**Strategic planning application stage 1 referral**


**The proposal**

Temporary installation and use of an area of Clapham Common for Winterville 2018 festival.

**The applicant**

The applicant is *Winterville South Ltd (WSL)*, and the architect is *Loudsound*.

**Strategic issues summary:**

**Principle of development:** Installation of temporary structures for outdoor sports and recreation use for a temporary period on Metropolitan Open Land is appropriate development and acceptable. Mitigation measures are proposed to ensure that the land is returned to its existing condition (paragraphs 12 to 17).

**Community use:** The wider community benefits, the intended level of access and fee discounts should be secured by way of condition/planning agreement (paragraphs 18 to 20).

**Heritage:** The proposal would result in less than substantial harm to listed buildings and the Clapham Conservation Area. However, this harm would be outweighed by the community benefits of the proposal, which would also increase public use of the site for cultural purposes and enhance appreciation of the Common (paragraphs 21 to 24).

**Transport:** There are no strategic transport concerns. TfL has representation on the Lambeth Events and Safety Advisory Group and will continue to liaise with the applicant to ensure on-the-ground mechanisms are put in place for managing the event (paragraph 25).

**Recommendation**

That Lambeth Council, be advised that the application complies with the London Plan and draft London Plan, for the reasons set out in paragraph 29 of this report and does not need to be referred back to the Mayor.
Context

1 On 5 July 2018 the Mayor of London received documents from Lambeth Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan and draft London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s consideration in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Order 2008:

   “Development – (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floor space of more than 1,000 square metres or a material change in the use of such building.”

3 Once Lambeth Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance, the Council does not need to refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The application site, which has an overall area of four hectares, lies towards the east side of Clapham Common, within Metropolitan Open Land and Clapham Common Conservation Area. Long Road, close to the junction with Rookery Road runs along the north boundary of the site. The south and east boundaries are formed by the pedestrian paths from the ball courts and Long Pond to the bandstand in the centre of the Common and Broomwood Road on Clapham Common West Side. Pedestrian paths also run along the north-west boundary of the site. The effective useable built form area for the installation of temporary infrastructures is only 0.25 hectares of the Common.

6 The public transport accessibility level (PTAL) of the site ranges between 3 and 6a, on a scale of 1 to 6, where 6 represents the greatest level of access to public transport services. Clapham Common Underground Station is located adjacent to the north eastern part of Clapham Common, whilst Clapham South Underground Station is located to the south. Both of these stations are served by the Northern Line. Clapham High Street Station is located approximately 600 metres to the north east of the Common and Clapham Junction Station is approximately 650 metres to the north west. Both of these stations are served by London Overground and National Rail services. There are also numerous bus stops on the routes surrounding the site.

Details of the proposal

7 Temporary installation and use of an area of Clapham Common for Winterville 2018 festival from 15/11/2018 to 23/12/2018, including an ice rink, indoor miniature golf, entertainment tents, cinema, fairground rides, catering and market stalls, production cabins, lighting and fencing, and associated structures. The event is anticipated to attract up to 5,000 attendees per day.
Case history

8 Planning permission was granted for a similar scheme (ref:17/02507/RG4) and the proposal was supported by the Mayor (GLA ref: D&P/2017/01) on 2 October 2017. The current application is based on this previous submission and subsequent planning permission and takes into account matters that can be covered by planning conditions.

Strategic planning issues and relevant policies and guidance

9 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises Lambeth Local Plan (2015), and the 2016 London Plan (consolidated with Alterations since 2011).

10 The following are also relevant material considerations:

- Draft London Plan (consultation draft December 2017) which should be taken into account on the basis explained in the NPPF.
- The revised NPPF published in July 2018.

11 The relevant strategic issues and corresponding policies are as follows:

- Metropolitan Open Land: London Plan;
- Community use: London Plan;
- Heritage: London Plan; Character & Context SPG;
- Transport and parking: London Plan; the Mayor’s Transport Strategy;

Principle of development

12 London Plan Policy 7.17 affords Metropolitan Open Land (MOL) the strongest possible protection, whilst Policy G3 of the draft London Plan states that MOL should be protected from inappropriate development and proposals that harm MOL should be refused. Both policies state that national Green Belt policies, set out within the revised NPPF, apply to MOL and therefore MOL is given the same protection as Green Belt.

13 Paragraph 143 of the revised NPPF states that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in ‘very special circumstances’. According to paragraph 144 of the revised NPPF, when determining applications, LPAs should ensure that substantial weight is given to any harm to the Green Belt; ‘very special circumstances’ will not exist unless the potential harm to Green Belt (MOL) by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

14 As set out in paragraph 145 of the revised NPPF, the construction of new buildings should be regarded as inappropriate development in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
   – not have a greater impact on the openness of the Green Belt than the existing development; or
   – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

15 London Plan Policy 7.17 and Policy G3 of the draft London Plan set out that such appropriate uses will only be acceptable provided they maintain the openness of MOL. Given the outdoor sports and recreation use is for a temporary period (5 weeks) with temporary structures, its impact on the openness of the MOL and the Conservation Area is minimal and temporary.

16 That said, it should be noted that critical to the acceptability of the proposal is the need to ensure that no permanent harm is caused to the MOL and that measures are in place to return the land to its existing condition. In response, the Council has secured a damage deposit of £20,000 and a Parks Investment Levy of £0.40 per person per day, in which the total anticipated sum is likely to be between £60,000 - £70,000.

17 The proposed development for an outdoor sport and recreation event on Metropolitan Open Land for a temporary period is considered to meet the exception in bullet point (b) of paragraph 145 of the revised NPPF, therefore, the proposal is appropriate development and supported in principle.

Community use

18 Winterville is a community event designed to not only entertain local residents, but to help enrich the local community. As part of this the applicant has set up a Winterville Community Fund, in which it raised £10,000 in 2017. It is proposed that this investment contributes to proposals to landscape the grassy knoll area immediately west of Clapham Common Station.

19 In 2017, the applicant had a range of discounts and opportunities for local residents and also worked with local organisations to help the event and benefit the area and people who live there. In total, 4,058 free or discounted tickets were taken up by local residents. In 2018, the applicant intends to deploy the same initiatives and develop their relationships with local schools, organisations and charities and expand the community benefits as a whole, including creation of 210 (i.e. 70% of the 300) part-time jobs and on job-training for local people.

20 Whilst the above community benefits are welcomed, these benefits must be secured including the intended level of access and fee discounts by way of condition /planning agreement.
Heritage

21 London Plan Policy 7.8 ‘Heritage assets and archaeology’ and draft London Plan Policy HC1 ‘Heritage conservation and growth’ require development affecting heritage assets and their settings to conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings.

22 The Common is the main focus of the Clapham Conservation Area, together with historic buildings in the surrounding streets, and the neighbouring residential areas of mid-late 19th century development. The large, open, mature parkland of the Common makes an important contribution to the significance of the Conservation Area. The closest listed building to the site is The Windmill pub (Grade II), some distance to the southwest and partly screened from the site by established landscaping. There are listed buildings on streets surrounding the Common, further from the application site.

23 As in 2017, the applicant proposes a 5-week recreation event. The proposals will alter the appearance of the site and in turn this part of the Conservation Area, but for a limited period. From many locations, views of the festival ground and installations will be partial and restricted by distance and mature trees and vegetation. A Ground Management Plan is prepared that would restore any damaged ground. There will be no permanent alteration or destruction of the heritage assets and no long-term impact on their settings or the historic environment. The current application, therefore, results in less than substantial harm. However, this harm will be outweighed by the public benefits of the proposal, which will be secured by way of condition/planning agreement.

24 This balancing exercise accords with paragraph 196 of the revised NPPF which states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

Transport

25 TfL has no objection in principle to the proposed temporary event scheduled at the end of 2018, as similar events have been occurring on Clapham Common for a number of years. Although planning permission is sought for the temporary event, all events are scrutinised as part of the subsequent event licensing application process. TfL has representation on the Lambeth Events and Safety Advisory Group (LESAG) and is fully consulted on the associated licensing applications, therefore, there are no strategic transport concerns.

Local planning authority’s position

26 Lambeth Council’s planning officers have stated that they are still awaiting some consultee responses and if they were minded recommending approval, the scheme would likely go to their planning committee meeting of 4 September 2018.

Legal considerations

27 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no
obligation at this present stage for the Mayor to indicate his intentions regarding a possible
direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

There are no financial considerations at this stage.

Conclusion

London Plan and draft London Plan policies on Metropolitan Open Land, community use, heritage
and transport are relevant to this application. In general, the application complies with these
policies, for the following reasons:

- **Principle of development:** Installation of temporary structures for outdoor sports and
  recreation use for a temporary period on Metropolitan Open Land is appropriate
development and acceptable. Mitigation measures are proposed to ensure that the land is
returned to its existing condition.

- **Community use:** The wider community benefits, the intended level of access and fee
discounts should be secured by way of condition/planning agreement.

- **Heritage:** The proposal would result in less than substantial harm to listed buildings and
  the Clapham Conservation Area. However, this harm would be outweighed by the
  community benefits of the proposal, which would also increase public use of the site for
  cultural purposes and enhance appreciation of the Common.

- **Transport:** There are no strategic transport concerns. TfL has representation on the
  Lambeth Events and Safety Advisory Group and will continue to liaise with the applicant to
  ensure on-the-ground mechanisms are put in place for managing the event.

The Mayor does not need to be consulted again on this application.

For further information contact GLA Planning Team:

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