategy has been developed based on the SuDS principles that attenuate surface water runoff from the proposed raised MUGA pitch in engineered open graded sub-base for a controlled release of the runoff at 1.7 l/s for all events up to and including 1:100 + 40% climate change. All remaining new surfaces on site are to be of self-draining permeable construction. In conclusion, the proposal is acceptable in terms of flood risk management.

## **Sustainable development implications**

67. Members of the public raised an objection that the in-filling of the sunken ball court would produce carbon footprint and counter the objectives of the Council's climate emergency strategy. Whilst this is agreed that the proposal involves resources implications, this element is not seen in isolation but has to be balanced with multiple environmental benefits derived from the proposal including the promotion of sustainable travel through improvement of the Green Link, net biodiversity gains and sustainable water resources management through SuDs principles. On balance, the proposal is considered to deliver substantial environmental merits.

## **Fire safety**

68. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A). In reviewing whether the proposal demonstrates compliance with the relevant criteria, the council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.
69. A reasonable exception statement has been submitted to confirm the policy criteria is not applicable to the proposal as it does not involve any building but an assembly point for the surrounding properties. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development.

## Mayoral and borough community infrastructure levy (CIL)

70. The proposed development is not CIL liability as it does not involve any uplift in Gross Internal Area.

## Community involvement and engagement Consultation responses from external and statutory consultees

### Ecology

71. The ecology survey is good and no further survey is required. The submitted assessment makes a number of recommendations which should be adopted and secured by condition.

The overall scheme provides biodiversity net gain with a number of ecological features such as native hedging and wildflower turf.

**Response** – Noted and agreed, the relevant conditions would be attached to any consent issued.

### Council's Arboricultural Team

- 72.
- Recommended to condition a detailed Arboricultural method statement with site supervision for the duration of the build
  - G54 is a group of birches planted as part of the Heygate legacy so like-for-like replacement sizes should be conditioned;
  - Recommended to condition a planting schedule, maintenance plan and details of proposed surfacing material where there is significant incursion into the root protection areas of the trees identified in 6.4 of the Arboricultural Impact Assessment.

**Response** – Noted and agreed, the relevant conditions would be attached to any consent issued.

### Urban Forestry

- 73.
- The proposed removal of trees and replacement as stated in the arboricultural impact assessment is compliant with Policy P61;
  - The overall design includes remodelled games, play space and nature areas that retain mature trees such that there is no harm to amenity;
  - The new entrance improves accessibility taking into consideration the new crossing point from Elephant Park.
  - Recommended to condition tree protection measures and landscape details of the planting schedule and maintenance.

**Response** – Noted and agreed.

### Design and Conservation

74. No objection.

**Response** – Noted.

### Flood Risk Management and Urban Drainage

75. No comment has been received at the time of writing this report.

### **Community impact and equalities assessment**

76. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
77. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
78. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
  3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
79. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

80. 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.

81. This application has the legitimate aim of providing new homes and improved employment space. 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.

### **Positive and proactive statement**

82. 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.
83. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

84. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	YES
If the pre-application service was used for this application, was the advice given followed?	YES
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	YES

### **CONCLUSION**

85. The application involves the regeneration of Victory Community Park in the context of enhancing the existing green spaces in Elephant and Castle Regeneration Area, strengthening connection with East Walworth's Green Link and improving the accessibility to the park by users of different needs in accordance with the Council's public sector equality duty.
86. The proposal includes the relocation of the MUGA, creation of a new leisure area, improvement and expansion of the existing playground, soft and hard landscaping and improved entrance access to align with the future raised table crossing point leading to Elephant Park to the west.

87. The proposed development would not detract from the openness and the character of the existing open space, nor would it cause adverse harm on the significance of Yates Estate and Victory Conservation Area and the surrounding listed buildings.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
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 0254 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Winnie Wing Lam Tse, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	1 March 2023	
<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, Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
<b>Date final report sent to Constitutional Team</b>		1 March 2022

**APPENDIX 1****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.

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<b>Applicant</b>	Mr Joe Todd Turkington Martin	<b>Reg. Number</b>	22/AP/2455
<b>Application Type</b>	Minor application		
<b>Recommendation</b>		<b>Case Number</b>	1100-C

**Draft of Decision Notice****For the following development:**

The regeneration of Victory Community Park (adjacent to grade II listed building Elephant House) to include the redevelopment of ball court, creation of a new leisure area, improvement and expansion of the existing playground, soft and hard landscaping and improved entrance access to align with the future raised table crossing point leading to Elephant Park to the west.

Victory Community Park Munton Road London Southwark

**In accordance with application received on 8 July 2022 and Applicant's Drawing Nos.:**

Existing Plans

Proposed Plans

LANDSCAPE SECTIONS TM-458-LS-101 - landscape sections received 08/07/2022

LANDSCAPE SECTIONS TM-458-LS-102 - landscape sections received 08/07/2022

ILLUSTRATIVE GA TM-458-LA101 - illustrative GA REV A received 15/11/2022

Other Documents

PART 1 - DESIGN AND ACCESS STATEMENT - MARCH 2022 TM458-R03 - Design and Access Statement Part 1 received 08/07/2022

PART 2 - DESIGN AND ACCESS STATEMENT - MARCH 2022 TM458-R03 - Design and access statement Part 2 received 08/07/2022

TREE REMOVAL AND PROTECTION PLAN 171464/RT/TRRP - tree removal and protection plan received 08/07/2022

ARBORICULTURAL IMPACT ASSESSMENT 171464/RT/AIA - arboricultural impact assessment received 08/07/2022

PRELIMINARY ECOLOGICAL APPRAISAL – NOV 2021 JCH01757 - heritage statement received 08/07/2022

SURFACE WATER DRAINAGE STRATEGY A8039-1500 - surface water drainage strategy REV P01 received 08/07/2022

PART 1 - FLOOD RISK ASSESSMENT A8039 - flood risk assesment Part 1 received 08/07/2022

PART 2 - FLOOD RISK ASSESSMENT A8039 - flood risk assesment Part 2 received 08/07/2022

PART 3 - FLOOD RISK ASSESSMENT A8039 - flood risk assesment Part 3 received 08/07/2022

PART 4 - FLOOD RISK ASSESSMENT A8039 - flood risk assesment Part 4 received 08/07/2022

PART 5 - FLOOD RISK ASSESSMENT A8039 - flood risk assesment Part 5 received 08/07/2022

PART 6 - FLOOD RISK ASSESSMENT A8039 - flood risk assesment Part 6 received 08/07/2022

VICTORY COMMUNITY PARK PROJECT JANUARY 2020 CONSULTATION REPORT  
VICTORY COMMUNITY PARK PROJECT JANUARY 2020 CONSULTATION REPORT  
received 08/07/2022

APPENDIX 2; TABLE OF ALL COMMENTS RETURNED TO THE CONSULTATION  
VICTORY COMMUNITY PARK PROJECT SEPT/OCT 2020 2ND CONSULTATION SURVEY  
RESULT received 08/07/2022

HERITAGE STATEMENT Victory Community Park Project Aug/Sep 2021 Final Design  
Consultation Survey Report received 02/09/2022

EQUALITIES IMPACT ASSESSMENT & ACCESS DESIGN APPRAISAL (FEB 2021)  
2021J347 - EQUALITIES IMPACT ASSESSMENT & ACCESS DESIGN APPRAISAL (FEB  
2021) received 10/11/2022

CABINET REPORT 2014 GIVING APPROVAL FOR E&C OPEN SPACE IMPROVEMENT  
PROGRAMME CABINET REPORT 2014 GIVING APPROVAL FOR E&C OPEN SPACE  
IMPROVEMENT PROGRAMME received 10/11/2022

APPLICANTS RESPONSE TO PUBLIC COMMENTS 11 NOV 2022 APPLICANTS  
RESPONSE TO PUBLIC COMMENTS 11 NOV 2022 received 15/11/2022



VICTORY COMMUNITY PARK VISITOR OBSERVATION SURVEYS 24 SEP 2019 MINUTES WITH FRIENDS OF FRIENDS OF VICTORY PARK DATED 9 NOV 2022 received 16/12/2022

MINUTES WITH FRIENDS OF FRIENDS OF VICTORY PARK DATED 9 NOV 2022 VICTORY COMMUNITY PARK VISITOR OBSERVATION SURVEYS 24 SEP 2019 received 05/01/2023

METROPOLITAN POLICE ON VICTORY PARK CRIME PREVENTION ADVICE Appendix 2: Table of all comments returned to the consultation received 06/02/2023

VICTORY COMMUNITY PARK PROJECT SEPTEMBER/OCTOBER 2020 2ND CONSULTATION SURVEY RE PRELIMINARY ECOLOGICAL APPRAISAL (NOV 2021) received 08/07/2022

VICTORY COMMUNITY PARK PROJECT AUGUST/SEPTEMBER 2021 FINAL DESIGN CONSULTATION S METROPOLITAN POLICE ON VICTORY PARK CRIME PREVENTION ADVICE received 08/07/2022

### **Time limit for implementing this permission and the approved plans**

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.

### **Permission is subject to the following Pre-Commencements Condition(s)**

3. Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.) 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 2021 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Southwark Plan 2022: P56 Protection of amenity; P57: Open space; P58: Open water space; P59: Green infrastructure, P66 Reducing noise pollution and enhancing soundscapes, P13: Design of places; P14: Design quality; P15: Residential design, P20: Conservation areas; P21: Conservation of the historic environment and natural heritage and P60 Biodiversity.

4. The following measures for the mitigation of impact and enhancement of biodiversity, set out in the ecological report recommendations, will be implemented in full prior to the new development being first brought into use, or in accordance with the timetable detailed in the approved scheme.

Items that could be included:

- Provision of additional tree planting;
- Any low level structures (e.g. bin or cycle stores) should have living roofs installed;
- Use of herbaceous perennial, shrub and tree species that are of value to wildlife but resilient to climate change risk;
- Creation of a dark corridor for bats;
- Green walls, taking the form of trellis systems with climbing plants such as ivy, honeysuckle, star jasmine and hops;
- Wildlife friendly landscaping, incorporating native tree, shrub and hedgerow planting as well as planting of herbaceous species of known biodiversity value;
- Provision of wildflower meadow areas to replace low species diversity amenity lawn;
- Any amenity areas to take the form of species rich amenity lawn;
- Bird boxes hung from trees targeted a range of species;
- Bat boxes, targeting crevice dwelling species, hung from mature trees; and
- Invertebrate habitat features in the form of bee bricks, bee posts, invertebrate hotels and buried log piles for stag beetles. These should be incorporated into the design of

the park located close to shrub and herbaceous planting in sunny locations for the bee habitats and under semi-shade for the stag beetle loggeries.

Reasons:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: G1, G5, G6, and SI 13 of the London Plan 2021, Policy P59 and P60 of the Southwark Plan 2022.

**Permission is subject to the following Grade Condition(s)**

5. HARD AND SOFT LANDSCAPING

Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, available rooting space, tree pits, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

**Permission is subject to the following Compliance Condition(s)**

6. MATERIALS TO BE AS SPECIFIED

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

**Permission is subject to the following Special Condition(s)**

7. Arboricultural Site Supervision Part 1: All Arboricultural Supervisory elements to be undertaken in accordance with the approved Arboricultural Method Statement for this site, as evidenced through signed sheets and photographs. Part 2: The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority within 28 days of completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by the retained or pre-appointed tree specialist.

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 2021 Parts, 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021); Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan (2021); Policy P13 (Design of Places), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

## RELEVANT PLANNING POLICY

### National Planning Policy Framework (2021)

The revised National Planning Policy Framework ('NPPF') was published in July 2021 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

### The London Plan (2021)

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London.

The relevant chapters from the Plan are:

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D12 Fire safety
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth
- Policy G4 Open Space
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy S4 Play and informal recreation
- Policy S5 Sports and recreation facilities
- Policy S11 Improving air quality
- Policy S12 Flood risk management
- Policy S13 Sustainable drainage
- Policy T2 Healthy Streets

- Policy T4 Assessing and mitigating transport impacts

### **Southwark Plan 2022**

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- P13 Design of places
- P14 Design quality
- P18 Efficient use of land
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P45 Healthy developments
- P46 Leisure, arts and culture
- P47 Community uses
- P50 Highway impacts
- P51 Walking
- P56 Protection of amenity
- P57 Open space
- P69 Green infrastructure
- P60 Biodiversity
- P61 Trees
- P66 Reducing noise pollution and enhancing soundscapes
- P68 Reducing flood risk

## APPENDIX 3

## PLANNING HISTORY OF THE SITE

Reference and Proposal	Status
<p><b>06/CO/0128</b></p> <p>Landscape improvement works to existing park including new paths, boardwalk, mural, removal of old furniture and replace with new, felling trees, lifting tree canopies, shrub thinning and pruning, new planting and replacing boundary railings</p>	<p>GRANTED- 11 Jan 2007</p>
<p><b>07/AP/0371</b></p> <p>Details of tree protection and an arboricultural method statements in compliance with conditions (4) and (5) of planning permission dated 11/01/07 application Registration No 06-CO-0128 for landscape improvement works to existing park including new paths, boardwalk, mural, removal of old furniture and replace with new, felling trees, lifting tree canopies, shrub thinning and pruning, new planting and replacing boundary railings</p>	<p>Invalid application closed 23 Aug 2008</p>
<p><b>09/CO/0026</b></p> <p>Metal fencing fixed to top of northern boundary wall to Elba Place Nature Gardens.</p>	<p>GRANTED – 27 Apr 2009</p>

**APPENDIX 4****CONSULTATION UNDERTAKEN****Site notice date:** 16/09/2022**Press notice date:** 08/09/2022**Case officer site visit date:** 16/09/2022**Neighbour consultation letters sent:** 16/09/2022**Internal services consulted**

Ecology

Flood Risk Management &amp; Urban Drainage

Design and Conservation Team [Surgery]

Urban Forester

**Statutory and non-statutory organisations****Neighbour and local groups consulted:**

First Floor Flat 4 Victory Place London

Flat 4 5 Elba Place London

Flat 1 5 Elba Place London

Flat 6 5 Elba Place London

Ground Floor Flat 4 Victory Place  
London

Flat 5 5 Elba Place London

Flat 3 5 Elba Place London

Second Floor Flat 4 Victory Place  
London

Flat 2 5 Elba Place London

Victory Primary School Elba Place  
London

School House Victory Place London

Flat 7 5 Elba Place London

**Re-consultation:**



## CONSULTATION RESPONSES RECEIVED INTERNAL SERVICES

Ecology

Design and Conservation Team [Surgery]

Urban Forester

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

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

Flat E 85 Balfour Street London  
 Flt 2 79 Balfour Street Walworth  
 London  
 85C Balfour Street London SE17 1PB  
 2 Edison House New Kent Road  
 London  
 Flat 1 81 Balfour St London SE17 1PL  
 801 Rutherford Heights Trafalgar  
 Place London  
 28 Sutherland Square London SE17  
 3EQ  
 2 Edison House New Kent Road  
 London  
 46 Henshaw Street, Walworth, London  
 81a Balfour Street London SE17 1PL  
 Resident of Balfour Street  
 108 Brandon street LONDON  
 29 John Maurice Close London Se17  
 1pz  
 38 peacock street Pullens buildings  
 London

Flat 2, 81 Balfour Street London  
 Rosa Parks House 7 Munton Road  
 Flat 2 London  
 6 Baytree Mews London SE17 1PU  
 Flat 19, Edison House, New Kent  
 Road London  
 Flat 2 81 Balfour Street London SE17  
 1PL  
 69c Balfour Street London Se17 1pl  
 Flat 2 77 Balfour Street London SE17  
 1PL  
 8 Morant Court 5 Munton Road  
 London  
 Flat 1 Rosa Park House 7munton  
 Road London SE17 1PR  
 83A Balfour Street London SE17 1PL  
 Flat G, Sandringham Buildings 85  
 Balfour, Balfour Street, Balfour Street,  
 Balfour Street Balfour Street LONDON  
 8 Morant Court 5 Munton Road  
 London  
 87 Balforu street london se17 1pb

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Councillor John Batteson	1		
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