

CONTENTS

RECOMMENDATION.....	2
BACKGROUND INFORMATION.....	2
Site location and description	2
Details of proposal	3
Planning history	3
KEY ISSUES FOR CONSIDERATION.....	3
Summary of main issues.....	3
Adopted planning policy.....	3
Consultations	5
Principle of development.....	5
Impact of proposed development on amenity of adjoining occupiers and users of the park ..	6
Design issues.....	6
Environmental considerations.....	6
Trees and landscaping.....	7
Conclusion on planning issues	7
Community impact statement / Equalities Assessment	7
Human rights implications.....	8
BACKGROUND DOCUMENTS.....	8
APPENDICES	8
AUDIT TRAIL.....	9
Consultation undertaken.....	10
Consultation responses received	11
Relevant planning history	12

Item No. 7.2	Classification: Open	Date: 16 March 2020	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/7365 for: Full Planning Application Address: CAMBERWELL NEW CEMETERY, BRENCHLEY GARDENS, LONDON SOUTHWARK SE23 3RD Proposal: Retention of a new single storey modular unit for continued use by grounds maintenance staff of the Cemetery and demolition of the existing modular structure.		
Ward(s) or groups affected:	Peckham Rye		
From:	Director of Planning		
Application Start Date 16/12/2019		Application Expiry Date 10/02/2020	
Earliest Decision Date 28/01/2020			

RECOMMENDATION

1. That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site is within the grounds of Camberwell New Cemetery and comprises 1039 sq. m. of land to the southeast, which is accessible from Honor Oak Park (B238). Allotments are located immediately to the west of the site and a recreation ground, the cemetery and the chapel are located to the north. The site includes an existing messroom facility on a large area of hard standing surface.
3. The site is subject to the following designations:
 - Metropolitan Open Land (MOL)
 - Site of Importance for Nature Conservation (SINC)
 - Air Quality Management Area
 - Peckham and Nunhead Action Area
 - Suburban Density Zone – Middle
4. The application site is not in a conservation area, however the Honor Oak Rise Conservation Area is located approximately 350 metres to the west. There are no listed buildings within the site boundary although there are a number of listed buildings within the boundary of Honor Oak Park and Camberwell New Cemetery, the most notable being the Church of St Augustine to the west and the mortuary chapels which

are Grade II listed.

Details of proposal

5. This application has been submitted by the council's parks and leisure team for the retention of a single storey unit comprising a maximum of 4.1m in height, 12m in length and 3.6m in depth. The structure has been brought onto the site and placed on a plinth but is not in use at the moment. This steel structure would replace a dilapidated structure to the north of the newly constructed unit that on completion will be occupied by staff who carry out the grounds maintenance on London Borough of Southwark Cemeteries. The existing old unit is in a state of disrepair and will therefore be demolished when the new facility is completed.
6. The new modular structure is from the temporary library facility used as part of the Heygate Estate development. Re-use of this modular unit is therefore positive and considered a sustainable use of materials.
7. The erection or construction and the maintenance, improvement or other alteration by a local authority of any small ancillary building, works or equipment on land belonging to or maintained by them falls under Part 12 Class A of the General Permitted Development Order 2015. The applicant understood that the structure would comply with the height and volume requirements under this class but when it was brought to the site and placed on the plinth, it transpired it was 10cm higher than the 4m height restriction under this class.

Planning history

8. There is an extensive planning history within Camberwell New Cemetery, in relation to the crematorium and the chapel; however, there is no relevant planning history within the red line boundary of the site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - a) Principle of development
 - b) Impact of proposed development on amenity of adjoining occupiers and park users
 - c) Environmental considerations
 - d) Trees and landscaping

Adopted planning policy

National Planning Policy Framework (NPPF)

10. The revised National Planning Policy Framework ('NPPF') was published in February 2019 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.
11. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Chapter 2 Achieving sustainable development
Chapter 12 Achieving well-designed places
Chapter 13 Protecting Green Belt land
Chapter 15 Conserving and enhancing the natural environment

London Plan 2016

12. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.17 Metropolitan open land
Policy 7.18 Protecting open space and addressing deficiency

Core Strategy 2011

13. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 1 Sustainable development
Strategic Policy 11 Open spaces and wildlife
Strategic Policy 12 Design and conservation
Strategic Policy 13 High environmental standards

Southwark Plan 2007 (saved policies)

14. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

Policy 3.2 Protection of amenity
Policy 3.12 Quality in design
Policy 3.13 Urban design
Policy 3.25 Metropolitan open land (MOL)

Draft New London Plan

15. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Minor suggested changes to the plan were published on 13 August 2018 and an Examination in Public (EIP) began on 15 January 2019 and closed in May 2019.
16. The Inspector's report and Panel Recommendations were issued to the Mayor of London in October 2019. The Mayor then issued his intentions to publish the London Plan along with a statement of reasons for not including all of the Inspector's recommendations to the Secretary of State. The Secretary of State will respond to the Mayor, due before 17 February 2020. Until the London Plan reaches formal adoption it can only be attributed limited weight.

New Southwark Plan

17. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019.
18. The New Southwark Plan Submission Version – Proposed Modifications for Examination was submitted to the Secretary of State in January 2020 for Local Plan Examination. It is anticipated that the plan will be adopted in late 2020 following an Examination in Public (EIP). As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

Consultations

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

Summary of consultation responses from internal, statutory and non-statutory consultees

20. Environmental Protection Team – No objection.

Ecology – Satisfied with the proposed application. Soft removal of the existing messroom roof materials is advised in case any bats are present.

Urban Forester – No objection.

Summary of public consultation responses

21. No public comments have been received.

Principle of development

22. The proposed development involves the retention of a single storey modular unit within the grounds of Camberwell New Cemetery to provide an office, toilet and small kitchen for staff that carry out the grounds maintenance. The location of the unit, following the removal of the existing unit, would allow for a more efficient working space within the yard, which is supported. The unit replaces an existing unit on site and as such, the land use has already been established on site. The principle of development in land use terms is therefore supported.
23. The application site falls within Metropolitan Open Land (MOL) designation and accordingly, any development must comply with the requirements of Policy 7.17 of the London Plan and Saved Policy 3.25 of the Southwark Plan. Saved Policy 3.25 of the Southwark Plan states that within MOL, planning permission will only be permitted for appropriate development which is considered to be 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, provided 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.

This is also carried forward within emerging draft Policy P56 of the draft New Southwark Plan.

- 24. The proposal is an essential facility for cemeteries and in line with Saved Policy 3.25 of the Southwark Plan the unit must preserve the openness of MOL. The existing use of the site is being occupied as a hard standing yard. By virtue of its scale, height and siting and location to the south eastern corner of the MOL designation, it is considered that the unit would not impact on the wider openness of the MOL, with no alteration to the existing use and hardstanding of the yard. Furthermore, the existing unit would be removed and therefore the proposal would not result in the cumulative impact of development.
- 25. The application site also falls within a Site of Importance for Nature Conservation (SINC). Saved Policy 3.28 of the Southwark Plan states that development will not be permitted which would damage the nature conservation value of Sites of Importance for Nature Conservation (SINC) and that where, exceptionally, such developments are permitted, and the Council will seek mitigation and/or compensation for the damage to biodiversity.
- 26. The scope of the works would not adversely impact on the nature conservation value of the site; due to the existing use of the yard the site does not have any ecological significance and the scale of the development is minimal.

Impact of proposed development on amenity of adjoining occupiers and users of the park

- 27. The development would be limited to the grounds of Camberwell New Cemetery itself and as such, would not directly impact on the properties surrounding the cemetery. The nearest residential properties are located approximately 92 metres from the constructed ancillary building.
- 28. The building would ensure that appropriate facilities are provided for the staff maintaining the grounds of the cemetery and can therefore be considered a public benefit.

Design issues

- 29. The minimal scale and form of the proposed modular unit, at a maximum of 4.1m in height, 12m in length and 3.6m in depth, is not considered to impact the wider openness of the MOL. The retention of the steel structure, clad with light grey aluminium faced panels is acceptable in design terms, and is considered to be a more durable proposal that is a significant improvement on the existing dilapidated unit. A ramp is also included within the proposal to ensure increased accessibility for users.

Environmental considerations

- 30. Ecology

The development has not adversely affected the nature conservation value of the site

because the yard itself is a working area and of very limited ecological significance added to which, the scale of the development is minimal. Southwark's Ecology officer has advised for a soft removal of the existing messroom roof materials in case any bats are present. A compliance condition has been recommended to ensure the protection of any bats.

Trees and landscaping

31. The proposal does not include the removal of any trees; it is therefore deemed that the proposal would not cause any significant impacts on the existing trees within the site.

Conclusion on planning issues

32. The proposed development would involve the retention of a single storey messroom unit to facilitate the Cemeteries grounds maintenance staff. The principle of such development on MOL is considered acceptable as the proposed works are essential facilities for Cemeteries and would not retract from the openness of the area. Furthermore, the proposal would not adversely impact on the amenity of adjoining occupiers or users of the park and would provide a public benefit by improving staff facilities.
33. The application is therefore recommended for approval, subject to the recommended conditions.

Community impact statement / Equalities Assessment

34. 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:
 - a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) 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.
 - c) 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.
35. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
36. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.

37. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. No matters pertaining to the impact of this development on people with protected characteristics have been raised through the consultation and no impact above in that detailed above in the 'planning assessment' is expected.
38. Throughout the consultation process no information was received to indicate that any members of the public falling under the protected characteristics would be affected by the development, and thus no specific mitigation measures are required in this regard.

Human rights implications

39. 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.
40. This application has the legitimate aim of providing improvement works to Peckham Rye Park and Common. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ 2339-A Application file:19/AP/7365 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing 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	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Jessica Potter, Planning Officer	
Version	Final	
Dated	20 February 2020	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		4 March 2020

Consultation undertaken

Site notice date: 07/01/2020

Press notice date: n/a.

Case officer site visit date: n/a

Neighbour consultation letters sent:

Internal services consulted

Urban Forester
Ecology
Environmental Protection

Statutory and non-statutory organisations

N/A

Neighbour and local groups consulted:

N/A

Re-consultation:

N/A

Consultation responses received

Internal services

Ecology
Environmental Protection
Urban Forester

Statutory and non-statutory organisations

N/A

Neighbour and local groups consulted:

N/A

Relevant planning history

No relevant planning history

There is an extensive planning history within Camberwell New Cemetery, in relation to the crematorium and the chapel; however, there is no relevant planning history relating to an application for the construction of a messroom facility.

RECOMMENDATION

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

Applicant	Mr Matthew Hill Southwark Council Parks and Leisure	Reg. Number	19/AP/7365
Application Type Recommendation	Local Authority Development	Case Number	2339-A

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Retention of a new single storey modular unit for continued use by grounds maintenance staff of the Cemetery and demolition of the existing modular structure.

Camberwell New Cemetery Brenchley Gardens London Southwark

In accordance with application received on 13 December 2019

and Applicant's Drawing Nos.:

Existing Plans

Site Location – The Location Plan received 13/12/2019

Proposed Plans

Plans - Proposed Slab Setting-Out/Construction 267/02 Rev C1 received 13/12/2019

Plans - Proposed Proposed Plans & Sections AA & BB 267/03 Rev P1 received 13/12/2019

Plans - Proposed Proposed Elevations 267/04 Rev P1 received 13/12/2019

Plans – Compound Layout received 13/12/2019

Other Documents

Design and access statement Design & Access Statement received 13/12/2019

Photographs and photomontages Photographs of Existing & Proposed Buildings received 13/12/2019

Permission is subject to the following Compliance condition

1. The existing mess room shown on drawing 267/01 Revision p1 shall be removed within six months from the date of this decision and its removal shall be through a soft removal process of the roof materials.

Reason:

To ensure there is no adverse impact on bats and to reduce the impact on Metropolitan Open Land in accordance with London plan (2016) Policy 7.17 Metropolitan Open Land and 7.19 Biodiversity and Access to Nature, Core Strategy (2011) Strategic Policy 11 Open Spaces and Wildlife and Southwark Plan (2007) Saved Policies 3.25 Metropolitan Open Land and 3.28 Biodiversity.