

Officer Update Report

For Planning Committee

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Stakeholders

Planning Case Officer	Mr Andrew Byrne
Applicant	London Borough Of Lambeth
Agent.	Hayden Tuck 3rd Floor, Blue Star House 234-244 Stockwell Road SW9 9SP
Application Reference	07/03341/RG3

Document Information

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Date Report approved	05/03/2008
Author	Mr Andrew Byrne
Tel	020 7926 1194
Email	abyrne@lambeth.gov.uk

Lambeth Planning
Phoenix House
10 Wandsworth Road,
London
SW8 2LL

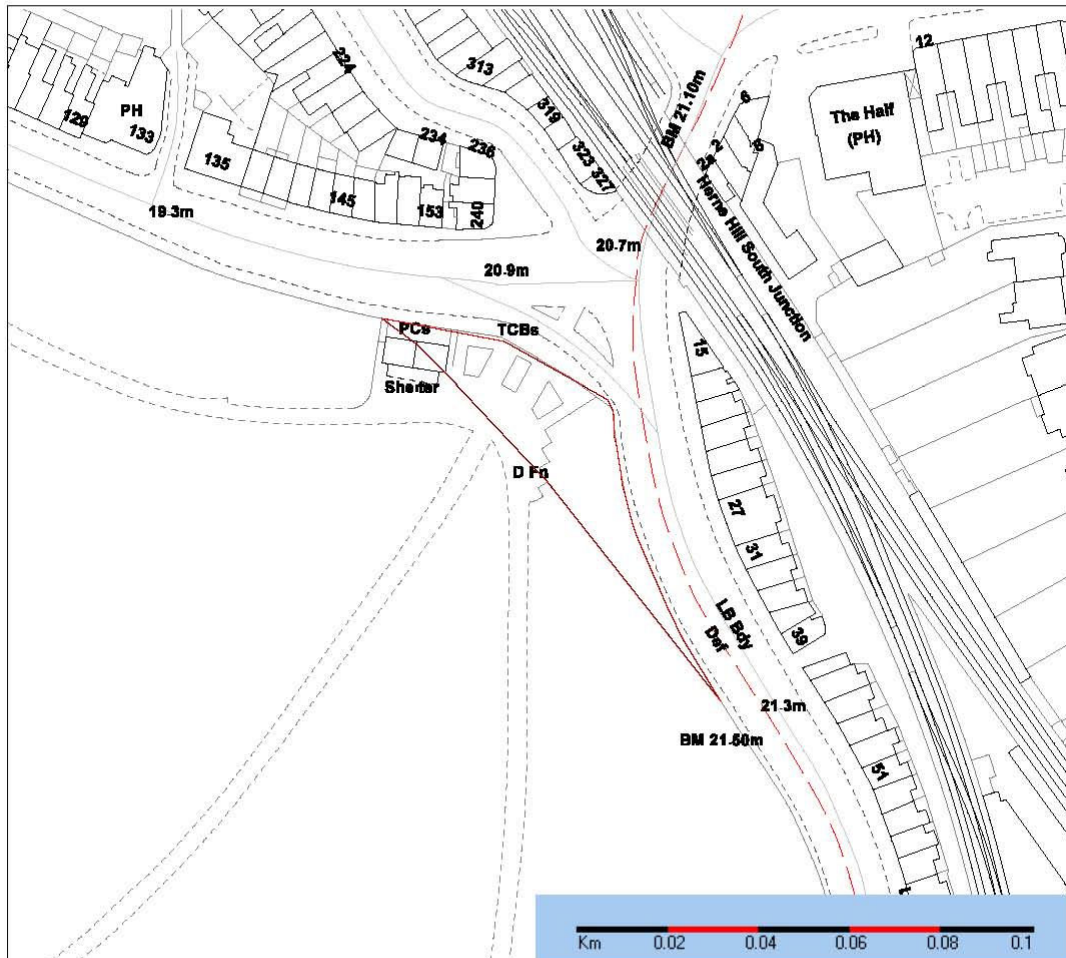
Telephone 020 7926 1180
Facsimile 020 7926 1171
www.lambeth.gov.uk/planning
lambethplanning@lambeth.gov.uk

Section 1 – Site Location Map

LAMBETH PLANNING APPLICATIONS
COMMITTEE



Case Number :	07/03341/RG3
Application Address :	Junction of Dulwich Road and Norwood Road London



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L.B. Lambeth LA 100019338 2005

Section 2 – Application Summary

Location	Junction Of Dulwich Road And Norwood Road London
Ward	Herne Hill
Proposal Application	<p><u>Application A: Planning Application</u></p> <p>The proposal is for improvement works to the Herne Hill junction. They would involve the change of use of part of Brockwell Park to form a slip lane carriageway, for vehicles turning left from Norwood Road into Dulwich Road, various junction modifications, removal and re-alignment of part of the Park boundary with repositioned railings and main entrance gates, provision of hard and soft landscaping including new tree and shrubbery planting, provision of improved street lighting at entrance to park and formation of new pedestrian islands, safety barrier and crossing facilities (Ref No. 07/03341/RG3)</p> <p><u>Application B: Conservation Area Consent</u></p> <p>The proposal is for the demolition of the existing toilet block, brick walls and raised planters, and removal of the main entrance gates, piers and boundary railings and short sections of walls (Ref No 07/03741/CON)</p> <p>This application is a departure from the Development Plan</p>
Applicant	London Borough Of Lambeth
Agent	Hayden Tuck 3rd Floor, Blue Star House 234-244 Stockwell Road SW9 9SP
Date valid	2 October 2007
Case Officer	Mr Andrew Byrne
Application Reference	07/03341/RG3 and 07/03741/CON
Recommendation(s)	APPLICATION A: GRANT CONDITION PLANNING PERMISSION APPLICATION B: GRANT CONSERVATION AREA CONSENT
Approved drawings	PA 1,2,3,4,5,6, 7 and 8; Design & Access Statement, Junction M0
Advert Publication Date	12th October 2007
Site Notice posted on	21st December 2007

1.1 Summary of Main Issues

1.1.1 The main issues arising from the applications are:-

- (i) The acceptability of the demolition of the disused brick-built public lavatories, shelter, brick screen walls to the south east of the gates and, removal of trees and planters.
- (ii) The acceptability of the removal of the main entrance gates, gate piers and boundary railings, safety railings and walls on either side.
- (iii) Whether the proposed change of use of part of Brockwell Park (Metropolitan Open Land/Park) to Public Highway is acceptable.
- (iv) The acceptability of the proposed works. This part of the application refers to a departure from the development plan due to the loss of a small part of parkland.
- (v) Impact on the character or appearance of the Brockwell Park Conservation Area.
- (vi) Impact on Transport and Highway issues.
- (vii) Impact on the street scene and amenities.
- (viii) The relevance of the objections raised.

2.1 Site Description

- 2.1.1 Brockwell Park is a heart shaped public open space with an area of approximately 50.4 hectares. It has a maximum distance of about 750 metres east - west (Tulse Hill side to Norwood Road) and about 917 metres north – south (Dulwich Road to near Brockwell Park Gardens). It is the largest park within the borough.
- 2.1.2 The application relates to an area of parkland, footpath and highway on the corner of Norwood Road and Dulwich Road. This site is approximately triangular in shape and has a frontage of approximately 38 metres onto Dulwich Road and 89 metres onto Norwood Road. The base of the triangle formed by the site is within the park and is 120 metres long. This triangle has an area of 1070 m², which is 0.21% of the area of the entire park. The frontages to the public highway have railings, small sections of wall with the main entrance gates and safety railings just in front of the gate entrance. The public footway along the Norwood Road frontage of this area is particularly narrow, being 1.2m on the corner and 1.3m to the south of the junction
- 2.1.3 Within the application site are disused brick-built public lavatories, a shelter, brick screen walls to the south east of the gates and planters. The area has a large hardstanding that forms a collecting / assembly point just inside the gates.
- 2.1.4 Herne Hill is the junction of six roads – Dulwich Road, Herne Hill and Norwood Road are London Distributor Roads, Milkwood Road and Railton Road are Classified Class C Local Distributor Roads and Half Moon Lane is located within the LB Southwark. The Borough boundary runs down the centre of Herne Hill and Norwood Road (the eastern sides being within LB Southwark). Norwood Road / Herne Hill is a busy radial road leading to and from Central London
- 2.1.5 Brockwell Park is a Public Park and Metropolitan Open Land, and is on the English Heritage Register of Parks and Gardens of Special Historic Interest Grade II. The park also forms the major part of the Brockwell Park Conservation Area.
- 2.1.6 The view of the park from Herne Hill junction is of grassed and landscaped land that rises behind railings to the listed mansion on top of the hill. Except for the busy highway network, the view of the park is one of an uncluttered, natural, tranquil area, with people relaxing, exercising, socialising and children playing freely. This is therefore in contrast

to the busy, congested, noisy scene where movement in the adjoining streets and junction is hazardous.

- 2.1.7 Public Transport bus services pass across the junction immediately in front of the site. Herne Hill Railway Station is also located approximately 100metres north of the application site.
- 2.1.8 The application was amended during consideration to include railing between the new pavement and the park so that pedestrians, especially children would be protected from traffic.

3.3 Details of Current Proposals

- 3.3.1 Applications are made by the London Borough of Lambeth for:-

Application A: Planning Permission is sought to carry out the following works of development:-

- (i) Change of use of an area of land from public park and Metropolitan Open Land located on the eastern side of Brockwell Park, (amounting to 1070m² of land located opposite No. 39 Norwood Road and 149 Dulwich Road), alterations to the public highway in association with the formation, safety island, safety boundary and creation of a single slip lane carriageway for north bound vehicles turning left from Norwood Road into Dulwich Road.
- (ii) The relocation of part of the parks boundary railings and gates.
- (iii) The provision of hard and soft landscaping including new tree and shrub planting.
- (iv) Provision of improved lighting and new entrance to the park.

(Ref 07/03341/RG3)

Application B: Conservation Area Consent is sought for:-

Demolition of the disused brick-built public lavatories, shelter, brick screen walls to the south east of the gates, and removal of planters and of the main entrance gates, associated open ironwork, gate piers and boundary railings and short sections of wall on either side.

(Ref 07/03741/CON)

- 3.3.2 Much of the proposal described above form part of a larger Highways and Traffic Management Scheme for this part of the Borough. The works on the public highway do not require Conservation Area Consent or Planning Permission as they are works permitted under the highway act. Such works provide a context for the development reported here and therefore a fuller account of these works is reported in this report.

3.4 Relevant Planning History

- 3.4.1 There is no recent planning history in connection with this part of the site. However, it noteworthy that full planning permission and conservation area consent have recently been granted for extensions, alterations and refurbishment of the adjacent Brockwell Park Lido.
- 3.4.2 On 18.12.2003 Planning permission was granted for ' Part demolition and extension of the south wing of existing Lido building to provide for recreational facility with ancillary uses, together with new east wing entrance along with associated alterations' (Ref 03/02655/FUL).

3.4.3 On 10.12 2003 Listed Building Consent was granted for 'Works to Grade II Listed Building involving refurbishment of the Lido site and the part demolition and extension of the South wing to match existing for recreational facility with ancillary uses, including new east wing entrance along with associated alterations' (Ref 03/02666/LB).

3.5 Consultations

3.5.1 Statutory consultations

Transport for London, London Transport Buses, English Heritage, Design for London, London Borough of Southwark, the Garden History Society and Greater London Authority.

3.5.2 Local Groups

Herne Hill Society, Brixton Society, Dulwich Society, Norwood Society, Friends of Brockwell Park, Herne Hill Traders Association, Herne Hill and Park View Tenants Association, Hurst Street Tenants Association, Brockwell Park Tenants and Residents Association, Milkwood Residents Association,

3.5.3 Neighbouring occupiers

One thousand ninety two (1092) letters of consultation were sent to local occupiers. This was as a result of additional consultations undertaken.

3.5.4 Advertisements

The applications were advertised in the local press and with 19 site notices were displayed in the local around the park including a notice at each public entrance to the park.

3.5.5 Summary of adjoining occupier consultation carried out

In response to consultation nine hundred and forty three letters /e-mails (943) were received raising objections and one hundred and forty six (146) letters of support were received.

Objections raised	Officer response
Loss of part of Park; impact on value of the park and on adjacent highway conditions	
The new road will have a detrimental impact on the view from inside the park	The views both from within the park and from outside will be enhanced as the gates and fence will be upgraded. The unsightly toilet will also be removed along with the 1970 style planters and various screens and brick walls. Additional landscaping including new tree and shrub planting and shared hard surfaced areas are also proposed. A condition to secure for an appropriate landscaping scheme is recommended.
I have lived close to parks in Paris, New York, San Francisco, Dublin, Oxford, and Cambridge and believe that Brockwell Park is the best park I've come across.	The application is not to compare one park against another. The scheme is clearly to improve the junction and safety for pedestrians and to create a traffic flow that is acceptable in transport terms. The scheme only utilises a small portion of the park for the benefit of all of the community in Herne Hill and those who visit the area. The overall effect of the proposal would be to enhance the park the junction in traffic terms and improve the safety for pedestrians. The proposal will also enhance the

	aesthetics of the entrance to the park.
The park belongs to us all MOL is protected to ensure it continues to be green open space.	The proposal is considered to be an exceptional circumstance and an acceptable proposal as submitted. As such it complies with Policy 67 of the UDP.
The park has been treated as if it had no monetary value and this allows the scheme to be shown as positive in cost benefit analysis. If the park were a building it would be too expensive.	The monetary value does not come into the decision. The application is to improve the access for pedestrians and traffic. The proposal will clearly have benefits for everyone who uses the park, pavement, roads and junction.
Loss of beautiful trees	Only a small number of immature and non-noteworthy trees will be removed. A mature Maple tree will remain. New trees will be planted as part of the scheme.
In Brisbane and surrounds over the last 20 years we have progressively lost open green space. Here I saw things I had not seen since my childhood, local children playing informally, running about, with lots of laughter and none obese.	The Park is over 500,000m ² . The scheme accounts for 0.2% of this area. It will not stop the use of the park. It could on the other hand encourage greater park use through a much safer and more convenient main access.
The park gives an insight to the values which make up the traditions upon which the country is based, there for you in all seasons to wander and find quite solace.	This scheme looks to maintain values by providing safe facilities with improved public realm. This should encourage and allow people to use the park content that the environment immediately surrounding it is safe.
London is known world wide for how green it is let us keep it that way	This proposal will not affect London's wider City role. The proposal will improve the public realm.
Increasing local population increases demand for parkland	The scheme will help address the increasing demand for safe attractive public space in which to access the park and other local facilities.
Open space is more important with infill development and hard surfacing of front gardens for parking also removes this.	The application has nothing to do with a front garden. It specifically relates to a small part of the park being removed to enhance the entrance and pedestrian and transport issues.
Herne Hill would lose its small scale identity.	This scheme looks to reaffirm the Herne Hill identity.
Impact on loss of parkland for those who cannot afford gym fees to keep fit.	Only 0.2% of the park would be affected. The proposal does not prevent exercise in the park. Gym fees are not a planning matter.

The positive effect of Brockwell Park on the community far outweighs need for extra road space.	The whole community and land use requirements need to be taken into account, not just park use or users.
Brockwell Park is my favourite place in Brixton.	The area around Herne Hill entrance will be significantly enhanced and improved as will general access to the park. The proposal should not affect the view put forward.
Many residents do not have large gardens/live in flats so park is important.	The proposal does not prevent flat owners using the park. The proposals look to improve accessibility for park users and the quality of their experience.
Our vision should match that of those who provided the park.	The scheme is community focussed and will rejuvenate the park entrance.
The Park should be guarded and handed on to the next generation	The changes will not prevent the next generation using the park.
With increases in population the size of park should be expanded.	The scheme will help to address the increasing demand for safe attractive public space in which to access the park and other local facilities.
What compensation would be paid to Brockwell Park?	The park will benefit from improved access, increased use, enhanced design, and the removal of unsightly structures.
How many other boroughs are using parkland for roads.	This is not relevant to the present proposals
The park is the areas identity	This scheme looks to reaffirm the main entrance of Brockwell Park and maintain its identity.
The proposal is akin to the intrusion of a bypass onto otherwise unspoilt countryside of outstanding beauty.	The road layout changes are not to a bypass and do not resemble one. They intend to merely improve the junction and enhance the entrance to the park whilst at the same time improving the area for pedestrian usage.
The Park is a magnificent inheritance from the Victorian Period.	The entrance is in much need of refurbishment. This scheme looks to reaffirm the main entrance of Brockwell Park and maintain its heritage.
Loss of 1,000m ² of Metropolitan Open Land of historic significance from Brockwell Park, with no compensation, will change the park forever and cannot be justified	Policy 67 of the UDP is an enabling policy that especially allows for this. The changes will only affect a very small part of the park and will significantly improve accessibility.
Public lavatories should be refurbished not demolished. The loss of toilets will deter particularly older people from the health benefits of using the park	Toilets have been closed for many years. Options for replacement of toilet facilities are being investigated The public lavatories will be demolished anyway under the

	proposals for Phase 2 of the current HLF bid for park improvements. Project Board also supportive of provision of a toilet facility and is pressing for the existing toilet redundant and unsightly structures to be replaced.
The proposal will intrude into runners' routes around the park for the benefit of traffic.	The runners' paths will remain largely unaffected. The scheme will provide safer access for runners to park.
Deleterious effect particularly on vistas down from Brockwell Hall towards Herne Hill.	It is considered that the vista will be maintained.
Loss of old gates.	Old gates to be refurbished and reinstalled.
Loss of flat circulation space inside the gates with slope of land inside the park hard up against the gates detrimental to its appearance and setting. Less space to congregate safely at the entrance.	The circulation space will be reallocated within the park boundary as agreed with Parks. The topography or the entrance belies the claim regarding slope.
Will reduce parks suitability for events.	The proposal should improve the parks suitability for events with safer crossing facilities and a pedestrian island that can accommodate higher pedestrian flows.
Recent loss of park to Brockwell gate and to expansion of Lido.	Planning permission was approved for improvement to Lido. This has been implemented and has enhanced appearance of the area.
There is probably no need for the slip road; traffic-modelling programmes have been repeatedly shown to be unreliable. The evidence for the new road is unreliable.	This junction is in urgent need of safe pedestrian and improved cycle facilities. Traffic modelling is the only accepted method of determining proposed junction layouts. There are no grounds to suggest that traffic modelling is unreliable, as claimed.
Information for basis of decision unreliable.	The information provided is considered acceptable.
Impact on traffic flow	
The proposals will increase traffic flows	Rather than increase traffic flows, the scheme is designed to encourage modal shift to more environmentally sustainable forms of transport by encouraging walking, cycling. Links between public transport modes are also improved.
The alignment of the slip road will encourage traffic to speed up.	Alignment of the slip lane is to maximise both vehicle and pedestrian sight lines and therefore safety. Material selection, zebra crossing and

	other design features will assist in reducing vehicle speeds.
Traffic flow should not take precedence over of safety.	Scheme is designed to reduce speeds and should increased speeds become evident, remedial measures would be undertaken
Impact on cyclists	
The effect of improving pedestrian and cycle priority upon other road traffic has been overestimated.	The traffic Engineers believe that the scheme provides for all road and pavement users.
Pedestrians on each side of the widened road would be further from each other lessening sense of security, more opportunities for crime.	The proposals look to improved lighting, safe crossings and wider footways. The reduction in fear of crime is part of these proposals.
Walking and cycling routes in the scheme are not direct, and is made less direct	The scheme has attempted to provide a shared surface for all with desire lines.
The simple solution is to put a green man phase on the traffic lights for crossing Dulwich Road.	The simple addition of a pedestrian phase would not be possible nor meet the objectives of the scheme nor help achieve the regeneration objectives.
Oil supply will decline now is not the time to invest in car culture.	Not a planning matter.
Previous scheme took hardly any public open space	This may refer to a scheme put forward by WS Atkins that involved the reversal of traffic flows along Railton Road. These proposals were rejected as being entirely traffic focussed and not contributing to area regeneration. A previously consulted option proposed to use more land than current design. Basic alignment is the same.
Solution is to suspend the bus lane.	This would only add to delays to buses and reduce bus reliability.
Only 2 metre strip needs to be taken.	The plans clearly demonstrate what land is required.
No alternatives proposed this should include road pricing, 20mph speed limit.	This does not form part of the proposal.
No junction improvements have been made.	The plans submitted would clearly show improvements.
Police should control use of yellow boxes.	If the need for yellow box junctions arises they would be enforced by Lambeth as Local Highway Authority.
The large traffic island will increase the walking distance to the safety of	The pedestrian island will reduce the junction's traffic dominance, bring the

<p>the park gates. A particular problem for wheelchair users, children or those with dogs. Created island of no benefit.</p>	<p>park closer to Herne Hill, provide an area for pedestrians to stand and meet, make park access safer for pedestrians and cyclists and cater for large events. Separating the slip road traffic will reduce speed and enforce the pedestrian dominance on the junction.</p>
<p>Increased stream of traffic will obscure view of park.</p>	<p>This design is intended to open up the views of Brockwell Park. Removal of the toilet and walls will significantly open view into the park and encourage its use.</p>
<p>Proposed traffic island is unlikely to be properly cared for and with traffic flow will have a detrimental impact on the view of the park.</p>	<p>The high quality of the design and materials used will enhance the view of the park. A condition is attached to ensure appropriate landscaping at the entrance to the Park. The traffic island will be largely maintenance free, although as with all public realm there are minimum cleansing standards.</p>
<p>Would harm character of Conservation area and historic Park.</p>	<p>The existing public lavatories and boundary wall are of no architectural interest. The entrance to the park is currently cluttered by the existing boundary treatment and the structures proposed to be demolished. The proposal will remove the clutter and offer more open vistas of the Park when viewed from the junction. It is considered that subject to details of a landscaping scheme including new tree planting street lighting and furniture, the proposal would enhance the setting of the Conservation area and the Park.</p>
<p>There has been no consultation on any alternative proposal for the junction.</p>	<p>Various options have been reviewed and two consultants engaged to assist in alternative options.</p>
<p>Consultation haphazard.</p>	<p>The area of consultation was extended and, the number of site notices increased.</p>
<p>Funding for regeneration of park will be withdrawn if scheme goes ahead.</p>	<p>The Heritage Lottery Fund (HLF) has stated categorically that the park bid is not affected by the proposal. HLF objectives require safer access to the park. This scheme meets that obligation.</p>
<p>A Departure from the Unitary Development Plan.</p>	<p>The policies of the Council allow for minor departures such as that proposed where benefits to the community can be shown. Policy 67 allows this to happen and specifically refers to this highway improvement.</p>

3.5.6 Submission of Two Petitions

Two Petitions objecting to the proposals were submitted by the Friends of Brockwell Park.

One Petition has 2,447 signatures and makes the following statement:-

'I, the undersigned user of Brockwell Park, object to the plan to take more than 1000 sq metres from the Park for a new road scheme. I also object to the Herne Hill public toilets being demolished. I believe traffic congestion can be eased by taking a minimal amount (a few metres) from the Park and the current proposals are completely out of proportion. I am against any scheme affecting the Park boundaries unless Park users are fully consulted.'

The second Petition with 735 signatures states as follows:-

'We the undersigned object to Lambeth Council's plans to run a road across Brockwell Park at the Herne Hill Gates. We object to the loss of parkland, to the fact that the scheme is to speed up traffic, to the loss of the public lavatories, and to the failure to consult residents round the park or park users'

Both Petitions were received on 30 November 2007 from Friends of Brockwell Park

3.5.7 The Friends of Brockwell Park

The Friends of Brockwell Park have written to oppose this application to take more than 1000 sq metres of Brockwell Park for a slip road at the Herne Hill junction. It is their view that the slip road and the resulting extensive traffic island represent an old-fashioned, traffic-led, unimaginative approach to the problems of the junction, which hardly addresses the needs of vulnerable road users or takes account of the importance and the historic nature of the Park.

A summary of their detailed opinion is provided below:

Consultation

It is our view that consultation on this issue has been inadequate. Lambeth has not carried out a consultation commensurate with the importance of the issue and has not sought or taken into account the views of the vast majority of park users; most have no idea what is being proposed. The report on the consultation for the 2004 plans for the Herne Hill junction reveals that of 2714 consultation questionnaires sent out, 325 – i.e. only 12% - were returned. Of those, 256 (i.e. 79% of the 12%) were in generally in favour, thus less than 10% of consultees agreed, even in general terms, with the scheme. This cannot be claimed, as Lambeth is doing, as overwhelming local support for the proposals. Public consultation on the present scheme has been confused and ill-organised.

Amenity

It is our view that the new road will significantly change the view of this historic landscape from the inside of the Park, from the main path and from the Norwood Road path. The road will bring traffic further into the Park, with greater pollution and noise. The relocation of the gates and the concomitant loss of flat circulation space just inside the gates will mean that the start of the slope inside the park will be hard up against the gates and will have a disproportionate effect on the appearance of the entrance and its setting, which is contrary to policies 4.17, 4.18 and, 4.19 of Lambeth UDP.

The huge traffic island will result in the loss of Park land and will significantly obscure the present view of the Park from Herne Hill because traffic will flow past it much faster in both directions and in a more continuous fashion. The entrance to the Park will be moved further away from the centre of Herne Hill. The traffic island is unlikely to be attractive and will be a near-useless public space. It will collect litter and a forest of street furniture; the tree that remains on it will not be the responsibility of the Parks Department and is unlikely to be properly cared for. It is only a matter of time before the

island becomes part of an urban wasteland, rather than the vibrant heart of a community.

We deplore the fact that there are no plans to replace the public lavatories which will be destroyed by the slip road. New lavatories should be a vital component of any regeneration scheme. New accessible toilets should be provided for both park users and for people visiting Herne Hill.

Traffic & Road Users

We believe that the scheme represents an increase in road space; this will encourage further traffic into the area. It is well-established that any increase in road space, large or small, attracts additional traffic. There will be no reduction of overall congestion because “new “traffic will arrive to fill up the space, thus the plans will not solve traffic problems at Herne Hill. The junction needs improved pedestrian and cyclist priority; however we think it is likely that the effect of increased pedestrian and cycle priority upon other road traffic has been overestimated. There is probably no need for the slip road; traffic modelling programmes have repeatedly been shown to be unreliable. Vulnerable road users are not well catered for in the scheme; the very large traffic island will force people intending to cross into the Park to walk much further to the safety of the Park gates. This is particularly a problem if they have young children, dogs or are with a wheelchair user. Similarly, we believe that the needs of cyclists have not been catered for and concur with the views of Lambeth cyclists in their objection to the scheme, for the reasons they describe.

Metropolitan Open Land

The scheme will result in the permanent loss of Metropolitan Open Land; there is no possibility of replacing the 1000 plus square metres and the area of park that will be destroyed is of historic significance and will be changed for ever. This is clearly contrary to policy 52 (a) of Lambeth’s UDP The proposals for the new slip road, replacing an existing slip road, do not justify the loss of 1000sq m of Metropolitan Open Land. We believe that the fact that this is public land has allowed it to be treated as though it had no value.

Policy 67 of Lambeth’s UDP states “The use of a very small part of Brockwell Park for this will exceptionally be permitted where this is essential to these improvements and the character of the Conservation Area/Historic Park is not harmed.” Given that the rest of the proposals for the regeneration can happen by keeping the current slip road where it is, it therefore can not be argued that the expansion of the slip road into the park is essential. It is therefore contrary to policy.

Traffic modelling is a very inexact science. The law requires additional road space to be considered if pedestrian/cyclist priority is increased but the models overestimate the amount needed. The Planning Committee will have to make this decision on the basis of unreliable evidence of need for a new road.

The Council has misrepresented responses to a consultation that relates to an earlier proposal (in 2004) as evidence of full public consultation, and have promulgated these views as though they were in full agreement with the current proposals even to the extent of removing dates from the letters. There has been no consultation on any alternative proposal for the junction or any plan that would take less land.

If the junction is dangerous, then the safety issues should have been addressed much sooner and in a way that did not necessitate the delays caused by the need to apply for planning permission for change of use of the Park.

In July 2007, councillors voted to support the junction proposals at a Council meeting where there was no debate on the resolution concerned and in which they voted along party lines. This has had the effect of committing all Labour members of the Planning Committee, if present at this vote, to support the plans before they have heard the case,

in contravention of Lambeth's own Code of Conduct for councillors. In addition, a Member of Parliament and a member of the GLA have both commented publicly on a live planning application. We believe it is very difficult for the Planning Committee to come to a balanced decision in these circumstances.

The Friends of Brockwell Park support measures at the Herne Hill junction that will provide environmental improvements and greater pedestrian, cyclist comfort and convenience. We believe that these things can be achieved without the loss of such a large area of Brockwell Park. We have always acknowledged that a small area of the Park could help solve traffic problems at the junction - for instance smoothing off the sharp corner in the left turn lane out of Norwood Road to reduce the blockage caused by traffic going straight on.

3.5.8 The Lambethians' Society

The society has raised objections to the proposals on the grounds that it would result in an excessive loss of parkland and the free public toilets are a necessity which should be provided.

3.5.9 Friends of Belair Park

The friends of Belair Park have raised objections to the proposals on the grounds that there will be a loss of public open space, unsuitability of the traffic island as community space, that the drawings omit realistic traffic levels and minimise the impact of the scheme, there is a failure to display notices on notice boards in park or in sufficiently prominent fashion, the Initial consultation was about a different scheme, and that there was a lack of specification of the replacement green space.

3.5.10 Lambeth Cyclists

The cyclists have raised objections to the proposals on the grounds that the slip road does not offer long term traffic solution, the Council has not correctly interpreted its obligations under the Network Management Duty, alternative solutions such as demand management should be explored, the loss of parkland would not be justified and would set a precedent, the regeneration of Herne Hill should be funded separately from the slip road, aspects of the scheme appear detrimental to safety, comfort and convenience of cyclist, a full and proper account has not been made of cyclists movement and flows.

3.5.11 Lambeth Climate Action Group

The group have raised objections to the proposals on the grounds that there will be intrusion into parkland, a loss of the entrance gates it invests in a car culture when we should be investing in alternatives to reduce carbon emissions

3.5.12 St. Matthew's Project

At a time when we are supposed to be cutting down on emissions, to slice a chunk of the park off for road traffic is unacceptable. We are very much against it.

3.5.13 Brockwell Park Community Greenhouses

The proposed road plans for Herne Hill Junction were discussed by the executive committee of the Brockwell Park Community Greenhouses. The view of all the trustees present was unequivocally opposed to the proposal, because of deleterious effect the new road would on the park landscape, particularly on vistas down from Brockwell Hall towards Herne Hill, and damage to the amenity value of that park of the park though the intrusion of traffic noise deeper into the park landscape.

3.5.14 Herne Hill Forum

The Forum has supported the plans for the regeneration of the Herne Hill area including the improvements to the entrance of Brockwell. Over the last 8 years the local community have been campaigning to improve the entrance to the park, priority given to pedestrians, cyclists and buses and a regeneration of the Herne Hill area. The plans have been worked on extensively over the years by local residents and traders in conjunction with numerous departments within Lambeth Council.

Previous traffic orientated plans that imposed a change of use of a greater amount of park land were rejected in favour of the current plan that has the minimum change of use

of parkland possible whilst also bringing with it the considerable benefits to park users, local residents and traders that are so urgently required. It provides a flagship example of expanding parkland into the local community through the greening of the main approach to the park via Railton Road and the green Island before entering the park through a much improved and safer entrance.

3.5.15 Lambeth Conservative Group

The Lambeth Conservative Group state that we wholeheartedly support improvements to this junction to make it safer for pedestrians, cyclists, buses and other vehicles. The improvements are long overdue. We understand concerns about the loss of green space and have consistently sought assurances that any loss would be minimised. We are concerned that we have not had proof that no other plans, apart from the one put forward, would be considered by TfL and if it does not go ahead that the funding will be lost. We are concerned to hear that the Heritage Lottery fund has apparently said that if the scheme does go ahead HLF funding may be lost.

We would like to see a commitment from the Council to fund new public conveniences as the old ones, which are admittedly of poor quality, will be lost. We would also like to see a commitment from the Council to find compensatory greenspace elsewhere if space is lost at the junction. Clearly urgent action is needed to bring the different parties together to ensure that junction improvements are made. At the moment there is a concern that because of the local divisions we could lose both the junction funding and the park funding. We must have improvements to this junction.

3.5.16 The Chairman of the London Parks and Gardens Trust

The proposed loss of public open space and metropolitan open land from Brockwell Park as part of the proposed road-widening scheme at Herne Hill Junction that would create a disproportionately large and potentially bleak triangular traffic island at the entrance to the park.

Brockwell Park is included at grade II in the English Heritage Register of Parks and Gardens of Special Historic Interest and is also the subject of a bid for Lottery funding, and as such any proposals that might adversely affect its character and appearance require careful consideration.

The present road junction and entrance to the park are unsatisfactory in many respects and there is scope for adjustment and improvement, and that was acknowledged when informal consultations were held several years ago with English Heritage. Since then, however, the road proposals have become more ambitious and the loss of parkland greater to the extent that I consider that the London Parks and Gardens Trust must now object to the proposals'.

3.5.17 The Director of Design for London

We do not comment on individual applications being considered by borough planning authorities but we have now submitted detailed comments to our colleagues in Borough Partnerships at Transport for London explaining why we are unable to support the scheme'.

3.5.18 Conservation and Design Officer's Comments

In urban design terms, the proposal appears to be a large, featureless, wholly paved traffic island, bisected by the bus lane. There appears to be no defined or protected crossing point on the bus lane in place of the current controlled pedestrian crossing, and the traffic island is not railed. The absence of clutter is welcome. However, the quality of urban design here is disappointing. The design statement does not really provide a rationale in any other terms than highways functionality. I am unclear whether the submission reflects the input of specialist urban designer. In any case a larger scale more detailed drawings should be submitted.

I would note that a design that did not require any loss of parkland, nor created an enlarged traffic island was presented to the Herne Hill Forum, (the community-led steering group to which the council has given responsibility for this project) by Transport

for London's Urban Design/Heritage team some months ago. I am unclear whether this is "Option D" to which the application refers, but it was my understanding that this option was not fully worked up.

A number of other issues have been raised in relation to this case which I suggest should be reported. You will doubtless be aware that the Council is currently seeking a major (c£5 million) grant for the park from HLF. It is important that members are aware of the views of Stewart Harding (HLF project monitor).

3.19 The comments below refer to letters of support for the proposal

146 letters of support for the proposal have been received and are summarised as follows:-

- 1 Pedestrians are in serious danger. I have regularly witnessed and experienced near miss accidents between pedestrians and vehicles. The scheme would improve safety for pedestrians and cyclists
- 2 To get across Norwood Rd we have to make four crossings, the scheme will result in ease of access to Brockwell Park. As a parent with three small children I look forward to the scheme being approved as soon as possible.
- 3 The proposal would reduce number of buses using Rymer Road and number of heavy vehicles using local streets
- 4 The application would reduce traffic queuing, lessen pollution and Co2 emissions
- 5 The proposal would transform the ugly congested junction and surrounding area and make it more pleasant on exiting the park you feel that you have been pitched directly into the traffic. The new entrance is grander and gives some sense of the scale of the park
- 6 The loss of the small area of land would be less than 0.2% of the total acreage of the park. The benefits far outweigh this tiny loss. A half-baked scheme which takes less of the park but doesn't fix the problem is pointless. Taking too little of the park would not solve the nightmare of the junction. Preserving this corner at the expense of public safety and civic pride would be insanity
- 7 The loss of the small, unattractive, underused part of the park is totally out weighed by the advantages and will encourage greater use of the park. There are only two semi- mature trees and some bushes affected by the proposals. The island preserves some of the mature trees and brings the park into the junction
- 8 The project will provide regeneration with high quality paving and street furniture will encourage the daytime economy by making area more accessible pleasant Renew economic and social vitality Existing junction takes the heart out of the community It is not just a matter of improving the centre but of preventing its deterioration.
- 9 The condition of the junction is a disincentive to use local shops. The scheme will encourage use of the shopping area and will reduce need to travel to other shopping areas.
- 10 The toilets proposed for demolition are of no historical or architectural importance.
- 11 The proposal would make public transport more attractive.
- 12 The frontage will benefit from an homogeneous line of railings and gates.
- 13 The proposals are within the Council's adopted UDP. and TfL's vision for London and are widely accepted by the local Herne Hill community the prime users of the park through this entrance.

- 14 A number of people who have signed the petition to save the park now regret it. It is easier to sign a petition than to explain the plan.
- 15 The application is supported by people who love the park.
- 16 The proposal will improve disabled access to station.
- 17 Residents have been given ample time and information to comment on the application.
- 18 The proposal is an excellent solution.
- 19 The proposed plans are sensible and sensitive.

3.5.20 The MP for Herne Hill – Tessa Jowell

Rt Hon Tessa Jowell has written in support of the application and has stated the following:

'I have represented the Herne Hill area in part from 1992 and in its entirety since 1997. I am well aware therefore of the long-standing need for a solution to the problems of traffic congestion and safety that exist in connection with the 'Herne Hill' junction.

The current layout, through the confluence of six major roads (Herne Hill, Norwood Road, Dulwich Road, Railton Road, Milkwood Road and Half Moon Lane) is extremely complicated and very difficult and dangerous for pedestrians and cyclists to travel through. It is also the cause of significant delays to buses. Its complicated nature causes confusion - particularly among those unfamiliar with the layout and directional restrictions. Many illegal manoeuvres are made by motorists which are the source of further danger. I understand that 14 people have been injured at the junction in the past three years.

The current layout also fails to afford a suitable access point to what should and could be a more suitable and fitting principal access point to the magnificent Grade II listed Brockwell Park.

The solution that has been reached is detailed in the application. It has grown out of the shared knowledge and experience of the local community, working closely with Officers from the Local Authorities and TfL. It is supported by The Herne Hill Society, Herne Hill Forum, numerous residents' groups and representatives from the four political parties elected to Southwark and Lambeth Councils.

I believe that the solution reached has widespread support. It does involve utilising a very small part of the park (0.2% of the total area). I do feel however, that the benefits for the junction in terms of a reduction in congestion and enhancement of safety will be very great. I also believe that the appearance of the entrance to the park, the ease of access to it and the environment of the entrance area to the park, will all be greatly enhanced.

In short, I believe that this application will facilitate improvements for pedestrians, cyclists, bus users and park users alike. I very much hope that it will receive the enthusiastic support of Members on the Planning Applications Committee'.

3.5.21 The Chair of the Herne Hill Forum

The forum has written in support of the planning application stating that it allows a dramatic change in priorities in the Herne Hill area away from motor vehicles to pedestrians, cyclists and public transport. It allows the park to reach out into the local community by giving a green landscaped pathway from the station, via Railton Road and the green island into the much improved entrance to the park. For the first time in

Lambeth a park has been expanded beyond its formal boundary into the local community, an excellent example of environmentally urban design.

The current planning application provides an essential element of the urban design change of the junction and surrounding area that is necessary to revitalise the local environment and regenerate the local economy. The Herne Hill Junction proposals deliver on Lambeth Council's promise of providing safe pedestrian access to parks, improved access for cyclists and preferential treatment for public transport. By emphasising the park with a safe entrance and pedestrian priority area, the local commercial community can stem the slide and start to rebuild what used to be a thriving safe pleasant local centre.

3.5.22 The Herne Hill Forum Transport Group

The group write in support of the proposals and state that the main benefits of the proposals are that it will bring a renewed economic and social vitality to Herne Hill and that it will significantly improve the park entrance, with a pleasanter safer access to Brockwell Park. It will increase space and safety for pleasant walking and cyclists at the junction and surrounding area.

Environmental improvements would make the park entrance more attractive. The proposal would improve the trading environment and encourage economic regeneration. The proposal would also result in more bus lanes, fewer delays and reduced journey times. Rerouting double-decker buses away from narrow residential streets would be welcome. The proposal would result in less pollution. There would also be the retention of Maple trees and improved disabled access to the station.

3.5.23 The Chair of The Herne Hill Society

The chair of the Herne Hill Society has written in support of the proposals and has stated that the Society has been closely involved with the project and strongly supports the application. For too long Herne Hill has suffered the effects of traffic stress, environmental degradation and a declining economy. This project provides the only workable solution that will help address these issues. However, without the proposed changes to the Park boundary, the project cannot go ahead.

3.5.24 Stradella and Springfield Residents' Association

The association has written in support of the proposals and states that this association represents almost 200 households in the Herne Hill area covering Stradella and Winterbrook Roads and parts of Half Moon Lane and Burbage Road. Brockwell Park is our nearest public park and Herne Hill our nearest neighbourhood shopping area. Our Executive Committee and membership in general very much support this application. The present arrangements for crossing the junction on foot from the east side of the railway bridge into the Park are extremely dangerous, especially for those with children or with impaired mobility, made worse by the small size of the existing pedestrian islands, especially when there are large events in the Park.

The serious traffic congestion causes significant pollution from vehicle exhaust, and inconvenience for much of the day to those wishing to drive under the railway bridge. Traffic makes an unpleasant environment for those visiting and shopping. The congestion delays buses passing through the junction. The present proposal is undoubtedly the best to achieve the necessary improvements, whilst at the same time reducing the loss of parkland to a minimum. It has been the subject of extensive consultation within local organisations and has received widespread support. The part of the park to be lost represents only 0.2% of its total area and is not a particularly attractive area.

3.5.25 London Living Streets

London Living Streets support the proposed improvements for the Herne Hill junction. The current provision for pedestrians is very poor. Situated as it is near the station, the park and local shops, with lots of pedestrian movement, it certainly is a junction that deserves to be improved. 'London Living Streets' is progressing a campaign calling for action at junctions exactly like this one, where green men are missing, where people

cannot safely and conveniently cross the road. We are developing a list of priority junctions for action.

This junction, in its current state, would certainly be among them. London Living Streets recently visited the junction and met a leading member of the Herne Hill Forum and an engineer who is the scheme project manager from Lambeth who talked us through the scheme at great length. London Living Streets is most impressed with the overall design elements and are positive that the scheme will bring a net benefit to all users, particularly to pedestrians. The provision of protected crossings is most welcome.

The improved access to local amenities including the park and the shops in Railton Road will undoubtedly improve pedestrian amenity. We anticipate that the proposed closure of Railton Road will improve the experience of using the shops and services on Railton Road and indeed help to safeguard their future. The very fact that this scheme has been championed and developed so actively by the local community is to be applauded.

Living Streets recognises the approach that has been taken by local stakeholders and praises the community engagement and activity that has enabled this scheme to progress to the detailed design stage. Whilst London Living Streets is concerned by the impact that motor vehicles, particularly private motor vehicles, have on walking and spending time in the public realm in London, we are mindful that improvements can only be delivered incrementally. As such London Living Streets fully support this scheme.

3.5.26 The Historic Buildings and Areas Adviser at English Heritage

The park entrance at Herne Hill has been substantially altered several times and other than the line of the drive there is little of architectural interest in this location.

3.5.27 Transport and Highways officers' comments

The Council's Transport officers fully support the proposal. Their comments are contained in the section relating to the transport implications of the proposal

3.6 Relevant Policies

National and Regional Policy Guidance

3.6.1 Central Government advice is contained in a range of Government Circulars, Planning Policy Guidance Notes (PPG) and/or Planning Policy Statements (PPS). These contain general policies, which aim to guide the local planning authority in securing good local planning policies based on real and sound objectives and the need to provide high quality, well thought out and sustainable developments, which make a positive contribution to the locality and which help to protect or enhance the environment.

3.6.2 The following national guidance is considered particularly relevant to this application:

PPS 1 [Delivering Sustainable Development]
 PPG 2 [Green Belts]
 PPG 13 [Transport]
 PPG15 [Planning and the Historic Environment]

3.6.3 Planning Policy Statement 1 (PPS1) sets out the Government's policy to provide for sustainable development through the planning system. PPS1 provides that planning authorities should:

- *“promote urban and rural regeneration to improve the wellbeing of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities...”* (para 27(ii)) and;

- *“Focus development that attracts large numbers of people, especially retail, leisure, and office development, in existing centres to promote their vitality and viability, and more sustainable patterns of development...” (para27 (vi));*

- 3.6.4 PPS1 further states, “Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.... Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” (para 33 and 34)
- 3.6.5 Annex C12 to (PPG) 2 requires local authorities to have regard to “the desirability of preserving gardens and grounds of special historic interest”. The English Heritage register of historic gardens lists sites of particular importance,’
- 3.6.6 PPG13 (Transport) deals specifically with transport, particularly the way in which transport integrates with planning. PPG13 seeks to: promote sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking, and cycling; and reduce the need to travel, especially by car. The Guidance encourages the location of traffic generating uses close to public transport, to encourage sustainable transport modes.
- 3.6.7 Furthermore, PPG13 provides for a reduction in the quantum of car parking in new development, to reduce reliance on the private car and promote sustainable transport. PPG13 also encourages the production of travel plans to raise awareness regarding the impacts of travel decisions. The PPG also clearly encourages local authorities to improve the free flow of traffic and to protect the pedestrian by improving roads and junctions.
- 3.6.8 PPG15 (Planning and the historic environment) states that the objective of the planning process should be to reconcile the need for economic growth with the need to protect the natural and historic environment. In exercising conservation area controls, the local planning authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 3.6.9 In terms of conservation areas, the guidance states that “the desirability of preserving or enhancing the area should be...a material consideration in the planning authority’s handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area.” (Para4.14) Paragraph 2.24 states that local planning authorities should protect registered parks and gardens in preparing development plans and in determining planning applications. The effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application. The guidance further suggests that planning and highway authorities should also safeguard registered parks or gardens when they themselves plan new developments or road schemes’.
- 3.6.10 Paragraph 4.19 also states that the Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposal would conflict with that objective, there will be a strong presumption against the grant of planning permission, although in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest’
- 3.6.11 The London Plan (2008) provides strategic planning guidance for development and use of land and buildings within the London region. All Borough plan policies are required to be in general conformity with the London Plan policies. The key policies of the plan considered relevant in this case are:

- Policy 3C.4 Land for transport functions
- Policy 3C.16 Road Scheme proposals
- Policy 3C.17 Tackling congestion and reducing traffic

- Policy 3C.19 Local area transport treatments
- Policy 3C.20 Improving conditions for buses
- Policy 3C.21 Improving conditions for walking
- Policy 3C.22 Improving conditions for cycling
- Policy 3D. 8 Realising the value of open space and green infrastructure
- Policy 3D. 10 Metropolitan Open Land

3.6.12 Policy 3D.10 [Metropolitan Open Land] states:- The Mayor will and boroughs should maintain the protection of Metropolitan Open Land (MOL) from inappropriate development. Any alterations to the boundary of MOL should be undertaken by boroughs through the DPD process, in consultation with the Mayor and adjoining authorities... Policies should include a presumption against inappropriate development of MOL and give the same level of protection as the green belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of MOL.

3.6.13 Whilst Policy 3D.8 [Realising the value of open space and green infrastructure] provides that the Mayor would work with strategic partners to protect, promote and improve access to London's network of open spaces, Policy 3D.11[Open space provision] states that development plan documents should '*encourage functional and physical linkages within the network of open spaces and to the wider public realm, improve accessibility for all throughout the network and create new links based on local and strategic need*'.

Lambeth Unitary Development Plan (2007)

3.6.14 The current up to date statement of the Council's planning policies is contained in the Replacement Lambeth UDP adopted on 6th August 2007. Together with the London Plan, this forms the statutory development plan for the Borough and is now used to determine all planning applications. The following policies are considered particularly relevant to this application:

- Policy 1 The Vision for Lambeth
- Policy 4 Town Centres and Community Regeneration
- Policy 9 Transport Impact
- Policy 10 Walking and Cycling
- Policy 11 Management of Road, Bus and Freight Networks
- Policy 14 Parking and Traffic Restraint
- Policy 31 Streets, Character and Layout
- Policy 36 Alterations and Extensions
- Policy 39 Streetscape, Landscape and Public Realm Design
- Policy 47 Conservation Areas
- Policy 49 Metropolitan Open Land
- Policy 50 Open Space and Sports Facilities
- Policy 52 Protection and Enhancement of the Natural Environment
- Policy 67 Herne Hill District Centre

4 Planning Considerations

4.1 Land-use Issues

4.1.1 The land use considerations of this scheme concern the relationship of this large and stately park and a busy road junction. Members should note that this application is considered to be a departure due to the loss of a small area of parkland.

4.1.2 Previously the Park was the landscape setting for the Grade II* listed mansion house at the top of the hill with its boundary sited along the Herne Hill junction. At the time traffic at the junction would have much less and visitors much fewer than those arising from the large events now held there.

4.1.3 It is considered that the junction of Dulwich Road and Norwood Road currently presents an unattractive and unsympathetic setting to the Park. This area of the Park is occupied by a disused public lavatory and brick screen walls, which in English Heritage's view are

'unsightly and not of interest' and whose demolition would be supported and improved planting to this area encouraged. The junction itself has become a cluttered maze of crossovers, pedestrian refuges, traffic islands and barriers with an exceptionally narrow footway, particularly on the corner of Norwood Road and Dulwich Road. In addition to this poor physical condition, the road junction is very wide, hard to cross and cluttered with poor quality street furniture and worn out surfacing and kerbs and as such not suited to the amount of both pedestrian and vehicular traffic it carries. The existing situation and vista across the junction towards the park is therefore currently unattractive.

- 4.1.4 The proposals will have the dual benefit of improving traffic flows through the junction and providing an improved setting for the main entrance to the Park thereby enhancing its character, appearance and its use. Therefore whilst the works outside the boundary of the Park are specifically intended to benefit the operation of the public highway they would also provide an appropriate setting for the Park, with a more spacious and safer access to the main entrance of the park.
- 4.1.5 Policy 47 [Conservation Areas] of the UDP requires development proposals in a conservation area to preserve or enhance the character or appearance of the conservation area and that development outside conservation areas should not harm the setting of the area or harm views into or from the area.
- 4.1.6 In relation to the network of Metropolitan Open Land in London of the Park forms a significant part Policy 49 states that development in MOL will be inappropriate unless it is used for essential facilities for appropriate uses which not have an adverse effect on the openness of MOL. Material changes in the use of land, including engineering and other operations are considered inappropriate development in MOL unless they maintain openness and do not conflict with the purposes of the use of MOL.
- 4.1.7 This policy approach to protecting open space is reiterated in Policy 50 [Open Space and Sports Facilities] which states that the Council will protect Open Space in the Borough (as identified on the Proposals Map and as defined below) from inappropriate built development. However exceptionally, some development on open space sites may be permitted if it comprises:

(ii) Development that facilitates or enhances public access

(a) Parks –The enhancement and improvement of parks is promoted in accordance with Lambeth's objectives for parks, in particular in terms of biodiversity, safety, and accessibility

(e) Historic Parks and Gardens – The character, appearance, and setting of sites, including original or significant design, landscape and built features will be protected and restoration supported.

- 4.1.8 More relevant to the land use considerations in this case is Policy 67 [Herne Hill District Centre], which states the following:

"Improvement of traffic and other environmental conditions in central Herne Hill, in addition to junction and other improvements in partnership with the London Borough. Southwark. The use of a very small part of Brockwell Park for this will exceptionally be permitted where this is essential to these improvements and the character of the Conservation Area/ Historic Park is not harmed".

- 4.1.9 This policy is very specific in that it exceptionally permits the carrying out of defined works. These works are limited to the Herne Hill Centre and involve a very small part of Brockwell Park. As such the policy does not provide a general waiver to the protection of the Park by the policies described. It does allow these works to take place. The

proposal does not, therefore, provide a precedent as suggested by many respondents to the consultation.

- 4.1.10 As to whether the application site amounts to ‘*a very small part of Brockwell Park*’ is a matter of judgement concerning the size of the area the subject of this application as a proportion of the whole Park, its shape and location . The application site amounts to 1070m², which is 0.21% of the total area of Brockwell Park (the park is 50.4hecatres). The site is triangular in shape almost forming a strip along the edge of the park. The site is located at a road junction, which is the busiest area of public highway that adjoins the Park. Within this context it is considered that the proposal involves a very small part of Brockwell Park.
- 4.1.11 It is considered that the picture painted by the description above is significantly different from the statement ‘*Proposed road across Brockwell Park*’, which appears at the beginning of many of the submissions by objectors. The headline in many of the letters of objections appears to suggest that the scheme would take a greater area of the park than is proposed and as such would have a more pronounced impact.
- 4.1.12 The Council’s Parks officer has confirmed that they have no objection to the loss of a small part of the park boundary as long as only the minimal amount required to allow the junction scheme to go ahead is being taken. Parks’ officers also support and welcome the demolition of the boundary walls at this entrance and their replacement with restored park railings and the creation of a more appropriate entrance to the park.
- 4.1.13 It is noted that that a large proportion of the application site is to be used improve the setting of the entrance to the park rather than improvements to the highway and its junction. Although this is within the general domain of the public highway it provides for a more spacious landscaped area just outside the main entrance to the park. It is considered that subject to approval of details of design and materials the proposal would maintain and enhance the open character of Brockwell Park, the Metropolitan Open Land, and the setting of the Conservation Area, as well as improved public access to the park. Officers are satisfied that works to the entrance of the Park will sufficiently compensate for the small loss of parkland.
- 4.1.14 In the circumstances of this case it is considered that the proposed change of use of part the park and associated works comply with national planning guidance, The London Plan and the relevant Policies of the Council’s Adopted Unitary Development Plan. The proposal is therefore considered acceptable in principle.

4.2 Design and Conservation Considerations

Change of use and building operations in the Park and adjacent highway

- 4.2.1 The application site lies within the Brockwell Park Conservation Area and is a Grade II Listed Park on the English Register of Parks and Gardens of special historic interest. The park is a Grade II registered landscape noted for its late C 19/early C20 adaptation of the walled garden by JJ Saxby to a formal flower garden. When the site was purchased it was already laid out as parkland with old oaks, limes and elms. Ninety old elms are recorded as being felled circa 1970 because of Dutch elm disease. Open parkland, boundary belts, and scattered mature trees remain from the 19C landscape.
- 4.2.2 The 50ha site is undulating, rising to eminence in the south centre, in the region of the mansion house (Grade II*) with open parkland, scattered mature trees and tarmac paths between the main features. The main entrance is to the north-east, at the junction of Dulwich Road and Norwood Road. Three paths run around the perimeter of the park to the north-west and south, while the third follows the line of the original entrance drive up the hill to the mansion to the south-west.
- 4.2.3 This application is for change use an area of the park (and MOL) located on the eastern side of the park to allow the formation a single slip lane carriageway through this part of the land and associated alterations to the adjacent highway including the installation of

pedestrian islands. The proposal includes the relocation of the principal entrance gates to Brockwell Park and repositioning of the boundary fence/wall and removal and planning of several replacement trees (**Application A; Ref 07/03341/RG3**).

- 4.2.4 The Conservation Area status of the site demands a scheme that would either preserve or enhance the character or appearance of the Conservation Area in accordance with Policy 47. It is also the requirement of this policy that development outside conservation areas should not harm the setting of the area or harm views into or from the area. Policy 45, which seeks to protect listed buildings and/or their setting has a similar aim and actively discourages development that adversely affects such buildings. In addition, Policies 33 and 36, which relate to design of new buildings or structures promote development that achieves a high quality of design carefully related to its surroundings
- 4.2.5 The improvement of the junction is strongly supported in principle, along with the associated public realm improvements. The provision for these works, including the use of a small part of the Park is contained in Policy 67 of the UDP. Considering that the UDP has been through a Public Inquiry and this policy and its intended consequences were scrutinised and debated by the Planning Inspector at the time, there is little justification for objecting to the proposed development now. It should also be noted that local residents and amenity groups and associations had opportunity at the Public Inquiry to object to this policy.
- 4.2.6 It is considered and generally accepted that some loss of the parkland- at least at the north end of Norwood Road- is necessary to allow for a traffic lane and footway of adequate width there. Any such a re-alignment of the road would also necessitate some relocation of the Park boundary.
- 4.2.7 The scheme submitted will have a significant impact on the park and its setting. The gates that will be affected form the main entrance to the park and the start of the historic route through the "idealised" landscape up to the mansion house. The proposal cuts off the projecting corner of parkland, which was the historic entrance to the park when it provided the setting to two 19th century villas. The proposal requires the removal of several trees. In order to re-provide adequate pathways and vehicle access within the park an area of grass land roughly equivalent to that lost to the road way will need to be asphalted. The alterations to carriageway would create a larger traffic island- immediately in front to of the main entrance to the park.
- 4.2.8 In this context the Council's Conservation Officers are of the opinion that the key consideration is whether the specific road alignment proposed "is essential" to achieve the necessary traffic and environmental improvements. By the same token it is inferred that if the proposed traffic and environmental improvements could be achieved without the loss of historic parkland, or with a smaller loss, this would be preferable in conservation and design terms.
- 4.2.9 The impact on the character and appearance of the wider historic landscape of the Park and the Conservation Area in general is also an important consideration. The projection of the park into the road junction has both a visual and a practical function. The northern edge of the park is a buffer zone between the noisy, polluted and heavily used roads and the calm green space of the park. The present gates- the point at which urban environment and parkland meet- are on the outside edge of this boundary zone, so that the driveway to the gates is as long as possible and the impact of the road on the park is minimised. The natural sweep of the driveway- and the view from the house- terminate naturally at the level area by the gates.
- 4.2.10 Pulling the gates back into the park and effectively ending the driveway at the lower end of the slope is a loss not only in terms of space, but of vista. These reasons of character and visual amenity- especially significant in an historic park- emphasise the importance of keeping the loss of parkland to a minimum.
- 4.2.11 Whilst conservation and design officers have reservations about the need for the proposed paved traffic island associated with the new carriageway, they raise no

objection in principle of some loss of part of the park. The matter for consideration is whether this scheme strikes the right balance between the necessary improvements to traffic flow at this junction on the one hand and the policy requirement to minimise loss of parkland on the other. Officers are satisfied that it does.

- 4.2.12 It should be noted that the Historic Buildings and Areas Adviser at English Heritage advises that the park entrance at Herne Hill has been substantially altered several times and other than the line of the drive there is little of architectural interest in this location. The Council's conservation officer concurs adding that the yellow brick wall is also of no special historic interest and that removal of the existing clutter at the entrance to the Park is welcome.
- 4.2.13 A number of respondents have referred to other possible solutions to the traffic problems at this junction and public realm improvements. If there are other alternative schemes that would involve less or no loss of any part of the park, they are not the subject of the current application, which should be determined on its own merits. In the event of approval, in order to ensure that high quality realm improvements are undertaken at this entrance to the Park, details of soft and hard landscaping and boundary treatment including and new traffic barriers and/or controlled pedestrian access measures, street lighting and furniture are reserved by condition.
- 4.2.14 Nevertheless, officers are clearly of the views that the proposal will preserve the character and appearance of the entrance and therefore this part of the Brockwell Park Conservation Area and Park.

Demolition in Conservation Areas

- 4.2.15 The application for conservation area consent is for the demolition of the disused brick-built public lavatories, shelter, brick screen walls to the south east of the gates, and removal of planters and of the main entrance gates, associated open ironwork, gate piers and boundary railings and short sections of wall on either side. **(Application B; Ref 07/03741/CON).**
- 4.2.16 With regards to the demolition of buildings within Conservation Areas PPG15 states that local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This, the guidance suggests, should be the prime consideration in determining a consent application. Account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the buildings on the conservation area as a whole.
- 4.2.17 The general presumption is in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Policy 47 of the UDP states that consent will not normally be given for demolition of buildings or structures, which in the opinion of the Council make a positive contribution to the character or appearance of a Conservation Area.
- 4.2.18 In this case the mid-twentieth century WCs are not of special interest and there is no objection to their demolition in conservation terms. English Heritage has also expressed view that the public lavatory and brick screen walls are unsightly and of no architectural interest although they regret the loss of the small part of the Park. The toilets have been closed for many years and, options for replacement of toilet facilities are being investigated. In any case it is understood that the public lavatories will be demolished under the proposals for Phase 2 of the current Heritage Lottery Funding bid for park improvements.
- 4.2.19 The yellow brick walls are not of special interest and there is no objection to their removal. The gates themselves and the surviving railings of c1900 make a positive contribution to the park and conservation area. However, as stated by English Heritage, the Park entrance has been altered several times. In addition, the boundary is quite

complicated with significant variations in levels along the length affected. It is recommended that a condition requiring submission for approval of all details the whole boundary treatment should be part of any approvals. It is considered that the demolition of the public lavatories, shelter, brick screens and the removal of planters and of the main entrance gates, piers and boundary railings and short sections of the walls is acceptable in conservation terms.

4.3 Amenity Impact Considerations

4.3.1 The application site is located between parkland and a busy and complex road junction with proposals comprising erection of railings, gates, surface treatment and landscaping. It is anticipated that the proposals will result in an improved free flow of traffic on the public highway and therefore less congestion.

4.3.2 By improving the flow of traffic and reducing vehicles idling in traffic queues, the proposals would contribute to reducing ambient noise levels in the area and air pollution arising from traffic fumes. This applies to residential properties, which look towards the park, as well as the properties in roads such as Croxted Road where vehicles may be obstructed from turning onto Norwood Road by queuing traffic. It is considered that the proposal would improve the living conditions of these neighbouring residents.

4.4 Highways and Transportation Considerations

4.4.1 Herne Hill is recognised as one of the worst junctions in South London and is the confluence of six busy roads, separated in the middle by an elevated railway line. It is acknowledged as being very difficult and dangerous for pedestrians to cross, causes delay to buses and results in widespread delays for motorists, and is hostile and difficult to navigate for cyclists.

4.4.2 The current layout of the junction also makes pedestrian access to Brockwell Park difficult. The junction is also generally in a state of disrepair with paving surfaces, street furniture, signals and pedestrian crossings all badly in need of upgrading. There is also no signalised pedestrian crossing on two arms of the junction (Norwood Road and Dulwich Road), which is considered unacceptable on transport safety grounds for a busy junction.

4.4.3 The application specifically proposes the following:

- (i) Part pedestrianisation of the southern end of Railton Road;
- (ii) Improvements and signalisation to pedestrian crossings on all arms of the junction;
- (iii) Introduction of a landscaped island in the middle of the junction;
- (iv) Improved bus interchange facilities;
- (v) Additional lighting and widening of Brockwell passage to accommodate pedestrians;;
- (vi) Introduction of a slip lane for vehicles turning left from Norwood Road into Dulwich Road;
- (vii) Improvements for cyclists including advanced stop lines;
- (viii) Clutter removal to reduce hazards and improve visual amenity;
- (ix) Parking management measures;
- (x) Improvements to the access and the entrance to Brockwell Park;
- (xi) Improved lighting; and
- (xii) Improved fabric of the area by hard and soft landscaping.

4.4.4 The applicant has prepared a comprehensive design and access statement, along with an expanded 'Transport Commentary' and a 'Transport design Statement', which is essentially a summary assessment of four separate options for the redesign of the junction and surrounds.

4.4.5 The scheme is considered in light of each of the relevant Transport policies in the UDP. Policy 9 [Transport Impact] states that planning applications will be assessed for their transport impact, including cumulative impacts on:

- highway safety;
- the environment and the road network; and
- all transport modes, including public transport (in particular, the impact on the demand for and the operation of public transport), walking and cycling.

4.4.6 The scheme has been designed with Policy 9 clearly in mind and delivers substantial benefits with respect to each of the three 'sub-policies' under Policy 9. These are each considered in turn:

Impact on Highway Safety

4.4.7 The junction currently features an excessive amount of dedicated trafficable carriageway resulting in a very wide junction that encourages excessive speed and is detrimental to highway safety for all modes and users. The junction currently operates in an extremely dangerous fashion, especially off-peak, with the wide carriageway encouraging fast acceleration of traffic through the junction on all arms. This is reflected in the crash statistics for the junction. Speeding during peak flows is not as pronounced compared to off-peak although is still an issue. The scheme proposes to 'tighten' the junction considerably and remove some turning movements altogether, specifically those out of Railton Road

4.4.8 The repositioning of traffic islands and pedestrian refuges, the creation of a major new island adjacent to the entrance to Brockwell Park, creation of a right turning lane out of Half Moon Lane into Dulwich Road (which also creates a speed reducing 90-degree turn into Dulwich Road as opposed to the existing sweeping right hand corner), and elimination of turning movements and related 'build out' of Railton Road will all contribute to the general tightening and rationalising of movements through the junction .

4.4.9 The introduction of a slip lane for vehicles turning left from Norwood road into Dulwich Road effectively 'removes' a turning movement from the junction and therefore the traffic flow through the junction. In summary, the following measures will clearly improve highway safety:

- the rationalisation and separation of turning movements, including the removal of turning movements out of Railton Road;
- the general tightening up of carriageway space and removal of wide sweeping corners;
- the establishment of a right turn bay from Half Moon Lane into Dulwich Road;
- the establishment of a slip lane for left turning traffic from Norwood Road onto Dulwich Road; and
- The slip lane carriageway will be raised to accommodate a pedestrian crossing into Brockwell Park.

4.4.10 The raised pedestrian crossing linking the island to the entrance of Brockwell Park will be the subject of a safety audit, as will the scheme as a whole. If the pedestrian crossing fails the safety audit, it will be replaced by a pelican crossing. The safety of pedestrians entering and exiting the Park is paramount and this will be a key consideration in the safety audit. It is noted that the granite setts proposed for the slip lane will assist in lowering traffic speed and increasing pedestrian safety.

Impact on the road network

4.4.11 The proposed revised layout and removal of turning movements from Railton Road will increase the efficiency of the road network, especially for buses. Currently, lengthy queues on all approaches to the junction during peak times cause delays for buses on several key routes, resulting in lengthy delays for all users. The removal of turning movements out of Railton Road will also contribute to improving the efficiency of the

road network as it would simplify the junction; likewise the introduction of the slip lane from Norwood Road to Dulwich Road.

- 4.4.12 The closure of the one-way egress from Railton Road will result in the displacement of traffic from Railton Road onto Rymer Street, which is currently one-way but is proposed to be reversed with traffic wishing to head south required to carry out a left turn onto Dulwich Road. Traffic wishing to head north along Railton Road from the junction will be directed down Hurst Road, which is proposed to be one-way northbound. This will require a right turning movement from Dulwich Road which will be accommodated without causing any additional delay to that currently caused by traffic turning right into Rymer Street. This is based on the assumption that there will not be a net increase in traffic undertaking this turn, and it simply moves this turning movement further to the north along Dulwich Road
- 4.4.13 A key component of the scheme is the ingress to the slip lane from Norwood Road. One of the key determinants of delay is the distance from the signal hold lines to the point at which vehicles are able to turn left. This distance provides the critical stacking capacity for straight ahead traffic onto Half Moon Lane. The proposal involves setting the entry point to the slip lane back 40m from the junction allowing 14 vehicles to be stacked before the left turn becomes blocked. This is a vast improvement on the current situation where left turning traffic frequently blocks the straight ahead lanes.
- 4.4.14 Although the further setting back of the slip lane entrance is recognised as providing further efficiency benefits, this would result in a further area of Brockwell Park being taken which is undesirable. The location of the slip lane is essentially a compromise location that greatly improves the efficiency of the road network without taking excessive land from Brockwell Park (the ideal location in terms of improving traffic efficiency would require further loss of land from Brockwell Park).
- 4.4.15 Four options were considered in total (Options A, B, C and D) with Option A preferred as it was considered to improve most the efficiency of the road network for all transport modes whilst only taking a small area of Brockwell Park.
- 4.4.16 Transport for London, Directorate of Road Network Development (TfL) are supportive of these junction improvements, which will improve the safety, congestion and amenity of the area, however it is noted that these junction improvements are located on the Strategic Road Network. (Herne Hill, Dulwich Road and Norwood Road). As such the application will need to go through TfL Network Assurance Scheme Notification process under the Traffic Management Act. Due to the number of TfL bus routes using this junction, the Council is required to involve TfL buses right through from planning and design to construction. It should be noted that permission is not required for highway works.

Impact on the Environment

- 4.4.17 The environmental benefits of the scheme are numerous, with the increase in efficiency of traffic movement and removal of some turning movements resulting in less congestion and reduced vehicle emissions (provided traffic volumes remain constant despite population growth as a result of predicted modal shift). Specific environmental and public realm improvements are as follows:
- (i) Part pedestrianisation of the southern end of Railton Road and establishment of a pedestrian friendly retail piazza on Railton Road;
 - (ii) Introduction of a landscaped island in the middle of the junction with the retention of a mature Birch tree;
 - (iii) Improvements to the access and the entrance to Brockwell Park and;
 - (iv) Improved fabric of the area by hard and soft landscaping.
- 4.4.18 There will clearly be the loss of a small section of Brockwell Park through creation of the slip lane. However, this must be balanced against the improved access to the park. It is noted that the section of Brockwell Park to be utilised for the slip lane is currently poorly

utilised and is largely unkempt. It is also noted that the removal of the disused toilet block will create additional open space within the park and generally contribute to making the entrance more attractive.

- 4.4.19 Of the other three options considered, all except Option D would involve removal of the toilet block and some physical changes to the entrance to Brockwell Park.

Impact on all transport modes

- 4.4.20 The impact on public transport and private vehicles has been discussed above, and the scheme will clearly benefit the efficiency of bus services by reducing delay. The scheme will be of huge benefit to pedestrians and cyclists, and will improve both safety and efficiency for both modes. The specific improvement measures are outlined in paragraph 3.17.3 above. In addition, high quality paving materials and street furniture is proposed.
- 4.4.21 All bus services using the bus stop will be relocated to the existing bus stop on Dulwich Road, which has the capacity to take the additional traffic. This would allow the removal of much of the large buses out of residential streets and onto the main roads. Linking to and from the station comes from a variety of routes however any passengers affected can access the station via Brockwell Passage which is to be widened and improved under the proposals or via the new pedestrianisation area of Railton Road.
- 4.4.22 In relation to cycling and walking, Policy 10 of the UDP states that proposals, which include traffic management and highway and pedestrian improvement measures, should maintain and enhance the walkability of the public and private environment with safe, direct and convenient routes. New developments should connect to, facilitate and improve upon the network with direct, safe and well lit cycle routes.
- 4.4.23 The scheme will benefit pedestrians, with improvements to pedestrian safety pursuant to the benefits outlined in previous paragraphs. Cyclists will benefit from improved safety by using the slip lane, which means left turning cyclists from Norwood Road into Dulwich Road would not need to negotiate the main junction. The advanced cycle stop lines are in keeping with current practice for busy junctions.
- 4.4.24 A cycle advisory lane could be created for straight ahead cyclists on the inside northbound lane of Norwood Road. The proposed pedestrian island in front of Brockwell Park could be recessed 1.2m from the start of the slip lane to the advanced cycle cage, allowing for creation of a dedicated cycle lane. Alternatively, dropped kerbs could be provided allowing cyclists access onto the island and back down onto the carriageway adjacent to the carriageway i.e. on the island itself. This would improve cycle safety and prevent cyclists becoming caught in queuing traffic or having to weave through queuing traffic. Likewise, a cycle advisory lane could potentially be provided on the inside south bound lane on Dulwich Road. A traffic order would be required to designate the island as shared space.
- 4.4.25 Policy 14 of the UDP [Parking and Traffic Restraint] provides that states that development should support and not undermine the achievement of the Mayor of London's traffic reduction targets.
- 4.4.26 Whilst the scheme will increase the efficiency of traffic movements through the junction, this will not directly lead to further traffic generation. The scheme will also deliver substantial benefits in terms of bus efficiency and is favourable for cyclists and highly favourable for pedestrians, so will encourage the uptake of sustainable modes of transport. With regards to parking, provision is already severely limited around the junction. The scheme proposes to maintain the status quo in this respect. On-street parking will be rationalised and short term in nature on Railton Road outside Herne Hill Station.
- 4.4.27 Policy 67 of the UDP is clearly an enabling policy for the proposed scheme and provides a strong basis for supporting the view that the transport benefits of the scheme outweigh the loss of part of the Park. The Council's Transport Planning officers support the

scheme but recommend further investigation and potential incorporation of cycle advisory lanes for straight ahead cyclists on the inside northbound lane of Norwood Road and on the inside south bound lane on Dulwich Road. A condition requiring the maintenance of pedestrian access to Brockwell Park for the duration of construction works is recommended.

4.5 Trees and Landscaping Considerations

4.5.1 The proposal provides for the removal of six trees, which will be compensated for as part of the proposed landscaping scheme. The application site contains a small Thorn tree, 3 medium sized Ash trees, a medium sized Elder tree and a large birch tree, which are to be removed. A mature Beech tree, located on the corner site, is to be retained and will form part of the soft and hard surfaced landscaped triangular island in front of the park gates. Details of this aspect of the development are reserved by condition.

5 Conclusion

5.1.1 The proposal provides for a more spacious landscaped area just outside the main entrance to the park. It is considered that the proposed development would maintain the open character of Brockwell Park, the Metropolitan Open Land, and the setting of the Conservation Area whilst improving safety and public access to the park. The removal of the unsightly toilet areas and landscaping works at the entrance to the park is welcome.

5.1.2 The proposed transport and environment improvements will sufficiently compensate for the small loss of land within the park boundary. The proposals would improve the living environment of local residents through a reduction in noise and pollution, associated with a poor traffic environment by improving traffic flows through the junction enhance the quality and life in the area of this part of Brockwell Park.

5.1.3 Overall, it considered that the scheme will provide substantial benefits to all road users, and will result in a safer, more accessible and more attractive streetscape. Members are reminded that this application is considered to be a departure from the development plan due to the loss of parkland although Policy 67 enables such works as an exception to MOL safeguarding policies.

Recommendations:

Application A (Ref 07/03341/RG3)

Grant Conditional Planning Permission

Application B (Ref 07/03741/CON)

Grant Conditional Conservation Area Consent

Section 4 – Decision Notice

Date of Application: 23.08.2007 **Date of Decision:**

Summary of the Reasons for Grant of Planning Permission and Conservation Area Consent

In deciding to grant planning permission and conservation area consent, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant:

Adopted Unitary Development Plan (2007) Policies: Policy 1 [The Vision for Lambeth], Policy 4 [Town Centres and Community Regeneration], Policy 9 [Transport Impact], Policy 10 [Walking and Cycling], Policy 11 [Management of Road, Bus and Freight Networks], Policy 14 [Parking and Traffic Restraint], Policy 31 [Streets, Character and Layout], Policy 36 [Alterations and Extensions], Policy 39 [Streetscape, Landscape and Public Realm Design], Policy 47 [Conservation Areas], Policy 49 [Metropolitan Open Land], Policy 50 [Open Space and Sports Facilities], Policy 52 [Protection and Enhancement of the Natural Environment] and Policy 67 [Herne Hill District Centre].

Conditions

Application A (07/03341/RG3)

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development Order) 1995 Parts 12 and 13 full details of the use of any part of the application site including the proposed triangular island and slip road and the treatment thereof, including hard and soft landscaping and external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall thereafter be carried out solely in accordance with the approved details before the initial occupation of the flats herewith permitted and retained for the duration of the use. No trees shall be removed from the site before the landscaping details have been approved

Reason: To ensure satisfactory layout of the site in the interests of safety, and visual amenity and to safeguard the character or appearance and setting of the Brockwell Park Conservation Area. Policies 9, 36, 39, 47, 44 and 45 of the Adopted Unitary Development Plan (2007) refers)

- 3 Prior to the commencement of the development, details of the provision to be made for cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details before the building hereby permitted is occupied and shall thereafter be retained solely for its designated use.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport (Policies G39, G40, T36 and ST15 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9, 10 and 14 of the Adopted Unitary Development Plan (2007) refers).

- 4 Prior to commencement of the development herewith approved full details of boundary treatment including all gates railings, means of enclosure and safety barriers including those in the triangular island and in the public footway at the entrance to the park be submitted to and approved in writing by the Local Planning Authority and such provisions shall be fully erected in accordance with the approved details scheme. The proposed boundary treatment shall include provision for continued public access to the Park in the Herne Hill Area, and security of Park when closed throughout the construction period.

Reason: To ensure satisfactory layout of the site in the interests of safety, and visual amenity, and to safeguard the character and appearance of this part of the Conservation Area and Policies 9, 36, 39, 47, 49 and 50 of the Adopted Unitary Development Plan (2007) refers).

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. Policy 39 of the Adopted Unitary Development Plan (2007) refers)

- 6 No gates shall be installed which open outwards over the highway/footway.

Reason: To avoid hazard and obstruction being caused to users of the public highway. (Policy 14 of the Adopted Unitary Development Plan (2007) refers)

- 7 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing details of protective fencing to protect existing vegetation which is to be retained on the site during construction. The approved fencing, which shall conform to British Standard 5837:1991, 'Trees in Relation to Construction', shall be erected prior to the commencement of any work on the site and shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written permission of the Local Planning Authority.

Reason: To ensure that the crowns, boles and root systems of the retained trees are not damaged during the period of construction and in the long term interests of local amenities. (Policy 36 of the Adopted Unitary Development Plan (August 2007) refers.)

Informatives

- 1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990
- 2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.
- 3 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.
- 4 You are advised to consult Shaun Kiddell, Parks & Green Spaces Manager [Email: skiddell@lambeth.gov.uk, Tel 0207 926 6232, Department: Environment, Culture & Community Safety234 - 244 Stockwell Road, Brixton, SW9 9SP]and advise him of date of start of works and keep him advised of works progress throughout the construction period.

Application B (Ref 07/03741/CON)

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

Reason: Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990.(as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)
- 2 The building (s) shall not be demolished, nor the boundary treatment removed before a contract for carrying out the works of development of the site has been made and planning permission has been granted for the development for which this contract provides

Reason: To ensure that premature demolition does not take place before development works start in order that the visual amenities of the area and the character or appearance are safeguarded (Policies 33, 39 and 47 of the Unitary Development Plan (2007) refers.)
- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development Order) 1995 Parts 12 and 13 full details of the use of any part of the application site, including the proposed triangular island and slip road and the treatment thereof, including hard and soft landscaping and external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall thereafter be carried out solely in accordance with the approved details before the initial occupation of the flats herewith permitted and retained for the duration of the use. No trees shall be removed from the site before the landscaping details referred to in Condition have been submitted and approved

Reason: To ensure satisfactory layout of the site in the interests of safety, and visual amenity and to safeguard the character or appearance and setting of the Brockwell Park Conservation Area. Policies 9, 36, 39, 47, 44 and 45 of the Adopted Unitary Development Plan (2007) refers.)

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. Policy 39 of the Adopted Unitary Development Plan (2007) refers)

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing details of protective fencing to protect existing vegetation which is to be retained on the site during construction. The approved fencing, which shall conform to British Standard 5837:1991, 'Trees in Relation to Construction', shall be erected prior to the commencement of any work on the site and shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written permission of the Local Planning Authority.

Reason: To ensure that the crowns, boles and root systems of the retained trees are not damaged during the period of construction and in the long term interests of local amenities. (Policy 36 of the Adopted Unitary Development Plan (2007) refers)

- 6 Prior to commencement of the development herewith approved full details of boundary treatment including all gates railings, means of enclosure and safety barriers including those in the triangular island and in the public footway at the entrance to the park shall be submitted to and approved in writing by the Local Planning Authority and such provisions shall be fully erected in accordance with the approved details. The proposed boundary treatment shall include provision for continued public access to the Park in the Herne Hill Area and security of Park when closed throughout the construction period.

Reason: To ensure satisfactory layout of the site in the interests of safety, and visual amenity, and to safeguard the character and appearance of this part of the Conservation Area and Policies 9, 36, 39, 47, 49 and 50 of the Adopted Unitary Development Plan (2007) refers).

- 7 No gates shall be installed which open outwards over the highway/footway.

Reason: To avoid hazard and obstruction being caused to users of the public highway. (Policy 14 of the Adopted Unitary Development Plan (2007) refers).

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- 1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990
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Proposed Development At: Junction of Dulwich Road and Norwood Road London

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