

Item No.	Classification:	Date:	Meeting Name:
6.2	OPEN	31January 2012	Planning Committee
Report title:	Development Management planning application: Council's own development Application 11-AP-2998 for: Council's Own Development - Reg. 3 Address: THE PAVILION, PYNNERS CLOSE SPORTS GROUND, DULWICH COMMON, LONDON SE21 7HA Proposal: Construction of an electricity substation to serve the pavilion.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 29/09/2011		Application Expiry Date 24/11/2011	

RECOMMENDATION

- 1 That planning permission be granted. This application is referred to Planning Committee because the proposed development would be located on Metropolitan Open Land. It has also been submitted on behalf of the Council and two objections have been received.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is located within the 3.8ha sports ground: Pynners Close Playing Ground. The site is designated as Metropolitan Open Land and is within the Dulwich Wood Conservation Area and the suburban density zone.
- 3 The site is adjacent to Dulwich Common and the Hambleton Place development at the entrance of Pynners Close. There is a vehicular access leading from Dulwich Common to the pavilion. There is currently a brick electricity substation on the site which measures 0.975m high, 0.830m wide and 0.830m deep.

Details of proposal

- 4 The proposal involves the removal of the existing electricity substation and its replacement with a new substation and switchroom enclosure, measuring 4.05m x 5.61m and 2.62m high with a flat roof. It would be constructed of brick, with steel louvered vents, doors and door frames, and it would have a felt roof. It would be set back 10.4m from the Dulwich Common frontage, next to the vehicle access to the Pavilion. The existing substation on the site is understood to have been damaged by fire.
- 5 The substation is required owing to increased demand for utilities in this location created by the Hambleton Place development and the Pavilion within the playing fields. This proposal differs from an earlier permission on the site which is for a

smaller substation and a separate gas meter enclosure on the site, details of which are set out below (reference: 09-AP-1397).

Planning history

- 6 09-AP-1397 - Construction of an electrical substation and gas meter enclosure adjacent to Dulwich Common and the Tennis Courts within Pyners Close Sports Ground. Planning permission was GRANTED in November 2009. The substation was shown as measuring 3m x 3m footprint, and the gas enclosure 1m x 1.5m.

Planning history of adjoining sites

- 7 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 8 The main issues to be considered in respect of this application are:
- a] the principle of the development in terms of land use and conformity with strategic policies.
 - b] the impact of the proposal on the amenities of adjoining occupiers;
 - c] the design of the development; and
 - d] the impact of the proposal on the character and appearance of the Dulwich Wood Conservation Area.

Planning policy

Core Strategy 2011

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

Southwark Plan 2007 (July) - saved policies

- 10 3.2 Protection of Amenity
3.12 Quality in Design
3.13 Urban Design
3.15 Conservation of the Historic Environment
3.16 - Conservation areas
3.18 Setting of listed buildings, conservation areas and world heritage sites
3.25 Metropolitan Open Land

London Plan 2011

- 11 Policy 7.8 Heritage assets and archaeology
Policy 7.17 Metropolitan Open Land

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 12 PPS5 - Planning for the historic environment.

Principle of development

- 13 Saved policy 3.25 of the Southwark Plan states that there is a general presumption against inappropriate development on Metropolitan Open Land. It states that planning permission will only be granted for development which is considered to be for the following purposes:
- 14
- i) *Agriculture or forestry; or*
 - ii) *Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or*
 - iii) *Extension of or alteration to an existing dwelling, provided that it does not result in disproportionate additions over and above the size of the original building; or*
- 15
- iv) *Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.*

The proposal involves replacing an existing substation on the site with a larger substation and switching room enclosure, which is required in order to meet increased energy demands associated with the pavilion, and also for the Hambledon Place estate. As the proposal would replace an existing substation and would support continued use of the metropolitan open land for outdoor recreation, no objections are raised in principle. The structure would be modest in size and would preserve the openness of the MOL.

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

- 16 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 17 It is not considered that there would be any adverse impacts upon adjoining occupiers as a result of the proposal. The substation would be positioned in a well screened location aided by the position of existing trees fronting Dulwich Common. Furthermore, as one approaches the site the Hambledon Place development comes into view and as a result, locating the small structure in the position proposed would create an association with the built form already located adjacent to the Common, and therefore it would not appear incongruous in this position. As such it is not considered that any adverse impact on visual amenity would result from the proposal.
- 18 Furthermore, there would be no adverse impacts in terms of overshadowing or impact upon outlook as the substation would be located over 4m away from the nearest residential properties.

Traffic issues

- 19 There are no transport issues arising from the proposal. The substation would be accessed from the existing access road which leads to the pavilion, and only by utilities company staff.

Design issues

- 20 Saved policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments

achieve a high standard of architectural and urban design.

- 21 The substation would be in the form of a simple brick box, functional in appearance, and a condition requiring a brick sample to be submitted for approval is recommended. Concerns have been raised that the substation would be twice as large as the substation previously approved on the site and whilst this is noted, it would still be modest in size, particularly when viewed in the context of the overall sports ground which is very large in area. It needs to be larger than previously approved in order to accommodate a switchroom. It is also noted that this proposal, unlike the previous scheme, does not propose a gas meter enclosure.

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

- 22 Saved policy 3.16 of the Southwark Plan seeks to ensure that developments preserve or enhance the character or appearance of conservation areas.
- 23 It is not considered that the structure would adversely impact upon the character or appearance of the conservation area given its modest size and location. It would be set back from the Dulwich Common frontage and would be viewed against the backdrop of the Hambledon Place development, rather than as an isolated structure. Moreover, there are a number of trees located in the corner of the site fronting Dulwich Common, which would offer a degree of screening.

Impact on trees

- 24 No works are proposed to the adjacent trees. However, given their proximity to the proposed structure, a condition requiring details of tree protection measures to be submitted for approval is recommended.

Other matters

- 25 There are no other matters arising from the proposal.

Conclusion on planning issues

- 26 The proposed structure would be modest in size, would not result in any loss of amenity to neighbouring occupiers, and would preserve the openness of the metropolitan open land and the character and appearance of the Dulwich Wood Conservation Area. It is therefore recommended that planning permission be granted.

Community impact statement

- 27 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- 28 a) The impact on local people is set out above.
- 29 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
- 30 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

- 32 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 33 Two representations have been received objecting to the application on the following grounds:

- Size of the structure - does not represent a small increase in floor area when compared to the previous proposal;
- Questions the need for a substation of this size given the likely limited requirements of the Pavilion;
- Possible future redevelopment including floodlighting;
- Property borders the site and occupier has a small child;
- People use the facilities at night and there may be safety issues.

Human rights implications

- 34 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.
- 35 This application has the legitimate aim of providing an electricity substation. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

N/A.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2082-0 Application file: 11-AP-2998 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice Head of Development Management	
Report Author	Victoria Lewis	
Version	Final	
Dated	11 January 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team	18 January 2011	

Consultation Undertaken

Site notice date: 25/10/2011

Press notice date: 06/10/2011

Case officer site visit date: 25/10/2010

Neighbour consultation letters sent: 05/10/2011

Internal services consulted: None

Statutory and non-statutory organisations consulted: None

Neighbours and local groups consulted:

16 HAMBLEDON PLACE LONDON SE21 7EY

CYPRESS TREE HOUSE DULWICH COMMON LONDON SE21 7EU

RICHMOND LODGE DULWICH COMMON LONDON SE21 7EU

THE STUDIO FLAT CYPRESS TREE HOUSE DULWICH COMMON LONDON SE21 7EU

14 HAMBLEDON PLACE LONDON SE21 7EY

15 HAMBLEDON PLACE LONDON SE21 7EY

Re-consultation: No re-consultation undertaken.

Consultation Responses Received

Internal services None

Statutory and non-statutory organisations None

Neighbours and local groups

38 Richmond Lodge, Dulwich College:

Object to the application on the following grounds:

- Whilst a combined installation may be considered preferable, a two-fold increase in floor area is not a small increase;
- Concerned about the size of the proposed substation to serve what should be a limited expected requirement for the Pavilion;
- Concerned about creeping redevelopment to install other equipment e.g. floodlighting, which would be adamantly opposed;
- Is the equipment and housing required to accommodate it on this scale really necessary to serve reasonably expected requirements of the Pavilion and Hambledon Place?

39 No address provided:

Object to the application on the grounds that my property borders onto Pyners sports ground and I have a small child. I do not see any need for the sports ground to require its own separate gas and electricity substation. Furthermore, I would like to bring to the Council's attention that on many nights, there are people on the premises and there could be further safety issues.