

Item No. 6.1	Classification: OPEN	Date: 12 April 2012	Meeting Name: Walworth Community Council
Report title:	Development Management planning application: Council's own development Application 11-AP-3960 for: Council's Own Development - Reg. 3 Address: BALL COURT, BRONTI CLOSE, LONDON SE17 2HD Proposal: Re-surfacing of existing playground surface, installation of new perimeter fencing to a height of 2.8 metres and installation of two recessed goal and basketball hoops.		
Ward(s) or groups affected:	Faraday		
From:	Head of Development Management		
Application Start Date 17 January 2012		Application Expiry Date 13 March 2012	

RECOMMENDATION

- 1 Grant Planning Permission.

BACKGROUND INFORMATION

Site location and description

- 2 Bronti Close ball court is located to the south of East Street market. Rear of properties facing both East Street and Walworth Road face onto the ball court, and the south and east perimeters of the court are overlooked by residential blocks, Ringsfield House and James Stroud House (6 and 5 storeys respectively).
- 3 The ball court is enclosed by a low wall of 0.9m in height, with a chain link fence on top which brings the total height to 2.7m. The court is accessed from its south eastern corner and the eastern elevation is flanked by the rear walls of garages relating to Ringsfield House.
- 4 The ball court is not currently in a good condition and appears underused and ill-maintained with weeds growing through the tarmac and parts of the chain link fence are broken.
- 5 The site is located within an Air Quality Management Area, Urban Density Zone and an Action Area. The Liverpool Grove Conservation Area boundary lies to the south east of the site, to the east of James Stroud House.

Details of proposal

- 6 The ball court would be re-surfaced with tarmac, the perimeter wall removed and replaced with a pre-cast concrete kerb with Zaun rebound fencing to a height of 2.8m.

- 7 Two new 'Zaun' specification recessed goal and basketball hoop combination facilities would be installed at either end of the court, sports macadam would be laid to existing falls with markings for five a side and basket ball.
- 8 The entrance would be upgraded, by demolishing the existing wall and installing new metal railings to match existing.

Planning history

- 9 None for the ball court site.

Planning history of adjoining sites

- 10 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11 The main issues to be considered in respect of this application are:
 - a) The impact of the proposal on the appearance of the site within its context.
 - b) The impact of the alterations on the amenity of the surrounding residents and users of the area.

Planning policy

Core Strategy 2011

- 12 Strategic Policy 4 – Places to learn and enjoy
Strategic Policy 12 – Design and conservation
Strategic Policy 13 – High environmental standards
Strategic Policy 11 – Open spaces and wildlife

Southwark Plan 2007 (July) - saved policies

- 13 3.1 Environmental Effects
3.2 Protection of Amenity
3.12 Quality in Design
3.14 Designing out crime
3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites
3.28 Biodiversity

London Plan 2011

- 14 Policy 3.6 Children and young people's play and informal recreation facilities

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 15 Draft National Planning Policy Framework (NPPF)
The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan

positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.

The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

- 16 Ministerial Statement Planning for Growth

Principle of development

- 17 The proposed alterations would retain the use as an outdoor sports facility within use class D2 (assembly and leisure). As such land use policies are complied with.

Environmental impact assessment

- 18 None required due to the nature and size of the scheme which does not fall within Schedule 1 and is below the relevant thresholds for Schedule 2 development, being less than 0.5ha in area and as it is not within a sensitive area and would not generate significant environmental impacts in this urbanised location.

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

- 19 The type of fencing proposed (Zaun) incorporates noise reducing features, and is a common material used for refurbishing games areas. The wire mesh would still allow views into and out of the court, so safety is maintained. It also offers more resistance to weathering and vandalism than typical chain link or solid fencing.
- 20 The height of the proposed fencing would remain the same as the existing fencing, and would retain the same open design as existing, and there is therefore no planning reason to object to this matter. It is not considered necessary to require the applicant to increase the height of the fence to 5m, as requested in the objection to this scheme, as this would be likely to appear over-dominant in terms of appearance in a residential area. Given that the fencing height would remain as existing, the scheme would not result in any change to the likelihood of balls being thrown at the neighbouring flats compared with the existing situation. The installation of the 'Zaun' specification fencing may improve the situation as this type of fencing is more robust and has better rebound qualities than the existing boundary treatment.
- 21 The proposal is in accordance with saved policy 3.2 Protection of Amenity of the Southwark Plan 2007 and SP13 High Environmental Standards of the Core Strategy 2012.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 22 None.

Traffic issues

- 23 None.

Design issues and impact on setting of conservation area

- 24 Officers consider the removal is considered that the proposed scheme would improve the appearance of the neighbourhood as the existing ball court and boundary treatments are in a poor condition currently which harms the appearance of the streetscene. The conservation area boundary is at sufficient distance that the character and appearance of the conservation area would not be harmed as a result of the proposal.
- 25 The proposal is therefore in accordance with saved policies 3.12 Quality in Design and 3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites of the Southwark Plan 2007 and SP12 Design and Conservation of the Core Strategy 2011.

Impact on trees

- 26 There are two trees located outside of the site's perimeter, on the southern edge of the site. The applicant has proposed details of tree protection measures, which includes a BS5837 protective fence during implementation works. These details should be secured by way of condition if consent is granted.

Conclusion on planning issues

- 27 The installation of the new fencing and surfacing is appropriate in terms of design and amenity, and the application is recommended for approval.

Community impact statement

- 28 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 31 One objection received raising concern about balls bouncing into resident's windows from the court.

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 improvements to an existing ball court. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 34 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/H1031 Application file: 11-AP-3960 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5405 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Susannah Pettit, Senior Planning Officer	
Version	Final	
Dated	23 March 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Director of Planning	Yes	Yes
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team	29 March 2012	

Consultation undertaken

- 1 **Site notice date:** 23/01/12
- 2 **Press notice date:** 26/01/12
- 3 **Case officer site visit date:** 23/01/12
- 4 **Neighbour consultation letters sent:** 23/01/12

5 **Internal services consulted:**

Parks and Sports
Design and Conservation Officer.

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

N/A

7 **Neighbours and local groups consulted:**

FLAT 16 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 17 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 15 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 13 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 14 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 20 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 21 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 2 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 18 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 19 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 8 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 9 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 7 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 5 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 6 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 11 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 12 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 10 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
60A DATE STREET LONDON SE17 2HQ
FLAT 1 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 22 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
281 WALWORTH ROAD LONDON SE17 2TG
301 WALWORTH ROAD LONDON SE17 2TG
22 EAST STREET LONDON SE17 2DN
289-291 WALWORTH ROAD LONDON SE17 2TG
297 WALWORTH ROAD LONDON SE17 2TG
FIRST FLOOR AND SECOND FLOOR 285 WALWORTH ROAD LONDON SE17 2TG
GOOD INTENT PUBLIC HOUSE 24-26 EAST STREET LONDON SE17 2DN
ABOVE 287 WALWORTH ROAD LONDON SE17 2TG
FLAT 4 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 5 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 3 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 23 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 24 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 9 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
285 WALWORTH ROAD LONDON SE17 2TG
FLAT 8 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 6 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 7 JAMES STROUD HOUSE NELSON ESTATE WALWORTH PLACE LONDON SE17 2TQ
FLAT 4 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
293 WALWORTH ROAD LONDON SE17 2TG

295 WALWORTH ROAD LONDON SE17 2TG
287 WALWORTH ROAD LONDON SE17 2TG
60 DATE STREET LONDON SE17 2HQ
283 WALWORTH ROAD LONDON SE17 2TG
14 BRONTI CLOSE LONDON SE17 2HD
16 BRONTI CLOSE LONDON SE17 2HD
305 WALWORTH ROAD LONDON SE17 2TG
299 WALWORTH ROAD LONDON SE17 2TG
303 WALWORTH ROAD LONDON SE17 2TG
LIVING ACCOMMODATION GOOD INTENT PUBLIC HOUSE 24-26 EAST STREET LONDON SE17 2DN
18 EAST STREET LONDON SE17 2DN
11 WALWORTH PLACE LONDON SE17 2TQ
28 EAST STREET LONDON SE17 2DN
30 EAST STREET LONDON SE17 2DN
20 EAST STREET LONDON SE17 2DN
14 EAST STREET LONDON SE17 2DN
16 EAST STREET LONDON SE17 2DN
24 BRONTI CLOSE LONDON SE17 2HD
FLAT 2 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 20 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 19 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 17 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 18 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 24 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 3 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 23 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 21 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 22 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 10 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 11 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 1 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
28 BRONTI CLOSE LONDON SE17 2HD
30 BRONTI CLOSE LONDON SE17 2HD
FLAT 15 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 16 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 14 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 12 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE
FLAT 13 RINGSFIELD HOUSE NELSON ESTATE EAST STREET LONDON SE17 2HE

Re-consultation:

8 N/A

Consultation responses received

Internal services

- 1 Parks and Sports: No comments received.
- 2 Design and Conservation: No objection.

Statutory and non-statutory organisations

- 3 N/A

Neighbours and local groups

- 4 7 James Stroud House: Objection.

I live directly in front of this court, and my windows doors and foliage are constantly hit by balls coming over the fence. The perimeter fence needs to be much higher or have a net over it to prevent damage to property and potential injury to people.

I support the improvement of the ball court but request that it does not get made bigger than it is now, or any closer to the flats. I also request a substantially higher fence, to about 5m in height.