

Additional Planning Statement & Amendments Addressing the Council's Concerns

Site: 2 Woodhall Drive Dulwich SE21 7HJ

Application Reference: 12/AP/0200

Description of proposal: 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 with 30 minutes gap between lessons on 1 day a week as a not-for-profit voluntary project

1. Introduction

1.1 This statement has been prepared to provide a summary of the history associated with the above planning application and amendments proposed to address the Local Planning Authority (LPA) Southwark Council's concerns raised at this very late stage. The determination date for the planning application was 14th March 2012 and therefore it has already gone considerably over the statutory 8 weeks timescale. Moreover by the time the application will be heard by the Dulwich Community Council, which the Council has advised may be on 10th May if rewriting of the report is completed, the application will be nearly 16 weeks since the application was submitted. Despite the signification delay in determining the planning application, the Council is not following good practice to have constructive co-operation and dialogue with the applicant and endeavour to resolve issues before the planning application reaches appeal stage. It should be noted that the details of comments and justification made by Gary Rice of Southwark Council to overturn the original recommendation for approval have been requested on numerous occasions to help us understand Mr. Rice's considerations and concerns in detail, but unfortunately these have not been provided. Our meeting request to help understand Mr. Rice's concerns has also been declined. After numerous attempts to find the details of concerns raised at this last stage of the planning application, the Council has only indicated that its draft reason for refusal cites *impact on amenity from activity associated with the proposal, and the parking on the front garden area and its detrimental impact on the character and appearance of the conservation area.*

2. Council's Feedback on Previous Planning Application

- 2.1 On the previous planning application the Council did not raise any objection in principle to the proposed use, provided the level of activity is commensurate with the amenities of this residential area.

3. Current Planning Application

- 3.1 After careful and detailed consideration of the comments made by the Council on the previously withdrawn planning application, the proposals were revised in line with the advice provided by the Council to address the issues it previously raised and also those raised by the residents.
- 3.2 The revised proposals involve a reduction in the hours of operation from 3 days a week for up to 4 hours use each day to only one day a week (Wednesday) for 3.5 hours non-continuous use with 30 minutes gaps between classes. The lessons themselves will last for a period of 2 hours per week, but 3 ½ hours have been applied for, in order to allow adequate gaps in between lessons for arrivals and departures.
- 3.3 The proposals introduce a mechanism of reducing car parking demand and traffic generation. Each class will have a maximum of 4 babies and there will be just one instructor. There will be **no more than 3 cars being parked on 2 Woodhall Drive once a week for only c.2 hours** as detailed in the documents submitted in support of the planning application, which were agreed by the Council's internal specialist consultees, case officer, her manager (Dennis Sangweme) and Dulwich area manager (Sonia Watson).

4. Consultation Responses and Council Officers' Conclusion

- 4.1 It is important to note that the planning application is seeking a temporary permission for 12 months only, strictly in accordance with the times, schedule, visitor numbers, travel modes and other details provided in the supporting documents with the planning application.
- 4.2 Internal Consultees: The Council's specialist consultees including the conservation team and the transport team both have not raised any objection on the revised proposal, which as discussed above have been significantly reduced and the number of the attendees and car parking demand will be strictly managed to ensure that the use operates as proposed. To further reassure the Council that the use will operate strictly as proposed, the applicant would be willing to accept reasonable sanctions imposed on

the planning permission through the travel plan. Copy of the comments received by the Council's conservation team and the transport team are attached in appendix-1 of this report. No comments have been received by the Council's EPU team, it is therefore understood that they do not have any objection.

4.3 Neighbour/Public Consultation: The Council has carried a much wider neighbour consultation on this planning application than what it normally does on other minor applications of this scale. Out of the 30 neighbours consulted by the Council, a total of 21 people have responded. We have avoided double counting where more than one response is received from the same person/household and also excluded any response not relating to the site in subject. Eight neighbours have responded raising no concerns and supporting the proposals including 1 Woodhall Drive directly opposite the application site, which would be the most affected (if any) by the minor increase in pedestrian/traffic as a result of the proposals. Nine have not responded therefore it can be assumed that they do not have any objections. Thirteen have written objecting on the proposals. A number of those objecting on the application live a considerable distance away from the application site and therefore will not be affected by the proposals. A number of objections are based on the previous application and indeed refer to their previous objections, which were on a much higher use of the swimming pool for baby swimming lessons, which is no longer the case in the current application. A copy of petition from one particular neighbour circulated all over Woodhall urging residents to raise objections with the Council by providing incorrect and misleading information irrespective of the changes in the revised planning application was provided to the Council on 14th March 2012. A copy of this petition is also provided in appendix-2 of this statement.

4.4 Council's Case Officer and Managers: After careful and detailed consideration of all planning merits of the revised proposals including responses received from the Council's specialist consultees and replies in response to the Council's neighbour/public consultation, the case officer prepared a detailed report with a **recommendation to grant planning permission**. The case officer's report and recommendation along with the consultation responses were then **considered and agreed** by her manager and Dulwich area manager. This has been confirmed in writing by the case officer.

4.5 This report recommending approval of the planning application was then presented to the Head of Planning (Gary Rice), who raised concerns on the planning application contrary to the consideration and conclusion of the Council's specialist consultees, case officer and two managers, and instructed the case officer to prepare a second report

with a recommendation for refusal. As stated above, Mr. Rice's detailed comments and justification have been requested numerous times to help understand his views, but unfortunately have not been provided to us. Our meeting request to help understand Mr. Rice concerns in detail has also been declined. After numerous attempts to find the details of concerns now raised, the Council has only indicated that its draft reason for refusal cites *impact on amenity from activity associated with the proposal, and the parking on the front garden area and its detrimental impact on the character and appearance of the conservation area*. The detailed comments are still not known to us; however we have attempted to deal with the outlined refusal reason in sections 6 & 7 of this statement, without having the benefit of the Council detailed considerations and justification in relation to its concerns raised at this very late stage of the planning application.

5. Existing Gravel Area

- 5.1 The planning permission does not seek permission for the conversion of grassed area to gravel, as it was converted previously under the permitted development rights to reduce the maintenance burden on the applicant and to allow friends and family of the applicant to park their vehicles there (and not on Woodhall Drive) i.e. purpose incidental to the enjoyment of the dwellinghouse, and will indeed continue to be available for the same apart from only a small part of the gravel area being used once a week for 2 hours only when the baby swimming lessons are proposed to take place, which is very minor and insignificant when compared with its availability to be used for the dwellinghouse. The planning permission for the swimming pool did not remove any permitted development rights from the property. The conversion of the grassed area to permeable/porous surface is therefore not a breach of planning control. It should be noted that such permeable materials and also non-permeable materials are commonly used on other nearby premises, and Dulwich Estate is content with the gravel area on the application site.
- 5.2 A clarification note in relation to the existing gravel area was sent to the case officer and Dulwich area manager on 19th March 2012 following discussions with the case officer, concluding that the gravel area is covered under permitted development and can continue to remain and used as existing under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class F. No objection was received by the case officer and Dulwich area manager, and the arguments contained in the clarification note were accepted by them. A copy of this

clarification note and decision notice for the planning permission of the pool is attached in appendix-3 of this statement.

6. Acceptability of Intensification in Use

- 6.1 The principle of the proposed use is discussed in detail under section-5 of the design & access/planning statement submitted with the planning application. As stated in item-5.1 of the planning statement, operating a not-for-profit voluntary project from home does not necessarily mean that planning permission is required. Typical residential developments will fall within the C3 use class of the Town Planning (use classes) order 1987. It has long been an established principle that some work can be carried out within a dwelling without the requirement for planning permission. The key test is whether the overall character of the dwelling will change as a result of the use.
- 6.2 In order to compare the proposed use to allow the swimming pool to be used for teaching babies and toddlers a life-saving skill for 3.5 hours non-continuous once a week, childminding from residential premises is considered to be the most relevant, notwithstanding that childminders usually make some modifications to the residential premises to comply with the requirements of Office for Standards in Education, Children's Services and Skills, and work full time from home, whereas the proposed life-saving swimming lessons for babies and toddler will be only once a week 3.5 hours a day. The childminders charge for taking care of the children, whereas making the pool available for baby swimming lessons is being done voluntarily on a non-profit basis by the applicant; it is however acknowledged that the swimming instructor charges parents for providing swimming lessons to babies/toddlers.
- 6.3 According to the information published by Southwark Family Information Service (FIS), there are 49 registered childminders in Camberwell and Dulwich areas. A search on the childcare website revealed 20 childminders in less than 1 mile and 41 childminders in 1-1.4 miles from the application site operating from home on a full time basis. Depending on their circumstances, the maximum number of children a childminder can be registered to care for is six children under eight years, including the childminder's own children, which is greater than the proposed number of babies/toddlers in each class being no more than 4.
- 6.4 Most childminders provide childcare between the hours of 8am and 6pm. Some childminders work early mornings, evenings and weekends as well. Whereas the proposed activity, if granted planning permission, will take place between 10:30 am and

2 pm only with 30 minutes gaps between lessons on 1 day a week during a weekday (Wednesday). The proposed timings are when many if not most of the local residents would be at work.

- 6.5 There are many childminders within Southwark who operate from home on a full time basis. Parents naturally drop and collect their children at various times, and the childminders also take children out for play and back, and do school runs as well. Residential premises from where childminding use operates are not always built on substantial plots and/or located at a corner such as the application site. The intensity in the childminding use has a higher potential to have an impact on amenity and cause additional traffic/parking than the proposal under this planning application, which will be strictly managed in accordance with details as proposed and is equally important for babies/toddlers but far less in intensification compared with the childminding use. The lessons will be carried out within an existing swimming pool, which is fully covered and enclosed.

7. Acceptability of Car Parking

- 7.1 It is generally acceptable to have uses other than just residential use within conservation areas, provided that they do not adversely impact the character and appearance of the Conservation Area. This is indeed the case in Dulwich Wood conservation area as well. The site is located at the border of Dulwich Wood conservation area. Looking at the area in the immediate vicinity of the application site, it is noted that on-street parking takes place along sections of College Road. Adjacent to the application site, on-street parking on College Road is particularly congested due to commuter parking. Sydenham Hill Station is a short walk from the application site, and has an open car park fronting College Road. Car parking also takes place within the rear of the St. Stephen's Church and also on-street in front of the Church located nearby further south on College Road. Heavy on-street parking also takes place on Stonehill Crescent located west of the application site. In addition, it is seen that other properties in vicinity of the site commonly have use of more than one vehicle. It can therefore be concluded that there is a high parking demand in the area immediately surrounding the application site, including on land/premises within Dulwich Wood conservation area.
- 7.2 As discussed in section-3 above, the proposals will result no more than 3 additional cars at any time being parked within the existing gravel area, once a week for c.2 hours only. The level and durations of additional parking is very low. It should be noted that the property is well screened from public views by hedges. The hedge helps to obscure the

parking area within the gravel area. The applicant has offered to accept a condition to maintain the hedges at a height to be agreed by the Council and additional planting implemented to maintain the quality of the screening going forward, in order to ensure that the activity within the site is totally obscured from the surrounding area. As such, any activity will be self-contained within the premises itself and will not result in adverse impacts on the character and appearance of the conservation area.

- 7.3 In order to enhance the character and appearance of the conservation area in comparison with the existing gravel area, which as discussed in section 5 above was converted under permitted development rights, the applicant is willing to accept a condition to convert a considerable part of the gravel to landscaping to be agreed by the Council and maintained in accordance with the Council's satisfaction. This condition is in addition to the one offered to accept in relation to the maintenance of the height and quality of the hedge and additional planting in accordance with the Council's requirements.

8. Summary

- 8.1 This statement summarises the feedback received on the previous planning application and on the current planning application, which resulted in the original recommendation for approval by the case officer, in agreement with her managers, which has been overturned by the head of planning and a new report has been prepared upon his instructions, now recommending refusal. The matter of the existing gravel area is as discussed and concluded in the document attached in appendix-3 is covered under permitted development, to which the case officer and her managers have not objected upon and all agreed to the removal of the condition in relation to the gravel area previously applied in the original recommendation for approval of the planning application. The two issues identified in the Council's indicative reason for refusal i.e. 1) impact on amenity from activity associated with the proposal, and 2) the parking on the front garden area and its detrimental impact on the character and appearance of the conservation area are dealt with within the Design & Access/planning statement and Travel Plan submitted with the planning application, and further discussed in sections 6 and 7 above, with proposed conditions in relation to the hedges, planting, and landscaping, to ensure that the proposed activity within the site is totally obscured from the surrounding area, and to enhance the character and appearance of the conservation area. The applicant is also willing to accept reasonable sanctions imposed on the planning permission through the travel plan to further reassure the Council that the use will operate strictly as proposed.