

<b>Item No.</b> 6.3	<b>Classification:</b> OPEN	<b>Date:</b> 10 May 2012	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 12-AP-0200 for: Full Planning Permission  <b>Address:</b> 2 WOODHALL DRIVE, LONDON, SE21 7HJ  <b>Proposal:</b> Temporary change of use (for 12 months) of a residential swimming pool (Class C3) to allow babies/toddlers swimming lessons between 10:30 am and 2 pm - 1 day a week with ancillary parking.		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 25 January 2012		<b>Application Expiry Date</b> 21 March 2012	

## RECOMMENDATION

- 1 That the planning permission is refused.

## BACKGROUND INFORMATION

### Site location and description

- 2 Local Ward Councillors requested that the application be considered by Dulwich Community Council, which was agreed by the chair.
- 3 The property is a two-storey, detached dwellinghouse located on a corner plot at the junction of Woodhall Drive with College Road.
- 4 Adjoining the dwellinghouse on the north west elevation is a single storey pool building.
- 5 There is gravel area forming a section of the front garden immediately in front of the pool building, currently this is used for ancillary parking associated with the residential dwelling. It is screened by a 2 metre high hedge.

The dwellinghouse is not listed, however lies within the Dulwich Wood Conservation Area.

### Details of proposal

- 6 The application seeks permission to use the pool for use for private toddler swimming lessons not associated with the occupants of the dwelling.
- 7 This submission follows a previous application for a temporary change of use (for 12

months) of its private swimming pool (Class C3) to allow toddlers swimming lessons for up to 4 hours per day (10am - 12noon and 1pm - 3pm) on 3 days a week (Tuesdays, Wednesdays and Thursdays) as a not-for-profit voluntary project for local children. It was proposed that each class would have 6 babies and last for 30 minutes with 8 classes per day.

- 8 Due to concerns raised by officers this application was withdrawn prior to a decision being made.
- 9 The current application proposes the use of the pool for toddler swimming lessons for one day a week (Wednesday) between 10:30am and 2pm with 4 classes, for a temporary period of 12 months. Each class will be of 30 minutes' duration following a 30 minutes break, and will have 4 babies with one instructor.
- 10 The lessons are to be run by a professional swimming organisation which provides trained instructors. Outside the hours proposed for lessons, the house, grounds and pool remain in residential use, (Class C3).
- 11 A Travel Plan has been submitted to demonstrate that the site can be accessed sustainably. It states that, despite of the provision of 11 off-street parking on site, a Visitor Welcome Pack will be distributed to staff and parents upon joining setting up parking requirements to restrict overspill parking at other than the application site whilst promoting alternative travel routes to the site such as car sharing, walking and public transports, with details of current timetables for local bus and rail services. A notice board providing travel and community information to visitors will be placed with the pool building.
- 12 The Travel Plan also outlines that the enrolment requirements will reserve 1 place per class for those travelling by models other than private car and / or those travelling by car sharing, and the instructor will be required to travel by cycling or public transport. A Travel Plan Coordinator will be appointed and funded by the applicant implementing and monitoring the Travel Plan to ensure that parking demand and traffic generation is reduced.

### **Planning history**

- 13 2084-J - Planning permission was granted on 02/10/1978 for erection of an extension at first floor level as shown on the submitted drawing forming part only of two storey extension.
- 14 2084-2 - Planning permission was granted on 15/08/1985 for erection of single-storey side extension to provide a hydratherapy swimming pool subject to conditions requiring a landscaping plan .
- 15 11-EN- 0228 - Enforcement case for a private swimming pool being used for commercial activities for baby lessons, pending on the decision to its re-submission of the planning application 12-AP-0200;
- 16 11-AP-2936 - Planning application for a temporary change of use (for 12 months) of a residential swimming pool (Class C3) to allow babies/toddlers swimming lessons for up to 4 hours per day (10am - 12noon and 1pm - 3pm) on 3 days a week (Tuesdays, Wednesdays and Thursdays) as a not-for-profit voluntary project for local children was withdrawn on 28/11/2011.

### **Planning history of adjoining sites**

- 17 None of relevance.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 18 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 on neighbouring amenity in terms of intensity and issues on whether the change of use would invade the privacy and quality of life of neighbours caused by traffic, parking and noise
  - c) The impact on highway and pedestrian safety
  - d) The impact on character of the Dulwich Wood Conservation Area

### **Planning policy**

19 Core Strategy 2011

Strategic Policy 2 - Sustainable Transport  
Strategic Policy 12 – Design and Conservation  
Strategic Policy 13 – High environmental standards

20 Southwark Plan 2007 (July) - saved policies

For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.

Saved Policy 2.2 - Provision of new community facilities  
Saved Policy 3.2 – Protection of Amenity  
Saved Policy 3.15 – Conservation of the Historic Environment  
Saved Policy 5.2 - Transport impacts  
Saved Policy 5.3 - Walking and cycling  
Saved Policy 5.6 - Car Parking

21 Policies of London Plan

None relevant

22 National Planning Policy Framework

National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

#### Relevant sections

4. Promoting sustainable transport
8. Promoting healthy community facilities
11. Conserving and enhancing the natural environment

#### **Principle of development**

- 23 The development would introduce a commercial venture within a residential area, with poor access to public transport. The property is located within the Woodhall Estate, which is wholly residential in nature. The development would involve a level of activity that is not commensurate with the neighbouring amenity due to the flow of cars and people associated with the proposed use and would result in detrimental impacts upon residential amenity, and therefore is considered unacceptable.

#### **Environmental impact assessment**

- 24 Not required for this type of proposal.

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

- 25 Intensity  
Concern is raised over the use of the site, in particular the introduction of a commercial use within a completely residential area, further the intensity of activity on the site could lead to disruption of what is a quiet residential neighbourhood. Notwithstanding the level of use proposed this could potentially lead to the increased foot-traffic of 16 visits in the course of 3.5 hours would rise in foot traffic and the sheer volume of people accessing facilities at the application site on a continual basis which would impact adversely on the amenity of local residents.
- 26 Loss of privacy  
The development does not alter the existing access to the property or create an overlooking to its neighbouring properties, as such it is not considered that the proposal would lead to a loss of privacy detrimental to residential amenity.
- 27 Noise  
Concerns are raised that the development would result in a substantial increase in traffic and noise disturbance.
- 28 It is acknowledged that the lessons will take place on Wednesdays between 10:30am and 2pm with a 30 minute break between each session, so as to allow adequate gaps for arrivals and departures. The detached houses within the Woodhall Estate are set back generously from the footpath with substantial distance between each. Whilst noise levels are unlikely to give rise to significant levels of harm, there is a concern that the coming and goings from the concentration of lessons within this time frame would result in a significant loss of residential amenity within the area.

#### **Traffic issues**

- 29 Car parking Comments  
The Transport Team was satisfied with the provision of 11 off-street parking. The predicted use is for classes with four babies. Assuming that all babies arrive in separate cars and accounting for overlap between classes there will be a maximum of 8 vehicles on site at any time. This can be accommodated within the parking area provided.

- 30 Highway Safety  
This development is not expected to have a significant negative impact on the highway network.
- 31 Travel Plan comments  
The travel plan is of good quality and proposes a number of measures to promote and support the use of sustainable modes of travel for those accessing the site. The travel plan contains ambitious targets for reducing the use of private cars to access the site, and this will be rigorously monitored by the applicant (and reported to Southwark Council) as part of the travel plan. The travel plan is welcomed by Southwark Council and is acceptable.
- 32 Should planning permission be granted, it is recommended that the travel plan is secured via a planning condition. The condition wording should specify that the applicant must re-submit the travel plan for approval following the baseline travel surveys (within the first 3 months of occupation).
- 33 Public Safety  
There are no public footpaths on Woodhall Drive and the increased traffic may pose a danger to pedestrians. Number 2 Woodhall Drive is located at the junction of College Road, as with any visitors to the area due care and attention would need to be taken when entering and exiting the site. The proposed Travel Plan will make visitors aware of restrictions on Woodhall Drive and College Road.

### **Design issues**

- 34 The proposal does not involve any physical alterations to the existing buildings on the site.

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

- 35 Dulwich Wood is characterised by its green character and appearance derived from the many of open spaces and large gardens. Woodhall Drive fully conforms to this with large detached buildings set back generously from the footpath and substantial gardens. The original consent required the area in front of the pool building to be landscaped, but there is no record relating to the discharge of this condition. The gravel area to the front garden to accommodate 11 car parking spaces does not preserve or enhance the established and characteristic green aesthetic and is thus out of character, however this work is not considered to constitute development requiring planning permission. The use of this area covered by parking is large would be a permanent element even though the use would be a temporary one day a week for 12 months. The permanent parking area is therefore a disproportionate loss of garden relative to the proposed frequency and length of use.
- 36 Apart from the above comments, it is considered that, whilst the host property is not historic it contributes to the sense of openness of the area. The incorporation of up to 11 parking spaces to the front of this property, although screened by hedges, at its prominent location raises significant concerns and is likely to adversely affect the character of the Dulwich Wood Conservation Area.
- 37 There is also a concern that the Woodhall Estate is predominately residential in nature and the proposed level of activity, although suggests on one day a week, is an unsympathetic response to its context and would have adverse impacts upon the character of the area.

### **Impact on trees**

38 The proposal would not impact on any trees.

#### **Planning obligations (S.106 undertaking or agreement)**

39 The scheme is not of a size or type that would require any contributions.

#### **Other matters**

40 No other matters have been identified.

#### **Conclusion on planning issues**

41 Permission is sought to use a pool house ancillary to the existing residential building for commercial purposes, it is indicated that this would not be a for profit venture and whilst the proposal appears limited in its nature it is clearly the intention to seek to make this a permanent use with perhaps increased frequency. Whilst some mitigation to the movement is proposed by way of 30 minute breaks between sessions, with changing before and after each session the likelihood would be that there would be an overrun and visitors will be leaving the site after 2 pm. It is considered that the proposal even on a temporary and limited basis would introduce a level of activity out of character with this area and consequently result in a loss of amenity to surrounding residents due to the flow of people and vehicles accessing the site. The proposed level of activity associated with the use of the front garden to a parking area would have a detrimental impact on the character of the Dulwich Wood Conservation Area. As such the use is considered inappropriate within a residential setting and planning permission is recommended for refusal.

#### **Community impact statement**

42 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.

a) The impact on local people is set out above.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as above.

#### **Consultations**

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

#### **Consultation replies**

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

45 Summary of consultation responses

46 Internal Consultees:

1) Transport Team

- Placed no objection to the proposal

2) Design & Conservation Team:

- placed concerns over the conversion of its front lawn to a car park area;

3) Environmental Protection Team

- No comments received; however, there was no objection to its previous application.

47 Neighbouring Consultees:

- 24 responses have received, 15 of which objected the application and 8 supported and one placed concerns over traffic issues

- The Dulwich Estate Management has notified the council that the owners of the application site require the consent by the Dulwich Estate for the proposed change of use.

**Human rights implications**

48 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.

49 This application has the legitimate aim of the change of use of a private domestic swimming pool to allow babies swimming lesson for one day a week. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2084-2 Application file: 12-AP-0200 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5403 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Marina Lai, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	13 March 2012	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Planning	Yes	Yes
Strategic Director of Environment and Leisure	No	No
<b>Date final report sent to Constitutional Team</b>	27 April 2012	



**Consultation undertaken**

**Site notice date:** 13/02/2012

**Press notice date:** 09/02/2012

**Case officer site visit date:** 13/02/2012

**Neighbour consultation letters sent:** 07/02/2012

**Internal services consulted:**

Design & Conservation Team  
Transport Team  
Environmental Protection Team

**Statutory and non-statutory organisations consulted:**

N / A

**Neighbours and local groups consulted:**

86 College Road London SE21 7LY  
88 College Road London SE21 7NA  
82 College Road London SE21 7LY  
84 College Road London SE21 7LY  
90 College Road London SE21 7NA  
1 Dulwich Oaks Place College Road London SE21 7NA  
88a College Road London SE21 7NA  
90a College Road London SE21 7NA  
3 Woodhall Drive London SE21 7HJ  
1 Woodhall Drive London SE21 7HJ  
4 Woodhall Drive London SE21 7HJ  
97 College Road London SE21 7HN  
99 College Road London SE21 7HN  
5 Woodhall Drive London SE21 7HJ  
1 Woodhall Avenue London SE21 7HI  
The Dulwich Estate

**Re-consultation:**

N / A

### Consultation responses received

#### Internal services

##### Design & Conservation Team Comments:

Dulwich Wood is characterised by its greened character and appearance derived from the many of open spaces and large gardens. Woodhall Drive fully conforms to this with large detached buildings set back generously from the footpath with substantial gardens. The loss of front garden to accommodate 11 car parking spaces would fail to preserve or enhance the established and characteristic greened aesthetic and is thus out of character to the area. The area covered by parking is large and would be a permanent element even though the use would be a temporary one day a week for 12 months. The permanent parking area is therefore a disproportionate loss of garden relative to the proposed frequency and length of use, unless a condition is imposed that requires reinstatement of the garden (planting) following the expiry of the 12 month period.

It is acknowledged that the parking area is screened by hedging which somewhat mitigates the visual impact of the parking and if the Officer is minded to approve on this basis we would recommend that the screening be permanently retained, or indeed additional planting implemented, to ensure acceptability.

##### Transport Team Comments:

Car parking Comments: The Transport Team was satisfied with the provision of 11 off-street parking. The predicted use is for classes with four babies. Assuming that all babies arrive in separate cars and accounting for overlap between classes there will be a maximum of 8 vehicles on site at any time. This can be accommodated within the parking area provided.

Highway Safety: This development is not expected to have a significant negative impact on the highway network.

Travel Plan comments: The travel plan is of good quality and proposes a number of measures to promote and support the use of sustainable modes of travel for those accessing the site. The travel plan contains ambitious targets for reducing the use of private cars to access the site, and this will be rigorously monitored by the applicant (and reported to Southwark Council) as part of the travel plan. The travel plan is welcomed by Southwark Council and is acceptable.

Should planning permission be granted, it is recommended that the travel plan is secured via a planning condition. The condition wording should specify that the applicant must re-submit the travel plan for approval following the baseline travel surveys (within the first 3 months of occupation).

#### Statutory and non-statutory organisations

None

## **Neighbours and local groups**

### 1) 1 Woodhall Drive

Supported the application, owing to:

- The proposal has not caused any inconvenience or annoyance arising from the said activity

### 2) 3 Woodhall Drive

Objection to the application, concerning:

- The proposed use is contrary to the purpose of the Conservation Area. To allow business use would set a thoroughly undesirable precedent for the rest of the estate.
- A substantial increase in the volume of traffic has been noted in the quiet private estate of Woodhall. It would be quite dangerous for pedestrians as there is no pavements in Woodhall Drive. This additional traffic of both cars and people roaming the Woodhall Estate is most unwelcome.
- The application is retrospective and the pool has been used for these lessons for many months now.
- There are already state-of-the-art modern swimming and sport facilities in the local area.
- It appears that profit-making companies are using a private pool to charge families for their children to learn to swim.

### 3) 4 Woodhall Drive

Objected the application, because:

- The development is not a 'not for profit voluntary project'
- The conversion of part of the front garden of the property to a gravel car park to cater for approximately 11 cars is totally inappropriate for the reasons for the Woodhall Estate has been constructed for residential purpose.
- The proposed change of use is contrary to the purpose of the Conservation Area.
- A substantial increase in traffic and in addition noise disturbance from the additional traffic.
- The construction of the car park is not permitted development, requiring planning permission.
- To maintain high hedges to shield the car park from view would make the entry and exit to the car park even more dangerous.

### 4) 7 Woodhall Drive

Objection to the application, because:

- A noticeable increase in the volume of traffic at the entrance to Woodhall Drive.
- A major part of the front garden that has been developed for a car park would have an adverse affect on the general environment of Woodhall Drive and may have an impact on water drainage and flooding in the area
- The Woodhall Estates are regarded as residential areas and not for the development of businesses.

### 5) 9 Woodhall Drive

Objected the application, concerning:

- Use proposed - It's a commercial business operating in a residential area and the applicant receives financial gain.
- Extensive usage
- Substantial increase in noise
- Visual Impact - The proposed level of activity will be clearly visible to passers-by drawing undue attention to a private residential area.
- Traffic congestion -the proposal would add additional traffic congestions at the time when parents pick-up their children from nearby schools.

- Adverse impact on neighbourhood - this rise in foot traffic and the sheer volume of people accessing facilities at 2 Woodhall Drive on a continual basis impacts significantly on a) traffic congestion at entrance to Woodhall Drive b) local residents' quality of life and c) the privacy of the neighbourhood d) further security risks

#### 6) 14 Woodhall Drive

Objection to the application, because:

- Woodhall Drive has no pavements and the Woodhall Drive Estate is a residential area and is not designed for commercial activity.
- The change of use would also increase traffic which would put residents a increased risk.

#### 7) 15 Woodhall Drive

Objected the application, because:

- The proposed change of use is not suitable for a residential estate which the Woodhall Estate is designated for
- Allowing one to be used for business purposes would create a very bad precedent as a few houses in Woodhall Drive have swimming pools
- The conversion of the garden to a car park is inappropriate of what was
- Increased volume of traffic which would cause congestion on College Road
- The users of the pool are from London base, rather than local children
- There is no shortage of public and school swimming pools in the area

#### 8) 29 Woodhall Drive

Objection to the application, because:

- The activities are inappropriate in a residential area
- Who is going to monitor the development?
- The conversion of the garden to a car park is not lawful

#### 9) 33 Woodhall Drive

Objected the application, because:

- The proposed use is not for local children
- The removal of the garden and its conversion into a car park is completely out of keeping with the estate and its surrounding
- Increased traffic flow have caused difficulty in entering the estate
- The development would cause the loss of the peacefulness and tranquility that a major and very positive part of the estate's atmosphere.

#### 10) 2 Woodhall Avenue

Objection to the application, owing to:

- The proposed use is not appropriate to a residential estate
- Allowing swimming lessons would create an unwelcome precedent
- The increased traffic is sometimes very inconsiderate and a danger to pedestrians
- Increased traffic congestion
- A security aspect to inviting larger numbers of strangers to the Estate
- The conversion of the garden to a car park is not in the spirit of the Conservation Area
- Adequate swimming pools in the area

#### 11) 3 Woodhall Avenue

Objected the application, concerning:

- the proposed use is not appropriate to the Estate where its affords the peace and tranquility
- The proposal would result in a large number of additional people entering the estate and invade the privacy of local residents

- the proposal would generate increased traffic flow and congestion
- The existence of a business would devalue the living environment and lessen the attractiveness of the Estate

12) 7 Woodhall Avenue

Objection to the application, owing to:

- The proposed change of use is not suitable for a residential estate with a unique design in incorporating family houses and a very green environment.
- The proposal has caused increased traffic and associated noise.
- The proposal would introduce a business with high usage on one day per week, which would significantly change the character of the area
- There are many swimming facilities for toddlers in the area
- The travel planning is unconvincing, as currently car appears to be used by most attendees

13) 86 College Road,

Supported the application, for teaching swimming to small children protects them from accidental drowning

14) 88 College Road

Objected the application, owing to:

- The development is inappropriate in a residential area within a conservation area
- The proposed activities would result in increased noise and congestion in the area.

15) 88a College Road

Objected the application, owing to:

- The development is inappropriate in a residential area within a conservation area
- The activity with cars coming and going is incessant and constitute a nuisance.
- The conversion of its front lawn to a car parking has caused unpleasant landscaping views from my house.

16) 90 College Rod

No objection to this application as it is very worthy undertaking

17) 97 College Road

Objected the application, owing to:

- This change would result in a business being run in a residential area.
- The conversion of the garden to a car park have impacted the view from our house, as well as the appearance of the application site.
- In the event that this application is approved the council should set a limit on the number of parking spaces available or the number of cars allowed per lesson.

18) 99 College Road

Supported the application, for teaching swimming to small children not only protects them from accidental drowning but also prepares them for a healthy life style.

19) College Road

Objected the application, because

- Additional traffic to a private road and a disturbance to the area
- Lessons would increase if granted as on one can monitor the scheme

20) 25 Stonehills Court, College Road

Supported the application, because

- It provides a local service to families in the area. Users are requested to use the parking spaces provided in the home owner's driveway and many people walk to

- the pool so as to avoid inconvenience to people living nearby.
- It is good to build up a local network of mums / parents.

21) 34 Stonehills Court, College Road

Supported the application, because

- Very few private pools where parents can feel secure in taking their very young babies for a swim
- No undue disturbances caused by the private pool being used for swimming lessons and the parents are mindful of not creating any unnecessary traffic or noise.

22) 1 Dulwich Oaks Place, College Road

Supported the application, as the proposed activities do not affect us and offering this service to the community is a good idea.

23) Cllr.

Particularly concerned about traffic issues in what is a residential area.

24) 62 College Road

Supported the application, as the swimming lessons would not cause more traffic or noise.