

# Agenda Item 9

**PLANNING APPLICATIONS COMMITTEE**  
**27th March 2014**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

13/P2246 & 13/P2320

12/09/2013

**Address/Site:**

South Park Gardens Open Space, Dudley road,  
London SW19 8PN

**(Ward)**

Trinity

**Proposal:**

Erection of community pavilion containing refreshment kiosk, indoor community space, storage areas and toilet facilities (involving demolition of existing toilet blocks, storage building and removal of refreshment kiosk)

**Drawing Nos:**

Location Plan R23:13:63, Topographic Survey, R23:13:61F–Site Plan and Floor Plan, R23:13:62B – Proposed Elevations, Arboricultural Implications Assessment/Arboricultural Method Statement and associated Plans, Statement of Proposed Use – Green Spaces, Minutes of Public Meeting Nov 14<sup>th</sup> 2013

**Contact Officer:**

Sue Wright (0208 545 3115)

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**RECOMMENDATION**

- (A) Grant Planning Permission subject to conditions**
- (B) Grant Conservation Area Consent for demolition**

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**CHECKLIST INFORMATION**

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 169
- External consultations: English Heritage

**1. INTRODUCTION**

- 1.1 The application is brought before the Planning Applications Committee due to the number of representations received and because it is the Council's own application.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises South Park Gardens, a small shield shaped 2.4 hectare park opened in 1901 and restored with the assistance of a grant from the Heritage Lottery Fund in 2009. The Gardens are Grade II Listed in the English Heritage Register of Parks and Gardens of Special Interest.
- 2.2 The Gardens lie at the heart of a pattern of densely knit terraced and semi-detached Victorian residential properties and is bounded by Dudley Road, King's Road and Trinity Road. South Park Gardens and properties nearby make up the South Park Gardens Conservation Area.
- 2.3 The park is formally laid out with pathways and planting. The only permanent structures within the park are concentrated within the western corner at the junction of Dudley Road and King's Road and comprise two brick built toilet blocks in very poor condition and storage buildings for garden staff use in a general maintenance compound. There is also a small timber refreshments kiosk at the centre of the park. The existing structures have a combined floor area of approximately 70 square metres.

## **3. CURRENT PROPOSAL**

- 3.1 The proposal is to demolish the collection of dilapidated toilet blocks and storage sheds in the western corner, remove the timber refreshment kiosk, and to re-provide the toilets, storage for garden maintenance and secure potting area compound within a single pavilion in the western corner which would also include a 32 sq m community space as well as storage for events equipment for the Friends of South Park Gardens and a 13 square metre refreshment kiosk.
- 3.2 The building has been designed with a flat sedum roof in order to minimise its height and volume giving it an overall height that is less than the existing toilet blocks to be replaced. It has a simple contemporary design with a curved frontage facing into the park following the geometry of the adjacent curved path. The main façade is principally glazed with a stainless steel edge trim to provide a contemporary but robust finish. There are elements of composite cladding made from recycled materials to the front and side elevations. The principal material to the side and rear is a blue facing brick.
- 3.3 It is proposed to restore the borders which form the buffer between the site and the boundary fence. The proposal involves the removal of 5

trees. Four of these are C and U category and one is a B category early mature Birch. There would be replacement tree planting.

#### 4. **PLANNING HISTORY**

None relevant to this proposal.

#### 5. **POLICY CONTEXT**

5.1 The relevant saved policies in the Adopted Unitary Development Plan (October 2003) are:

BE.1 (Conservation Areas, New Development, Change of Use, Alterations and Extensions), BE:2 Conservation Areas: Demolition BE.15 (New Buildings and Extensions; Daylight; Sunlight; Privacy; Visual Intrusion and Noise) S8: Food and drink uses, NE11 Trees: Protection.

5.2 Core Planning Strategy  
CS13 Open Space, nature conservation, leisure and culture; CS14 Design Policy CS17 Waste Management

5.3 South Park Gardens Character Assessment (2005)

#### 6. **CONSULTATION**

6.1 The application has been publicised by means of a site notice and letters to neighbouring occupiers.

##### 6.2 **First Round of Consultation**

In response to the first round of consultation, 20 letters of objection and 5 letters of support, including one from the Committee Member of South Park Estate Residents' Association with responsibility for planning) were received. The majority of objection letters came from residents in Dudley Road and King's Road in close proximity to the proposed pavilion.

##### Objections

- Support redevelopment of compound area to provide better storage for maintenance, support updated toilet facilities/ no need for toilet facilities but are concerned about use of community space for events and parties, which will contradict character of South Park Gardens as a peaceful oasis
- Cafe and community space/commercial use inconsistent with character of Grade II Listed gardens, which provides outdoor, not indoor recreational space, no need for community space
- Numerous food outlets within town centre – cafe not needed and will mean more noise, traffic and litter all year round

- Covered terrace will attract rough sleepers, drug dealers and will encourage congregation of people near houses creating noise issues
- Unclear whether trees to left of gate remain which provide useful screening, no tree survey means impact cannot be assessed.
- Additional planting should screen the new building from the road.
- Would concentrate noise and activity in one part of the gardens
- Concerned about evening use if community space/cafe built
- Sedum roof will be high maintenance and will encourage young people to climb on it
- Proposed materials are out of character
- Too many toilets and who will maintain them
- Concerned about use as a playgroup facility
- Redeveloped toilets will encourage use by cab drivers and delivery people
- Contemporary design with stainless steel columns and edge trims is inappropriate to the Grade II listed gardens and the Conservation Area and conflicts with the aims of the South Park Gardens Character Assessment, no details of proposed shutters
- No guarantee that community space will not be used outside normal park opening hours to protect amenity of houses close by

#### Support

- Allows extended use of park in wintertime,
- Existing gardener's shed , storage and toilets are unsightly and unfit for purpose
- Will be policed by a strong community and will give South Park Gardens the high quality facilities it deserves, shouldn't let fear of vandals deprive the community of this, police are quick to respond to any unacceptable behaviour
- Proposed building will blend well and kiosk facilities are small scale, not a cafe or restaurant, and unlikely to generate a huge influx of traffic
- Community room not large and would provide convenient meeting space for Friends of South Park Gardens to meet.
- Useful to have refreshment facilities to enhance enjoyment of view and park atmosphere and develop sense of community
- Friends of South Park Gardens should control use of the facilities
- Trees had uplighters installed but these have never worked – if this was addressed and additional lighting added would assist with security concerns
- following substantial renovation financed by Heritage Lottery Fund money, this part of the park is the only area that is unsightly and needs improvement. Gardens provide a valuable opportunity for social interaction for all ages but existing facilities

are unsuitable and don't meet demands of users. Toilets are a disgrace, storage facilities and gardener's building is unsightly and unfit for purpose. Replacing 4 buildings with one attractive and environmentally friendly one will improve amenity. Any noise will be channelled into the gardens and away from adjacent roads. Will provide temporary shelter when weather conditions suddenly deteriorate and are only likely to be in use during normal park opening hours with some exceptions, for example the fireworks display once a year. The facilities would not be a major problem and if necessary a limit could be placed on operating hours of say 9 or 10pm. Other concerns of residents living close to this end of the park could be addressed by restricting numbers using facilities, and limiting range of products that can be sold from kiosk. It is understood that ample litter bins will be provided and regularly emptied.

### 6.3 **Second Round of Consultation**

Following the initial response to the application, a public meeting was held at Holy Trinity School on 14<sup>th</sup> November attended by Doug Napier (the Merton Head of Parks and Green Spaces) and 2 other representatives of the Green Spaces team to allow direct feedback on the proposed refurbishment scheme. The application was revised in December to take account of Design Review Panel comments, detailed analysis of an Arboricultural Impact Assessment, the results of public consultation and the public meeting in November. The main changes were revisions to materials, revisions to layout to retain existing levels in root protection areas, confirmation of addition of 5 new trees, omission of external shutters and reduction of canopy to a 900mm projection as weather protection and limited shelter for the kiosk. In addition, a further Statement from the Green Spaces team was submitted clarifying the intended purpose of the building and how the kiosk and meeting spaces would operate. A re-consultation on the revisions and additional information was deferred, at the applicant's request, to avoid a clash with the Christmas holiday period and consequently took place in mid-January.

6.4 13 letters of objection were received and 118 letters of support were received. Again, most objections were from residents in Dudley Road and Kings Road living in close proximity to the proposed pavilion.

### 6.5 **Objections**

- Still consider will destroy tranquillity which is the key characteristic of the Gardens, create noise, litter and traffic, encourage people to visit from further afield with cars. Should remain a peaceful oasis
- Introduces a commercial use into a residential area that is also within a Conservation Area

- Will encourage sedentary behaviour and congregation of people into one corner and obstruction of the Dudley Road gate
- A3 use will mean it will be used as a full blown cafe
- Retention of a 90cm canopy will still allow people to congregate
- Not enough space for storage for gardeners and FSPG
- Lack of detail over control of income, type of catering outlet, use of the space, waste management plan for the cafe and ongoing maintenance commitments
- Still object to cafe/community space until there is a plan for keeping garden tidy
- Concerns over creeping commercialism, cafe will create disturbance and litter and change character of the Gardens
- What happens to toilet maintenance when cafe not running?
- Would like to see just new toilets and gardeners store
- Green Spaces statement does not provide any binding commitments in relation to use of the building or use of revenue from the building, kiosk would be a 7 day a week business, makes no commitments about management of use of the building, does not guarantee that will only be used within park hours, no commitment about restrictions on lease or day to day maintenance and cleaning responsibilities, or responsibilities for litter collection
- Proposed use would be A3, cafe/restaurant which gives a broad scope for consumption on the premises, why isn't Council seeking A5 hot food takeaway? A3 use will be exploited, seating area lends itself to becoming an events space
- Design not appropriate for a Victorian park, sedum roof likely to deteriorate, stainless steel and blue brickwork totally inappropriate, out of character with Conservation Area
- Use of new pavilion should be rigidly restricted to the hours of the park, both kiosk and meeting room
- Those in support do not live close to the building
- Unrealistic to expect kiosk operator to keep toilets clean and park litter free, FSPG should contribute towards day to day maintenance of park facilities
- Suggestion in Green Spaces statement that uses of the building will be discussed with FSPG as an appropriate representative for residents is outside the FSPG constitution. Members list of FSPG has been used for lobbying support without providing a balanced representation including opposing views,

#### 6.6 Support

- Particularly favour new toilets, cafe, Friends of South Park Gardens having storage space for events equipment,
- tidies up messy part of park
- gives shelter in inclement weather
- good management will ensure no issues with noise, litter or vandalism – FSPG should be involved in management issues

- Looks well designed/will improve aesthetics of the park/discreet and practical
- Will significantly enhance the use and enjoyment of the Gardens and improve the community
- Toilets badly need replacing
- families and small children will benefit from the facilities, especially decent toilets
- support provided limited to community use during normal park hours or FSPG use and other community meetings outside those hours not involving noisy activity
- residents of sheltered housing scheme nearby often visit the Gardens and would welcome new toilets and a kiosk serving hot drinks and snacks, especially if open all year round with indoor seating
- good place to meet up with friends with a great outlook over the Gardens
- may be a need for more litter picking and bins and regular emptying but that is easy to organise, should incorporate recycling
- support subject to opening hour restrictions as well as on type of food and drink served and control over use of community space/Friends should control use to avoid disruption to those living close by
- support subject to no use for children's parties or any noisy evening activity
- support subject to proper maintenance of the toilets
- provides income stream for maintenance of Gardens/only supports if income is ring fenced for us on South Park Gardens
- kiosk operators should be required to keep toilets clean/ keep park litter free
- pleased canopy been removed from design to deter people congregating
- probably the last opportunity to improve facilities in this way in the current economic climate

6.7 English Heritage - The application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice

6.8 Design Review Panel 19<sup>th</sup> Sept 2013

The Panel noted the sensitive location and extensive consultation that the applicant had undertaken both with the park Friends and local residents. However it felt that it was important to have a clear vision brief for the site and stick to it otherwise it could end up being 'designed by Committee' to a lowest common denominator and end up as a disappointing compromise. To this end the applicant should not be afraid of doing what it feels is right for the site. Overall the Panel felt that the park needed the pavilion and welcomed it. Noted that trees would be lost and should be replaced elsewhere in the park. Support

for the kiosk seating area and bringing all uses into one building. Some disappointment that a glazed canopy no longer proposed. Main criticism was that the seating area faced eastwards under a canopy with no windows other than in the frontage which would lead to a cold and poorly lit area to sit in and would not take advantage of the summer weather well. Strongly recommended that some or all of the seating should have a southerly aspect by reconfiguring the internal layout of the building as proposed. Potential concerns by residents about noise from the cafe needed to be addressed but also be realistic. This was not felt likely to become a serious issue. Another main issue was the proposed shutter occupying the whole of the frontage when the building was closed. Although envisaged that the pavilion would be in use during park hours unlikely that it would be open all the time that the park was open. Therefore the closed shutters would be prominent to people using the park and important that these were visually attractive and not utilitarian. The Panel were strong in their opinion that this was a critical part of the design that needed to be got right and certainly needed further design development. It was felt that the shutters must be an integral part of the building design and it was suggested that when shut they should display some form of artwork such as a painting mural or other similar design. Noted the design based on a stainless steel frame and welcomed this. It was also sympathetic to the need for a robust and low maintenance design but not at the expense of quality. To this end it felt that the proposed plastic composite cladding was a very poor choice and strongly recommended against this. It was felt that the best alternative was to use brick possibly in blue. This was cost efficient robust and could have climbing plants growing up it to deter vandalism and graffiti. The Panel also felt that it was important that when closed the pavilion did not sit in darkness. It should be visible to show its attractiveness and it should also be lit to deter anti-social activity. This could be done subtly and not necessarily with floodlighting. Overall, the Panel were very pleased to see the proposal for the pavilion.

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## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations relate to the principle of demolition of the existing structures, the appropriateness of the range of uses incorporated within the building and their impact on the character of the Conservation Area the Grade II park and adjoining residential occupiers, the design of the building and its impact on the appearance of the South Park Gardens Conservation Area, the park's Grade II status in the Register of Historic Parks and Gardens and the streetscene. It is noted that although there were fewer objectors than supporters on the second round of consultation most of those objecting were properties on Dudley Road and King's Road who would be in closest proximity to the new pavilion and therefore more likely to suffer a negative effect on their amenities unless any potential impacts are suitably mitigated..



## 7.2 Principle of Demolition and Proposed Range of Uses

It is noted that there is a general consensus amongst both objectors to and supporters of the proposal that the existing toilet blocks and gardeners' storage and compound is unsightly and requires redevelopment. No-one objects to the re-provision of the gardeners' compound and storage for both maintenance and events within the park by Friends of South Park Gardens. A small number of objectors do not consider that the toilets should be re-provided and/or are concerned that they will not be adequately maintained. It is officers' view that the compound, storage area and new toilet facilities are simply an upgraded re-provision of existing facilities and are acceptable in use terms.

7.3 The main concerns of objectors relate to the kiosk and internal meeting space/seating area. The concerns are that use of both spaces will destroy the peaceful character of the park, introduce an inappropriate commercial use, encourage people to congregate in one area of the park and create noise, litter and traffic. There are also concerns about the hours of use, type of food and drink to be sold, use of meeting room for noisy and late events.

7.4 The pavilion is of limited size with a 32 square metre community space and a 13 square metre kiosk. Green Spaces have indicated that the kiosk will be operated as a concession as an A3 café (sale of food and drink on the premises) selling hot drinks, hot and cold food on the premises and for taking away. They advise that concessionaires would not be allowed to cook and serve up hot meals on the premises and they anticipate that the food offering would be limited to sandwiches wraps cakes ice cream etc with only basic heated up food such as toasted sandwiches, paninis and soup. There is an existing temporary tea and coffee hut in the centre of the park but this is smaller and seasonal. Green Spaces also advise that the indoor space would be used as occasional indoor seating for the kiosk in inclement weather.

7.5 In relation to the community space, Green Spaces have advised that it will be open to use by local community groups wishing to carry out appropriate quiet activities and refers to meet up groups over 60's cream teas and local history group meetings. It is understood that negotiations are being undertaken to lease the space to the Friends of South Park Gardens for what is expected to be an initial 5 year lease for use for their meetings and activities as well as use by other local groups for quiet activities.

7.6 As stated earlier, although objectors are fewer than supporters they generally live in closer proximity to the proposed building and the need to protect their amenities is recognized. As well as objecting unequivocally to the introduction of the café and community space others are concerned about how it would be ensured that it operated in the low key manner intended by Green Spaces. Officers' consider that

the range of proposed uses is generally acceptable subject to suitable conditions and that the small footprint of the building will restrict the intensity of use. The building opens towards the open space and not towards the site boundaries, which will limit noise impact. The letting of the building and the terms under which it is leased will be controlled by the Green Spaces team. The following planning conditions are recommended:

- no use of the community meeting space and kiosk outside park opening hours
- no use of the kiosk for the cooking of hot food (allowing for basic re-heating)
- no use of the community space for children's or adult parties or playgroups and no playing of amplified music
- full details of recycling/ rubbish storage to be approved and provided prior to commencement of use
- details of litter management regime to be approved prior to commencement of use
- restriction of the refreshment kiosk to the floorspace shown on the approved plan

7.7 Subject to the above restrictions, officers consider that the proposed range of uses within the pavilion are acceptable and suitably low key and would complement the peaceful enjoyment of the Gardens and would comply with retained UDP policies S8, BE1 and BE15.

#### 7.8 Design

The proposed design is modern with clean lines and a simple design. This discreet approach, which minimizes height and softens the appearance of the building from neighbouring roads with a sedum roof is considered to be acceptable and to result in a building that sits comfortably within its site context. Combined with additional boundary landscaping and the removal of the existing unsightly collection of buildings in this corner of the site the proposal is considered to preserve and enhance the appearance of both the Gardens and the Conservation Area.

7.9 The design has been revised, with the canopy removed to take account of residents' concerns about encouraging external congregation, rough sleepers and undesirables. In relation to the comments from Design Review Panel, the seating area has not been re-orientated since it is intended that kiosk users buying snacks and drinks would make use of the park itself as somewhere to sit in summer. The external shutters no longer form part of the proposal, having been omitted by Green Spaces of their own volition. It should be noted that the composite cladding that makes up elements of the building is made from recycled materials and is not 'plastic' as stated in the DRP notes. The main material has been revised to brickwork.

#### 8.0 Trees/Landscaping

8.1 An arboricultural impact assessment and method statement has been submitted. This clarifies that the Common Yew and Tree of Heaven at the Dudley road entrance is to be retained and that 4 of the 5 trees to be removed are either unclassified or C category trees of insufficient value to constrain development. Subject to replacement planting, the infilling of the footprint to toilet blocks and previous footpaths with soil of a suitable nature and strict adherence to Arboricultural method Statement with suitably qualified supervision the impact on trees is considered to be acceptable.

8.2 The proposed enhanced landscaping of the borders which form the buffer between the site and the boundary fence is welcomed and full details will be required to be approved.

## 9.0 CONCLUSION

9.1 The South Park Gardens Character Assessment specifically identifies the existing group of outbuildings in this corner of the Gardens as having a seriously detrimental effect and advises that they should be replaced with attractive buildings which blend well with the careful landscaping of the remainder of the park. It is considered that the proposed building will be discreet and low key following the curve of the existing path and having regard to existing trees, and will therefore meet this aim.

9.2 The range of uses is considered to complement the use of the open space and the impact on the closest residential properties would be controlled through the relatively small footprint, proposed planning conditions restricting hours of use of café and community space to those of the park, preventing cooking on the premises and also through the management/leasing control of London Borough of Merton Green Spaces team.

## RECOMMENDATION

**(A) GRANT PLANNING PERMISSION subject to the following conditions:**

1. A.1 (Commencement of Development)
2. A7 Approved plans
3. The refreshment kiosk and community space shown on drawing R23:13:61F shall be used only within the South Park Gardens opening hours.

4. No cooking operations shall take place on the premises and food heating and re-heating shall be restricted to microwave and panini making machine unless agreed in writing with the l.p.a.
5. The community space shall not be used for playgroups, children's or adults' parties.
6. No music or other amplified sound shall be generated on the pavilion premises.
7. Development shall not commence until details of replacement tree planting has been submitted to and approved by the l.p.a. and such planting will take place either prior to conclusion of the pavilion works or within the first available planting season.
8. Tree protection/supervision in accordance with the approved Arboricultural method statement and tree protection plan
9. Development shall not commence until details of enhanced landscaping to the area between the side and rear elevations of the pavilion and the site boundary with Dudley Road and King's road has been submitted to and approved by the l.p.a.. The approved landscaping shall be implemented either prior to conclusion of the pavilion works or within the first available planting season.
10. B1 External materials to be approved.
11. 1:20 details shall be submitted to and approved by the l.p.a. of the junction between the sedum roof and the stainless steel trim, and of the junction between the brickwork and composite cladding and the building shall be constructed in accordance with the approved details
12. Prior to commencement of development, details of the proposed green roof (including species, planting density, substrate, a section drawing at scale 1:20 demonstrating the adequate depth availability for a viable green roof, and a maintenance plan) shall be submitted to and approved in writing by the l.p.a. The measures shall be implemented in accordance with the approved details.
13. Prior to commencement of use of the pavilion, a scheme for the management of litter within South Park Gardens shall be submitted to and approved by the l.p.a. and shall be implemented in accordance with the approved details.
15. Details of the proposed refuse/recycling area and of additional refuse bins within the vicinity of the approved pavilion shall be submitted to and approved by the l.p.a. and shall be provided prior to first use of the refreshment kiosk and community space.

16. The refreshments kiosk shall be restricted to the floor area shown on approved plan R23;13:61F

**(B) Grant Conservation Area Consent**

1. A4 Time limit

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