

Item No.	Classification:	Date:	Meeting Name:
7.5	OPEN	17 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12/AP/1573 for: Full Planning Permission Address: OLD COLLEGE LAWN TENNIS AND CROQUET CLUB, 10 GALLERY ROAD, LONDON, SE21 7AB Proposal: Relocation of 4 floodlighting posts around tennis courts 4 and 5 and use of floodlighting for courts 1-5 between the hours of 08:00 to 21:30 Monday to Saturday and for courts 1, 2 and 3 between the hours of 08:00 to 20:30 on Sunday.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 15 May 2012		Application Expiry Date 10 July 2012	

RECOMMENDATION

- 1 Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

- 2 This application is referred to the Planning Committee because it relates to development on Metropolitan Open Land (MOL).

Site location and description

- 3 The site is the Old College Lawn Tennis Grounds, located on the eastern side of Gallery Road. It is located within the Dulwich Village Conservation Area and is designated as Metropolitan Open Land, a green chain park, an air quality management area and the suburban density zone.

Details of proposal

- 4 Full planning permission is sought for the relocation of 4 floodlighting posts around tennis courts 4 and 5, and consent is sought to allow the floodlighting for courts 1-5 to be used between the hours of 08:00 to 21:30 Monday to Saturday and the floodlighting for courts 1, 2 and 3 to be used between the hours of 08:00 to 20:30 on Sundays.
- 5 At present the floodlights can operate between 08:00-21:00 Monday to Saturday, and this is restricted by way of a condition on an earlier planning permission (reference: 09-AP-1372). The applicant wishes to extend the hours by 30 minutes during the evenings Monday to Saturday, and also wishes to allow the floodlights to be used on courts 1, 2 and 3 on Sundays, between the hours of 08:00-20:30. The floodlights are coin operated and cut out at the designated times.

Planning history

- 6 11-AP-0815 - Replacement of the existing pair of timber gates for vehicle access with a pair of wrought iron gates for vehicle access and a wrought iron pedestrian access gate. Planning permission was GRANTED in June 2011.
- 7 09-AP-1372 - To provide floodlighting to Court no.3 with 3no. new lighting posts; repositioning of 3no. existing posts next to Court no2; repositioning of 2no lighting post to Court no1; relocation of gate and new gate in wire mesh fencing. Planning permission was granted on in September 2009.
- 8 06-AP-0392 - Variation of condition 2 of planning consent 03AP1473 to extend the floodlight time by one hour to 9pm on courts 4 and 5 on Monday to Saturday. Planning permission was GRANTED in September 2006
- 9 03-AP-1473 - The erection of nine 6.1m high floodlights to serve two tennis courts. Planning permission was GRANTED in November 2003 subject to condition restricting the hours the floodlights could be used to 08:00-20:00 Monday to Saturday.

Planning history of adjoining sites

- 10 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11 The main issues to be considered in respect of this application are:
 - a) principle;
 - b) amenity;
 - c) design and impact upon the character and appearance of the Dulwich Village Conservation Area.

Planning policy

Core Strategy 2011

- 12 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

- 13 3.2 Protection of amenity
3.12 Quality in design
3.16 Conservation areas
3.25 Metropolitan Open Land

Dulwich Village Conservation Area Appraisal (February 2006)

London Plan 2011

- 14 Policy 3.19 Sports facilities
Policy 7.8 Heritage assets and archaeology

Policy 7.17 Metropolitan Open Land

National Planning Policy Framework (NPPF)

- 15 The NPPF came into effect on 27 March 2012 and is a material planning consideration.
- 16 Section 7 - Requiring good design
Section 12 - Conserving and enhancing the historic environment

Principle of development

- 17 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 in such locations, planning permission will only be permitted for appropriate development which is considered to be for the following purposes:
- 18 i) Agriculture or forestry;
ii) Essential facilities for outdoor sport and recreation, for cemeteries, and or other uses of land which preserves the openness of metropolitan open land and which do not conflict with the purposes of including land within metropolitan open land; 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 dwelling; or
iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling it replaces.
- 19 The proposal is to relocate four existing floodlighting posts around courts 4 and 5. This is required in connection with an existing outdoor sport and recreation facility and it would preserve the openness of the MOL, therefore the proposal would comply with saved policy 3.25 of the Southwark Plan.

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

- 20 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 21 The proposal would relocate the four existing floodlights around courts 4 and 5 by moving them closer in towards the baseline, and further away from the neighbouring dwellings on College Gardens. This would reduce the potential for loss of amenity to these properties, as confirmed by the Environmental Protection Team (EPT). EPT has advised that provided the same lights are reused, as is proposed, the impact upon the neighbouring properties would be reduced.
- 22 With regard to the proposed hours of use, there are no objections to allowing the floodlighting to courts 1-5 to remain in use for an additional 30 minutes Monday to Saturday. It is not considered that this is a significant extension that would result in a harmful loss of amenity to the neighbouring properties on College Gardens. The use of the floodlighting on courts 1, 2 and 3 on Sundays between the hours of 08:00-20:30 is also considered to be acceptable, as these courts are located further away from College Gardens and the proposed hours would not be excessive.

Design and impact upon the character and appearance of this part of the Dulwich Village Conservation Area

- 23 Saved policy 3.12 of the Southwark Plan requires development to be of a high

standard of architectural design and 3.16 require the character and appearance of conservation areas to be preserved or enhanced.

- 24 The relocation of 4 existing floodlights within the grounds of an established tennis club and an extension to the hours during which the floodlighting can be used would not be harmful to the visual amenities of the locality and would preserve the character and appearance of this part of the Dulwich Village Conservation Area. It is noted that the site is reasonably well screened from Gallery Road by mature vegetation.

Other matters

Mayoral CIL

- 25 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
- 26 The proposal is for the relocation of existing plant and an extension of the hours during which it can be used, and this is not CIL liable.

Conclusion on planning issues

- 27 The proposed development would be acceptable in principle, would not result in any loss of amenity to neighbouring properties and would preserve the character and appearance of this part of the Dulwich Village Conservation Area. It is therefore recommended that conditional planning permission be granted.

Community impact statement

- 28 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 above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

30 No representations have been received.

Human rights implications

31 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.

32 This application has the legitimate aim of providing relocated floodlighting and extended hours of use. 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/2083-E Application file: 12/AP/1573 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's 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
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	2 July 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Director of Planning	Yes	Yes
Strategic Director Environment and Leisure	No	No
Date final report sent to Constitutional Team		6 July 2012

Consultation undertaken

33 **Site notice date:** 07/06/2012

Press notice date: 31/05/2012

Case officer site visit date: 07/06/2012

Neighbour consultation letters sent: 23/05/2012

Internal services consulted:

Environmental Protection Team
Ecology Officer

Statutory and non-statutory organisations consulted: N/A.

34 **Neighbours and local groups consulted:**

23/05/2012 4 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 5 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 6 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 21 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 22 COLLEGE GARDENS LONDON SE21 7BE
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23/05/2012 20 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 1 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 10 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 11 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 13 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 5 GALLERY ROAD LONDON SE21 7AD
23/05/2012 12 GALLERY ROAD LONDON SE21 7AD
23/05/2012 12 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 18 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 19 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 2 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 14 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 15 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 17 COLLEGE GARDENS LONDON SE21 7BE
23/05/2012 DULWICH COLLEGE PICTURE GALLERY COLLEGE ROAD LONDON SE21 7BG

Re-consultation: No re-consultation undertaken.

Consultation responses received

Internal services

35 Environmental Protection Team

The re-positioning of the floodlights to court nos 4 & 5 which will bring them closer to the court perimeter and further from the residents of College Gardens; providing the height and intensity of lumination remain the same the impact in terms of spillage will be reduced; and therefore do not consider operation until 21.30 to be a concern. I note that the residents association have responded positively to the flood-lighting of courts 1/2/3 additionally on Sunday until 20.30 and therefore have no objection.

36 Ecology Officer

No bat survey required. If anything the light pollution should be slightly reduced.

Statutory and non-statutory organisations N/A.

Neighbours and local groups No representations have been received.