

Item No. 7.4	Classification: Open	Date: 11 September 2012	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 12/AP/1635 for: Council's Own Development - Reg. 3 Address: PECKHAM RYE PARK, PECKHAM RYE SE15 Proposal: Relocation of existing Portacabin buildings comprising 3 changing units and 1 storage unit to permanent location within the maintenance yard in Peckham Rye Park.		
Ward(s) or groups affected:	Peckham Rye		
From:	Head of Development Management		
Application Start Date 21 May 2012		Application Expiry Date 16 July 2012	

RECOMMENDATION

- 1 Grant detailed planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The above application, is for Sub-Committee consideration as it affects Metropolitan Open Land (MOL).
- 3 The application site refers to the maintenance yard located a short distance from Strakers Road within Peckham Rye Park, adjacent to the Bowling Green and Ponds. The site is currently occupied by various sheds, waste disposal areas and temporary buildings associated with the ongoing maintenance of Peckham Rye Park and Peckham Rye Common. The entire site is surrounded by metal palisade fencing and a vehicular access is present to the west of the site onto one of the park pathways.
- 4 Peckham Rye Park, which is listed on English Heritage's Register of Parks and Gardens, is adjacent to Peckham Rye Common both of which are classified as Metropolitan Open Land.

Details of proposal

- 5 Planning consent is sought for the relocation of four portacabin-type buildings comprising three changing units and one storage unit from the car park adjacent to Cafe on the Rye on Strakers Road, to a permanent location within the southern section of the maintenance yard in Peckham Rye Park. The development includes the provision of a new gate in the southern boundary of the maintenance yard with a new path to link with the existing footpath in Peckham Rye Park.

- 6 On the inside of the gate a ramp will be provided to ensure a level access for mobility impaired in compliance with DDA requirements. Park officers will hold the keys to the site and portacabins which will remain locked when not in use. The portacabins are to serve the various sports groups that use Peckham Rye Common.

Planning history

- 7 08/CO/0019 - Installation of a 12.19m x 2.44m x 2.59m container to replace a 6.095m x 2.44m x 2.59m container.
Granted – 05/05/2008
- 8 07/CO/0081 - Installation of three storage containers of 12.19m x 2.44m x 2.59m converted for use as sports changing rooms and one container 6.095m x 2.44m x 2.59m for storage use.
Granted for a Limited Period – 05/09/2007
- 9 07/CO/0054 - Demolition of existing facilities, construction of single storey building providing support facilities to adventure playground and formation of a multi-use-games-area.
Granted – 03/03/2008
- 10 07/CO/0047 - Installation of a metal container 12m x 2m x 2m for use as a temporary changing facility (until August 07 approx) (retention of container that is already in situ).
Granted for a Limited Period – 30/03/2007
- 11 07/CO/0011 – Installation of a metal container unit (12.19m x 2.44m x 2.59m) for use as temporary changing facilities for a period of 28 days from date of decision notice.
Granted – 15/02/2007
- 12 05/CO/0182 - Erection of a single-storey building for use as a cafe (Class A3) and changing rooms; refuse store.
Granted – 01/03/2006
- 13 04/CO/0024 - Removal of existing bowling green buildings and erection of a new single storey bowling pavilion and associated works.
Granted – 04/08/2004
- 14 03/AP/1844 - To refurbish existing play structures together with construction of new multi-use games area on existing ball court and new skate park on existing tennis court; construction of new single storey day centre/clubhouse building.
Granted – 27/11/2003
- 15 01/AP/1492 - Construction of a new cafe building (revised scheme).
Granted – 18/01/2002

Planning history of adjoining sites

- 16 No planning history of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 17 The main issues to be considered in respect of this application are:

- a) The principle of the development in terms of land use and conformity with strategic policies and the National Planning Policy Framework;
- b) The impact on the visual and leisure amenity of the open space;
- d) The impact on Peckham Rye Park, a heritage asset;
- e) All other relevant material planning considerations.

Planning policy

Core Strategy 2011

- 18 SP4 - Places for learning, enjoyment and healthy lifestyles
- SP11 - Open spaces and wildlife
- SP12 - Design and conservation
- SP13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 19 2.1 - Enhancement of community facilities
- 3.2 - Protection of amenity
- 3.11 – Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.15 Conservation of the Historic Environment
- 3.25 Metropolitan Open Land

National Planning Policy Framework (NPPF)

- 20 The NPPF came into effect on 27 March 2012 and is a material planning consideration. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.
- 21 8). Promoting healthy communities.
 - 11). Conserving and enhancing the natural environment.
 - 12). Conserving and enhancing the historic environment.

Principle of development

- 22 The subject site is located within an area identified on the Council's UDP Proposals Maps as being Metropolitan Open Land. The principal policy with regards to this land is saved policy 3.25 (Metropolitan Open Land). Saved policy 3.25 states:
- 23 There is a general presumption against inappropriate development on Metropolitan Open Land. Within Metropolitan Open Land (MOL), planning permission will only be permitted for appropriate development which is considered to be for the following purposes:
 - i. Agriculture and forestry; or
 - ii. Essential facilities for outdoor sport and outdoor recreation, for cemeteries,

and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or

iii. Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building; or

iv. Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.

- 24 The proposed development concerns the relocation of three portacabins that provide changing rooms and shower facilities for the sports use on Peckham Rye Common and one storage portacabin. These are considered to comply criterion (ii) of the appropriate uses as specified by Policy 3.25 and as such it is not a departure from The Southwark Plan 2007 (July) or The Core Strategy 2011 (April).
- 25 Therefore there is no land use objection to the principle of the proposal for the relocation of the four portacabins to the maintenance yard site provided that the proposal will not unacceptably impact upon the openness of the land. In this respect, given the small scale of the development and the purpose of the proposal being ancillary to the MOL, it is not considered that this proposal will result in a detrimental impact on the openness of the MOL to an extent to warrant refusal.

Environmental impact assessment

- 26 An Environmental Impact Assessment is not required for an application of this nature.

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

- 27 Saved policy 3.2 Protection of Amenity, of The Southwark Plan and SP13 - High Environmental Standards of The Core Strategy seek to protect residents from harmful impacts, such as loss of outlook and noise, arising from development.
- 28 The residential properties situated closest to the application site are located to the southwest of the site along Peckham Rye. These properties are situated approximately 130m away from any part of the site. This is a substantial distance away from the maintenance yard and therefore there is no undue overlooking, loss of privacy or noise issues expected as a result of the proposal.
- 29 The development will also have a very limited impact on the visual amenity of the park and its surroundings. The portacabins are being relocated from a prominent and visible location to a more appropriate, screened area, comprising the maintenance yard. They will blend into the existing installations on the maintenance depot and will have no significant impact in terms of the visual amenity of the park and gardens.
- 30 As such, it is not considered that the proposed development will impact upon the amenities of any of the properties neighbouring Peckham Rye or to the parkland itself to an extent to warrant refusal of the planning application and it is therefore considered in accordance with policy 3.2 Protection of Amenity.

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

- 31 The proposal will not result in a conflict of use detrimental to amenity. The

neighbouring uses of the application site are Metropolitan Open Land, and as this proposal is ancillary to the use of the park as open space, no impacts are expected.

Traffic issues

- 32 The Transport Team have not raised any issues with the proposed development as it is not considered that the proposal will impact upon pedestrian movements.

Design issues

- 33 Saved policy 3.12 - Quality in Design of The Southwark Plan 2007 and SP12 - Design and Conservation of The Core Strategy seek to promote a high standard of design throughout the borough in order to enhance public spaces. In design terms the portacabins are typical modular buildings measuring 12.2 metres in length, 2.6 metres in height and approximately 3 metres in width.
- 34 In terms of design, the modular buildings are of no particular design merit. The proposed new gate, pathway and extended fence are of no concern with regards to design and will match the existing fence in scale and appearance. As the units are now being relocated within the maintenance yard they will be located in a more appropriate location that is generally more concealed from public view and within the immediate surrounding context, they are considered acceptable.

Impact on character and setting of a listed building and/or conservation area

- 35 There are no listed buildings situated within or close to the application site and it is not situated within a conservation area. There are no harmful impacts arising in the registered Peckham Rye Park and as such the proposal is considered to comply with the heritage policies of The Southwark Plan, The Core Strategy and Section 12). Conserving and enhancing the historic environment of the National Planning Policy Framework 2012.

Impact on trees

- 36 The applicant does not propose the removal of any trees; however it is considered reasonable to impose a planning condition to protect trees within and around the application site from damage during building works.

Planning obligations (S.106 undertaking or agreement)

- 37 No planning obligations or S106 Agreements are required as part of this planning application.

Sustainable development implications

- 38 The proposal raises no sustainability implications.

Other matters

39 Community Infrastructure Levy

S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material "local financial consideration" in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker.

- 40 Mayoral CIL is to be used for strategic transport improvements in London, primarily

Crossrail. Given that there is no increase in floorspace of the cabins proposed, the Mayoral CIL liability is zero.

Conclusion on planning issues

- 41 The use and location of the proposed portacabins is considered to be acceptable. They will support the open space sports uses within the park, and are being relocated to a more discrete position, which does not harm the openness of the park.

Community impact statement

- 42 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.

b) There are no issues relevant to particular communities/groups.

c) There are no likely adverse or less good implications for any particular communities/groups.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 45 All comments received in response to the proposed development have been summarised and addressed below;

- 46 Transport – No objections.
Response – Noted.

- 47 English Heritage - No objections raised, the development should be decided in accordance with local policy.
Response - Noted and agreed.

- 48 Friends of Peckham Rye Park - Support the application and would like the current location of the cabins to be returned to its previous condition as soon as possible after the cabins are removed.

- 49 **Response** - Noted, an informative has been included on this consent with regards to returning the car park location of the cabins to its previous condition.

Human rights implications

- 50 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.

- 51 This application has the legitimate aim of providing sports facilities and storage. 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

- 52 **Director of Legal Services**

N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2614-A Application file: 12/AP/1635 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5365 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Terence McLellan, Planning Officer	
Version	Final	
Dated	11 September 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance & Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		29 August 2012

Appendix 1

Consultation undertaken

Site notice date: 30/05/2012

Press notice date: 31/05/2012

Case officer site visit date: 30/05/2012

Neighbour consultation letters sent: 01/06/2012

Internal services consulted:

Transport

Statutory and non-statutory organisations consulted:

English Heritage
Friends of Peckham Rye Park

Neighbours and local groups consulted:

01/06/2012 178 Peckham Rye London SE22 9QA
01/06/2012 PO Box 59640 London SE22 2AJ

Re-consultation:

Re consultation not required.

Consultation responses received

Internal services

Transport – No objections.

Response – Noted.

Statutory and non-statutory organisations

English Heritage - No objections raised, the development should be decided in accordance with local policy.

Response - Noted and agreed.

Friends of Peckham Rye Park - Support the application and would like the current location of the cabins to be returned to its previous condition as soon as possible after the cabins are removed.

Response - Noted, an informative has been included on this consent with regards to returning the car park location of the cabins to its previous condition.

Neighbours and local groups

No response to date.