

Planning Sub-Committee A

Wednesday 10 July 2019

6.30 pm

Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

Membership

Councillor Kath Whittam (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Peter Babudu
Councillor Sunil Chopra
Councillor David Noakes
Councillor Martin Seaton
Councillor Leanne Werner

Reserves

Councillor Anood Al-Samerai
Councillor Renata Hamvas
Councillor Barrie Hargrove
Councillor Richard Leeming
Councillor Victoria Olisa

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact: Tim Murtagh on 020 7525 7187 or email: tim.murtagh@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 2 July 2019



Planning Sub-Committee A

Wednesday 10 July 2019

6.30 pm

Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 6
	To approve as a correct record the minutes of the meeting held on 12 June 2019.	
7.	DEVELOPMENT MANAGEMENT ITEMS	7 - 10
	7.1. LONDON BOROUGH OF SOUTHWARK SPORTS CLUB, DULWICH COMMON, LONDON, SE21 7EU	11 - 23

Item No.

Title

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

Date: 2 July 2019



PLANNING SUB-COMMITTEE

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. Your role as a member of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the sub-committee will then debate the application and consider the recommendation.

Note: Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

The arrangements at the meeting may be varied at the discretion of the chair.

Contacts: Director of Planning
Chief Executive's Department
Tel: 020 7525 5655; or

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance Department
Tel: 020 7525 7420



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Wednesday 12 June 2019 at 6.30 pm at Ground Floor Meeting Room G02, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Kath Whittam (Chair)
 Councillor Jane Salmon (Vice-Chair)
 Councillor Peter Babudu
 Councillor David Noakes
 Councillor Martin Seaton
 Councillor Leanne Werner

OTHER MEMBERS PRESENT: Councillor Anood Al-Samerai
 Councillor Damian O'Brien

OFFICER SUPPORT: Dipesh Patel (Development Management)
 Margaret Foley (Legal Officer)
 Sonia Watson (Development Management)
 Martin McKay (Design and Conservation)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillor Sunil Chopra.

3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as voting members for the meeting.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7 – development management items
- Members' pack.

The chair announced that items 7.2 and 7.3, as well as 7.4 and 7.5 would be heard together as each pair related to the same address.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 29 April 2019 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during this time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

7.1 2-4 MELIOR PLACE, LONDON SE1 3SZ

Planning application reference: 18/AP/3229

Report: see pages 9 to 33 of the agenda pack and pages 1 to 4 of the addendum report.

PROPOSAL

Redevelopment of the site involving the construction of a 6-storey plus basement building, comprising a retail art gallery (Class A1) on the ground floor and 3 x 2 bed, 2 x 3 bed and 2 x 4 bed residential units on the upper floors.

The sub-committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

Representatives of the objectors addressed the meeting and answered questions posed by the sub-committee.

The applicants and their agents addressed the sub-committee and answered questions posed by the sub-committee.

There were no supporters who lived within 100 metres of the development site who wished to speak.

Councillor Damian O'Brien addressed the sub-committee in his capacity as a ward councillor. Members of the sub-committee did not ask questions of Councillor O'Brien.

The sub-committee put further questions to officers and discussed the application.

A motion to grant planning permission was moved, seconded, put to the vote and declared carried.

RESOLVED:

1. That planning consent for application 18/AP/3229 be granted, subject to a S106 legal agreement and the conditions set out in the report, including:
 - an amended condition 7 (as listed in Appendix 4 of the report) to also include a stipulation that on the south elevation, obscure glazing be used on the first floor, as well as on the second floor, up to a height of 1700mm, to prevent overlooking.
 - an amended condition 3, as set out in the addendum report.
2. That in the event that the above requirements are not met by the 30 August 2019, the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out at paragraph 71 of the report.

At 8:10pm the meeting adjourned for a five-minute comfort break.

7.2 THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JE

Planning application reference: 19/AP/0683

Report: see pages 34 to 51 of the agenda pack and page 4 of the addendum report.

PROPOSAL

Construction of single-storey extension at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities.

The sub-committee heard the officer's introduction to the report and addendum report.

Councillors asked questions of the officer.

Representatives of the objectors addressed the meeting and answered questions from the sub-committee.

The applicant's representatives addressed the sub-committee and answered questions posed by the sub-committee.

There were no supporters who lived within 100 metres of the development site who wished to speak.

Councillor Anood Al-Samerai addressed the sub-committee in her capacity as a ward councillor and answered questions posed by the sub-committee.

The sub-committee put further questions to officers and discussed the application.

At 9:35pm the meeting went into closed session to take officer advice. The meeting resumed at 10:02pm.

A motion to defer the decision on item 7.2 to a future meeting was proposed, seconded, put to the vote and declared to have been carried.

RESOLVED:

That this item be deferred to a future meeting to allow for a site visit.

7.3 THE CIRCLE, QUEEN ELIZABETH STREET, LONDON SE1 2JU

Planning application reference: 19/AP/0698

Report: see pages 52 to 66 of the agenda pack and pages 4 of the addendum report.

PROPOSAL

Construction of single-storey extensions at roof level to provide four residential units (Use Class C3), together with the provision of car parking spaces and bicycle storage facilities.

This item was considered together with item 7.2.

A motion to defer the decision on item 7.3 to a future meeting was proposed, seconded, put to the vote and declared to have been carried.

RESOLVED:

That this item be deferred to a future meeting to allow for a site visit.

7.4 153-159 BOROUGH HIGH STREET, LONDON SE1 1HR

Planning application reference: 18/AP/4155

Report: see pages 67 to 76 of the agenda pack.

PROPOSAL

Details of condition 11 samples of all external facing materials for planning permission 15/AP/4980 (Demolition of 153-159 Borough High Street, and erection of 7-storey hotel (with basement), comprising 50 bedrooms and roof terrace, top 2 floors set back; and A1/A3 use at basement and ground floor level.)

The sub-committee heard the officer's introduction to the report. Councillors asked questions of the officer.

There were no objectors present wishing to speak.

The applicant addressed the sub-committee and answered questions posed by the sub-committee.

There were no supporters who lived within 100 metres of the development site, or ward councillors, wishing to speak.

The sub-committee discussed the application.

A motion to approve the details submitted was moved, seconded, put to the vote and declared carried.

RESOLVED:

That the details submitted for application 18/AP/4155 be approved as set out in the report.

7.5 153-159 BOROUGH HIGH STREET, LONDON SE1 1HR**Planning application reference: 19/AP/0277**

Report: see pages 77 to 85 of the agenda pack.

PROPOSAL

Details of Condition 4 - section detail drawings for planning permission 15/AP/4980 (Demolition of 153-159 Borough High Street, and erection of 7- storey hotel (with basement), comprising 50 bedrooms and roof terrace, top 2 floors set back; and A1/A3 use at basement and ground floor level).

This item was heard together with item 7.4.

A motion to approve the details submitted was moved, seconded, put to the vote and declared carried.

RESOLVED:

That the details submitted for application 19/AP/0277 be approved as set out in the report.

The meeting ended at 10.20pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 10 July 2019	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F of Southwark Council's constitution which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.
18. A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."
19. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
20. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
21. In other cases and following and following the 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

BACKGROUND DOCUMENTS

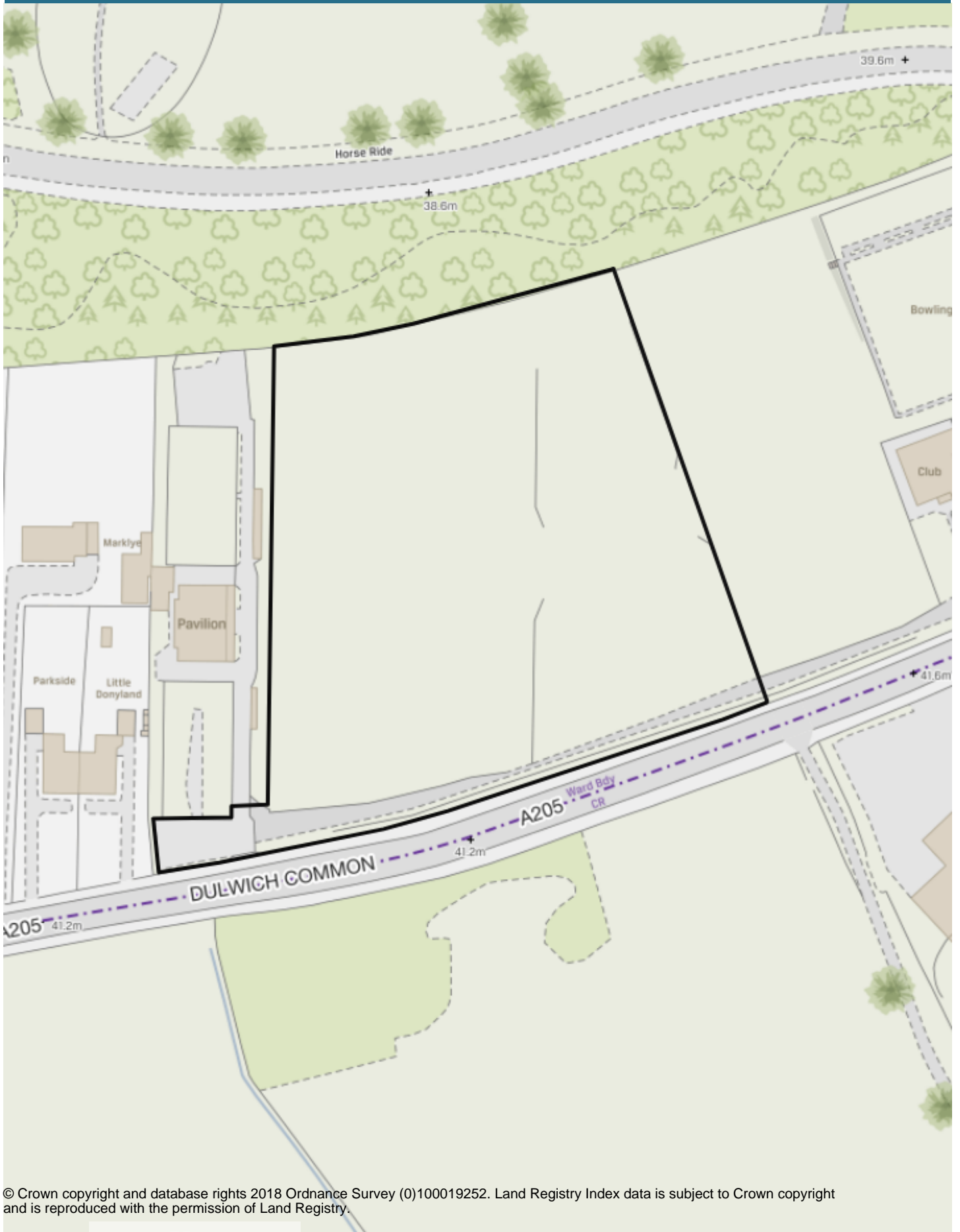
Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Beverley Olamijulo 020 7525 7234
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer or the Planning Department 020 7525 5403

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Tim Murtagh, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	1 July 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		1 July 2019



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50 m

Scale = 1250

28-Jun-2019

Item No. 7.1	Classification: Open	Date: 10 July 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/0538 for: Full Planning Application Address: LONDON BOROUGH OF SOUTHWARK SPORTS CLUB, DULWICH COMMON, LONDON, SE21 7EU Proposal: Retention of 2 x external spectator stands with associated fixtures and fittings as shown on scaled plans submitted with this application.		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning		
Application Start Date 26/03/2019		Application Expiry Date 21/05/2019	
Earliest Decision Date 01/06/2019			

RECOMMENDATION

1. It is recommended planning permission is granted.

BACKGROUND INFORMATION

Site location and description

2. The site is an area of Metropolitan Open Land currently in use as a sports pitch on the Northern side of Dulwich Common. The site is located within:
 - Air Quality Management Area;
 - Dulwich Wood Conservation Area;
 - Metropolitan Open Land.
3. The site is bound by:
 - Metropolitan Open Land to the North;
 - Metropolitan Open Land to the East currently in use as a sports pitch;
 - Dulwich Common to the South;
 - Sports Pavilion and associated car parking to the West.
4. The surrounding area is a mixture of open space, sports facilities and residential properties, the nearest of which are approximately 25m due west of the sports pitch.

Details of proposal

5. The proposal calls for the retention of two, covered spectator stands along the Eastern and Southern boundaries of the site. The stands are of the following specifications:

Eastern stand

- Height (max): 3.42m

- Width: 15.32m
- Depth (max): 3.53m

6. The Eastern stand incorporates three rows of seating.

Southern stand

- Height (max): 2.68m;
- Width: 16.82m;
- Depth (max): 2.36m.

7. The seated capacity of the Eastern stand is 86. The Southern stand has no seating facilities and has a theoretical maximum capacity of 188, though it is unlikely this would be reached in the majority of instances as outside of poor weather conditions most spectators would stand at the sides of the pitch.

Planning history

- | | |
|----|--|
| 8. | 18/AP/1204 Application type: Full Planning Application (FUL)
Installation of a floodlighting system for the pitch area to include 6 x 15 metre galvanised steel columns (with relevant concrete block foundations), each column to be mounted with two floodlights, installation of an electrical junction box fabricated from galvanised steel with and associated underground cabling ducts. Hours of operation to be 12:00-22:00 Monday to Friday, 11:00-22:00 Saturday to Sunday and Bank Holidays.
Decision date 30/04/2019 Decision: Granted (GRA) |
| | 18/EN/0209 Enforcement case (ENF)
Alleged breach: Unauthorised signage, pavilion and fencing.
Decision date: 23/01/2019 Decision: Warning (WARN) |
| | 19/AP/0539 Application type: Advertisement Consent (ADV)
Retention of two metal signs mounted on 2 x steel support posts.
Decision date 17/04/2019 Decision: Granted (GRA) |

Planning history of adjoining sites

9. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:
- a) Principle of development;
 - b) Impact of the proposed development on the openness of the Metropolitan Open Land;
 - c) Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - d) Design issues;
 - e) Impact on character and setting of a listed building and/or conservation area;
 - f) Transport issues;
 - g) Community benefits;
 - h) Other matters;

Adopted planning policy

National Planning Policy Framework (NPPF)

11. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
12. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Chapter 2 Achieving sustainable development
 Chapter 8 Promoting healthy and safe communities
 Chapter 11 Making effective use of land
 Chapter 12 Achieving well-designed places
 Chapter 13 Protecting Green Belt Land
 Chapter 15 Conserving and enhancing the natural environment
 Chapter 16 Conserving and enhancing the historic environment

London Plan 2016

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

Policy 3.19 - Sports facilities
 Policy 7.8 - Heritage assets and archaeology
 Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 Policy 7.17 Metropolitan open land
 Policy 7.19 Biodiversity and access to nature

Core Strategy 2011

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

Strategic policy 1 - Sustainable development
 Strategic policy 2 - Sustainable transport
 Strategic policy 4 - Places to learn and enjoy
 Strategic policy 11 - Open spaces and wildlife
 Strategic policy 12 - Design and conservation
 Strategic policy 13 - High environmental standards

Southwark Plan 2007 (saved policies)

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

3.2 - Protection of amenity
 3.12 - Quality in design

- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.16 - Conservation areas
- 3.25 - Metropolitan open land
- 3.28 - Biodiversity
- 5.6 - Car parking

16. Dulwich Supplementary Planning Document 2013

Consultation Responses

17. This application has received a total of 27 comments, which include 21 in support and 6 objections. Sport England has been consulted as part of this application, has responded, and has does not wish to raise an objection.
18. Comments in objection have raised the following points, which have been addressed in the associated paragraph:
- Impact on the Dulwich Wood Conservation Area;
 - Impact on Metropolitan Open Land;
 - Impacts on neighbouring amenity;
 - Transport impacts;
 - Inadequacy of the consultation period.

Principle of development

19. Policy 7.17 of the London Plan requires:

'The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL. This policy goes on to establish "open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London" as one of the criteria for boroughs to meet when designating MOL.'

20. Furthermore, saved policy 3.25 of the Southwark Plan 2007 states development within metropolitan open land will only be permitted for the following purposes:

i. Agriculture and forestry; or

ii. Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or

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

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

21. It is considered that the spectator stands would be an essential facility for sports and outdoor recreation, and would therefore comply with criterion ii) of saved policy 3.25, and Policy 7.17 of the London Plan. The stands and seating allow spectators to enjoy matches in poor weather conditions, and provide seating, which would be particularly valuable for those less able to stand for longer periods. This would improve the quality and accessibility in line with paragraph 7.56 of the London Plan.

22. In addition, Policy 7.17 of the London Plan gives the same level of protection to MOL as that given to the Green Belt. Under the National Planning Policy Framework 2019 paragraph 145, part B, exceptions to new developments within the Green Belt include "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".
23. The spectator stands are an appropriate facility for outdoor recreation, similar stands and pavilions can be seen in other plots of MOL in use as cricket grounds for example. Within the context of the application site, the stands are a relatively minor fixture and are not considered to harm the overall openness of the MOL.
24. In summary, the proposal is deemed to be appropriate development on MOL without harming the overall openness (see below). It is considered the spectator stands would enhance the appropriate use of the site as a sports ground, by allowing for enjoyment of the pitch in poor weather conditions. In addition, the seating enclosed in these stands would be of particular value to residents and groups less able to stand for longer periods of time, and thus would extend the enjoyment of the grounds to a wider section of the community, which is welcomed. Thus, the principle of the proposal is acceptable.

Impact of the proposed development on the openness of the Metropolitan Open Land

25. The spectator stands are a relatively minor addition within the wider context of the parcel of MOL the application site sits within. The stand located on the Eastern side of the pitch sits on a natural break between two pitches, and the stand to the South is adjacent to a mature tree line. Thus, given their scale and positioning the stands would preserve the openness of the MOL in line with Policy 7.17 of the London Plan and Saved Policy 3.25 of the Southwark Plan.

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

Privacy

26. The proposed stands would be set a significant distance from the nearest residential property. The Eastern stand is in excess of 100m, and the Southern stand is in excess of 50m from the closest property to the west of the application site. In addition, views from the stands would be partially obscured by an existing pavilion and tree line. Thus, the stands would not present a risk to privacy.

Noise

27. In addition to the significant distance from the nearest residential properties noted above, the stands would be open at the front and sides reducing any echoing effect.
28. As stated under the description of proposal, the stands (particularly the Southern stand closer to residents) are unlikely to approach maximum capacity outside of instances of poor weather during a game, where the game had not already been called off due to poor conditions. It should also be noted the majority of games are typically played on Saturday afternoons outside of rare circumstances (such as especially poor weather, or a run of cup games necessitating a mid-week game), which is an acceptable time for a modestly intensive use of the pitch, and would not significantly infringe on nearby residential amenity. Furthermore, the grass nature of

the pitch makes it poorly suited to frequent games and training sessions, thus overall usage is relatively limited.

29. Thus, any additional noise generated by the stands when compared with the standard use of the pitch would be minimal and acceptable.

Outlook

30. The distance of the stands from the nearest residential units would mean there would be a negligible impact on outlook, which is acceptable.

Transport issues

31. Typical attendance at matches is estimated between to be between 20-30 spectators, with the majority arriving by bicycle, foot, or public transport. 24 car parking spaces are available for visitor parking, with a further 20 spaces available for players, and separate 7 spaces (plus space for one minibus) for away players. The total onsite capacity is 51 car parking spaces, plus 1 minibus space. Additional capacity is also available from Pyners Close at the other side of Dulwich Common for instances of unusually high demand, or where poor weather has reduced capacity on site.
32. The retention of the spectator stands is not envisaged to create a significantly higher usage of the pitch than currently exists. Similarly, attendance is not expected to increase significantly in the event the club is promoted, with a nearby team (Forest Hill) in the division above recording an average attendance of 36. Hence the proposal would not place significant additional strain on the transport and servicing arrangements of the site and is acceptable in transport terms.

Design issues

33. The scale and massing of the stands is considered appropriate within the scope of the large open sports ground. The design of the stands is fitting within the context of sports pitch, and would not detract from the overall appearance and character of the grounds. Furthermore, the stands are partially obscured from public view by the existing treeline along Dulwich Common. In summary, the proposal is acceptable in design terms.

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

34. As above, the design and scale of the stands are appropriate and fitting within the context of the sports ground. The stands would be largely obscured from public view by the existing tree line along Dulwich Common, and similar metal coverings can be seen in the nearby Dulwich Common Riding School.
35. The Dulwich Wood Conservation Area is the largest expanse of predominantly open space in the borough and includes playing fields, allotments, and a golf course. Buildings in the conservation area tend to be around the perimeters of the open space. As noted under above, the stands are situated in natural boundaries between the pitch and the adjacent pitch and road, in keeping with the tradition of buildings around the perimeters of open spaces.
36. Finally, the spectator stands are largely obscured from public view behind a mature treeline. Thus, stands conserve the setting and character of the Dulwich Wood conservation area. As the stands are not very visible from the public realm and sit in the context of a playing field, they are appropriate to their setting and cause no harm to the conservation area. If members considered that there is harm, the harm would need to be balanced against the public benefits of the development, which are

discussed below.

Community benefits

37. As noted under the principle of development, the retention of the spectator stands would allow for the enjoyment of a piece of MOL in poor weather conditions, and to wider segments of the community including, but not limited to, the elderly and those with disabilities, who may require seating. Hence, the proposal is deemed to offer a significant community benefit.

Other matters

38. Paragraph 2.6.4 of the Dulwich SPD notes that “much of the open space is good quality and provides a range of functions from public parks to private sports fields, nature reserves to a golf course. Open spaces are also used for allotments, sport pitches and community facilities such as the Scouts hut”. The proposal is considered in line with these types of uses and is appropriate in the setting of a sports field.
39. Several objectors have raised issues with the inadequacy of the consultation period as part of this application. This application has been publicised and open to public comments in excess of the statutory 21 day consultation period, which is considered an acceptable level of publicity. Comments received have been addressed in this report.
40. Objections have also been raised that the Dulwich Estate were not consulted as part of this application. While there is no statutory obligation to notify this body as part of this application, the applicant has notified the Dulwich Estate.

Conclusion on planning issues

41. In summary, the proposed retention of the stands is considered to comply with the requirements around development on MOL, while conserving the character of the surrounding conservation area, and without infringing on the amenity of nearby occupiers. In addition, the spectator stands would offer a useful benefit to the community, and as such planning permission should be granted.

Consultations

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

Community impact statement / equalities assessment

43. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - Take steps to meet the needs of persons who share a relevant protected

- characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
44. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
45. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
46. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Human rights implications

47. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
48. This application has the legitimate aim of providing facilities to enhance the use of metropolitan open land. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2082-J Application file: 19/AP/0538 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5840 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Glenn Ruane, Planning Officer	
Version	Final	
Dated	28 June 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		28 June 2019

APPENDIX 1**Consultation undertaken****Site notice date:** 10/04/2019**Press notice date:** 09/05/2019**Case officer site visit date:** 21/06/2019**Neighbour consultation letters sent:** 05/04/2019**Internal services consulted:**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

Sport England

Neighbour and local groups consulted:

Parkside Dulwich Common SE21 7EU	94 Cotswold Way Worcester Park KT4 8LN
Rosebery Lodge Dulwich Common SE21 7EU	94 Cotswold Way Worcester Park KT4 8LN
Dulwich Riding School Dulwich Common SE21 7EX	41 Playfield Crescent East Dulwich SE22 8QR
London Borough Of Southwark Sports Club Dulwich Common SE21 7EU	57 Natal Road London SW16 6JA
Marklye Dulwich Common SE21 7EU	5 Dog Kennel Hill London SE228AA
Little Donyland Dulwich Common SE21 7EU	20 Oaksford Avenue London SE26 6AR
The Studio Flat Cypress Tree House SE21 7EU	144 Longland Road Eastbourne BN20 8JD
Lukyns Dulwich Common SE21 7EU	6 Almond Close Southwark SE15 4UH
Richmond Lodge Dulwich Common SE21 7EU	30 Champion Grove London SE5 8BW
Cypress Tree House Dulwich Common SE21 7EU	6 Almond Close London SE15 4UH
Little Donyland Dulwich Common SE21 7EU	8 Wivenhoe Close Peckham SE15 3QN
Mount Pleasant Sandy Lane BH31 6BZ	21 Hambledon Place Dulwich SE21 7EY
7 Henley Lodge Tennison Road SE25 5RP	45 Roxburgh Road London SE27 0LE
Flat 2 Highlands South Road SE23 2UF	85 The Warren Heston TW5 0JW
Flat 34, Capel House Loddiges Road E9 7PL	24 Brockenhurst Way London SW16 4UD
18 Crebor St Dulwich SE220HF	35 Cambria Road London SE5 9AS
	12 Monteagle Way London SE15 3RS

Re-consultation: n/a

APPENDIX 2**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 2 Highlands South Road SE23 2UF
 Flat 34, Capel House Loddiges Road E9 7PL
 Little Donyland Dulwich Common SE21 7EU
 Little Donyland Dulwich Common SE21 7EU
 Marklye Dulwich Common SE21 7EU
 Mount Pleasant Sandy Lane BH31 6BZ
 Parkside Dulwich Common SE21 7EU
 Richmond Lodge Dulwich Common SE21 7EU
 12 Monteagle Way London SE15 3RS
 144 Longland Road Eastbourne BN20 8JD
 18 Crebor St Dulwich SE220HF
 20 Oaksford Avenue London SE26 6AR
 21 Hambledon Place Dulwich SE21 7EY
 24 Brockenhurst Way London SW16 4UD
 30 Champion Grove London SE5 8BW
 30 Champion Grove London SE5 8BW
 35 Cambria Road London SE5 9AS
 41 Playfield Crescent East Dulwich SE22 8QR
 5 Dog Kennel Hill London SE228AA
 57 Natal Road London SW16 6JA
 6 Almond Close London SE15 4UH
 6 Almond Close Southwark SE15 4UH
 7 Henley Lodge Tennison Road SE25 5RP
 8 Wivenhoe Close Peckham SE15 3QN
 85 The Warren Heston TW5 0JW
 94 Cotswold Way Worcester Park KT4 8LN
 94 Cotswold Way Worcester Park KT4 8LN

RECOMMENDATION

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

Applicant	Peckham Town Football Club	Reg. Number	19/AP/0538
Application Type	Full Planning Application	Case	TP/2082-J
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Retention of 2 x external spectator stands with associated fixtures and fittings.

At: LONDON BOROUGH OF SOUTHWARK SPORTS CLUB, DULWICH COMMON, LONDON, SE21 7EU

In accordance with application received on 18/02/2019 12:17:26

and Applicant's Drawing Nos. PL-01 PL2 Site Plan

PL-02 PL1 Pitchside Stand Details

PL-03 PL1 Dulwich Common End Stands

Design & Access Planning Statement in relation to the retention of two spectator stands and associated fixtures

Covering Letter

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20

NOTE: Original held by Constitutional Team all amendments/queries to Tim Murtagh Tel: 020 7525 7187

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Margaret Foley, Legal Services Hub 2 Level 2, Tooley St.	1		
		Dated: 2 July 2019	