Item No. 7.1	Classification: OPEN	Date: 11 Febru	ary 2014	Meeting Name: Planning Sub Committee B
Report title:	Development Management planning application: Application 13/AP/1732 for: Full Planning Permission			
	Address: DULWICH SPORTS GROUND, 102-106 TURNEY ROAD, LONDON SE21 7JH Proposal: Erection of a single storey timber clad building adjacent to the existing clubhouse, to be used as a children's day nursery (D1) Monday-Friday, and to provide evening and weekend sports teaching facilities (D2).			
	- Departure from Development Plan policies 3.25 Metropolitan Open Land (MOL) of the saved Southwark Plan 2007, SP11 Open Spaces and Wildlife of the Core Strategy 2011 and 7.17 Metropolitan Open Land of the London Plan 2011.			
Ward(s) or groups affected:	Village			
From:	Head of Development Management			
Application S	tart Date 20/06/20	13	Application	n Expiry Date 15/08/2013
Earliest Decis	ion Date 26/07/20	13		

RECOMMENDATION

- a. That Members consider the application as it represents development affecting Metropolitan Open Land (MOL);
 - b. That Members consider and satisfy themselves that the exceptional or very special circumstances test is met in respect to Article 27, Part 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, the London Plan 2011 and the National Planning Policy Framework (NPPF); and
 - c. That members grant planning permission subject to conditions and referral to the Secretary of State.

BACKGROUND INFORMATION

Site location and description

- The application site relates to Dulwich Sports Ground, a 8.9ha open area of land situated to the west of Dulwich Village and bounded to the west by Croxted Road and the railway. Access to the site is via Turney Road to the north which gives access to an existing car parking area and sports pavilion building. This particular application relates to a small area of land located to the west of the existing pavilion.
- 3 To the north the site is bounded by the rear gardens of the residential properties fronting Turney Road.

- The surrounding area is predominantly residential in nature and is within the Dulwich Village Conservation Area. The site is subject to the following designations on the Proposals map to the Saved Southwark Plan:
- Metropolitan Open Land (MOL)
 - Suburban Density Zone South
 - Air Quality Management Area
 - Dulwich Village Conservation Area

Details of proposal

- This application seeks full planning permission for the erection of a flat roofed prefabricated building to the west of the existing clubhouse. The proposed building would be single storey to a maximum height of 3.2m and would provide 187sqm of floorspace. During weekdays the building would be used as a children's day nursery catering for a maximum of 41 children up to the age of 5 years. In the evenings and weekends the building would be used by the sports club as a 'wet weather' training facility providing space for theoretical classroom learning.
- 7 The building would have a dual use class of D1 non-residential institutions (day nursery) and D2 assembly and leisure (sports club).
- 8 A covered bicycle store would be erected adjacent to the existing clubhouse
- 9 Hours of operation

Day Nursery (D1): Monday - Friday 7:30 to 18:30 Sports Club (D2): Monday - Friday 18:30 to 22:30, Saturday - Sunday 9:00 to 22:30

- 10 Materials
 - Timber clad Siberian Larch
 - Timber steps, ramp, decking and balustrades
 - Grey uPVC double glazed windows
 - Glazed white uPVC doors

Application history

- 11 This application was previously reported to Planning Sub-Committee A on 23 July 2013. Members resolved to grant planning permission subject to no new material objections being raised following the completion of the statutory consultation period which had not yet ended at the time of the sub committee meeting.
- Following the application being heard at the above mentioned meeting the following new material considerations were established:
 - An unauthorised C3 residential use was taking place within the sports ground pavilion.
 - The proposed D1 use of the building as a children's day nursery is the fundamental objective of the application due to the requirement of Dulwich Sports Club to increase revenue to enable its continued operation.
- In light of this new information the application has been reevaluated by planning officers who have resolved that the proposal is now a departure from adopted policy and as such it has been brought back before members for additional consideration. Furthermore Members are now being asked to consider the proposal in tandem with a retrospective application for the retention of the unauthorised C3 use which is also being presented at this meeting under reference 13-AP-3927.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 14 The main issues to be considered in respect of this application are:
 - a) Principle
 - b) Design, appearance and impact on conservation area
 - c) Traffic and transportation
 - d) Residential amenity

Planning policy

15 Core Strategy 2011

Strategic Policy 11 - Open Spaces and Wildlife

Strategic Policy 12 - Design and Conservation

Strategic Policy 13 - High Environmental Standards

16 Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the polices and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- 3.1 Environmental effects
- 3.2 Protection of Amenity
- 3.11 Efficient Use of Land
- 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
- 5.1 Locating Developments
- 5.2 Transport Impacts

17 <u>London Plan 2011</u>

Policy 7.4 Local Character

Policy 7.5 Public Realm

Policy 7.6 Architecture

7.17 Metropolitan Open Land

18 National Planning Policy Framework (NPPF)

- 7. Requiring good design
- 9. Protecting green belt land
- 12. Conserving and enhancing the historic environment

Principle of development

The application site is located within Metropolitan Open Land (MOL) and as such saved Southwark Plan policy 3.25 is relevant to the determination of this proposal. MOL is a strategic land designation within the urban area that contributes to the structure of London. It is intended to protect areas of landscape, recreation, nature

- conservation and scientific interest which are strategically important, against inappropriate development.
- 20 Policy 3.25 states that there is a general presumption against inappropriate development on MOL and that planning permission will only be granted for appropriate development which is considered to be 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.
- The National Planning Policy Framework (NPPF) makes no specific reference to MOL rather considers green belt land which has traditionally been afforded the same protection which is confirmed by policy 7.17 (MOL) of the London Plan. Para 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in green belt. Exceptions to this are for the provision of appropriate facilities for outdoor sport and outdoor recreation. Para 87 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 88 goes on to confirm that planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- The London Plan protects MOL against inappropriate development, with only some exceptions. These include small scale structures to support outdoor open space uses, and any proposals should minimise adverse impact on the openness of MOL. Similarly, other developments within the MOL will not be accepted unless exceptional circumstances can be demonstrated.
- 23 The proposed use of part of the existing sports ground for the erection of a new building for purposes other than facilities for outdoor sport and outdoor recreation, albeit as a dual use with facilities for wet weather sports training, is therefore contrary to adopted local and national policy. Consideration should therefore be given to any exceptional circumstances which may be present in this case.
- Dulwich Sports Ground and Southwark Community Sports Trust

 Dulwich Sports Ground is currently maintained and run by Southwark Community
 Sports Trust (The Trust). The ground was previously run by London South Bank
 University (LSBU) until 2010 when they withdrew as they could no longer afford to
 operate. The Trust was formed in 2010 as a community interest company by local
 clubs and is a non for profit organisation set up with the intention of running Dulwich
 Sports Ground for the period of 7 years from 2010-2017 until the university's lease
 expires. This continued operation was enabled by LSBU continuing to pay the annual
- There are currently over 170 different users of the facilities including 19 schools, 25 youth sports organisations, women's football, cricket, rugby and Gaelic football; in addition to men's football, cricket and rugby. The trust in particular has a close and ongoing relationship with Lyndhurst School providing access to the fields.

lease of £40,000 to the Dulwich Estates.

- The trust since taking over the running of the sports ground managed to break even in the year ending 2011 with a very small profit, but in the year ending 2012 a loss was made, and a small loss is forecast for the year ended 2013. However, even this financial position has only been made possible by the continued payment of the rental arising in relation to the lease by LSBU. The trust is a volunteer led organisation and it is estimated that over 3,000 man hours are donated each year.
- 27 LSBU's lease with the Dulwich Estates ceases in December 2017 at which point Dulwich Sports Ground will no longer have a large financial supporter. To allow the continued operation of the ground by the trust it has therefore been identified that a further revenue stream is required to meet the £40,000 annual shortfall in operating costs. This sum approximately equates to the rental for which the trust will become liable following the ending of LSBU's financial commitment.
- Failure to meet this shortfall would result in The trust ceasing operation at the expiry of the lease in 2017. The trust would simply not have the financial resources to be able to commit to an extension of the lease which will involve the trust being able to commit to the rental payments. To allow the trust to continue to operate it has been established that a 2-3 year rent reserve is required by 2017.

29 Evaluation of financial viability and income

Dulwich Estates, being the freeholder of the ground, charge £1,800 per acre per annum in rent. This equates to just short of £40,000 and is consistent with the rent of other sports grounds in the locality. This figure has been assessed by the council's valuers who have concluded that this is a fair and reasonable market rate for the land. The trust have negotiated the extension of the lease at this rate and are also satisfied that the rent is of market value and that they are unable to seek a reduction in this rate.

- 30 The fields are currently being used to full capacity with the recent introduction of rugby and enhanced participation by local schools. The trust have provided details of the rates charged for its pitches, which taking into account the quality of the pitches and market rates for such facilities, are considered reasonable. This has been assessed by the council's own internal environment & leisure department. Increasing the rates charged at the ground would not be a viable option for increased income which would overcome the shortfall required. Doing so is also likely to result in many local, community, schools and junior existing users of the ground being out priced and unable to continue participation at this facility.
- 31 The trust has further provided details of their accounts and projections, which clearly demonstrates a shortfall which could not be met through the continued running of the club without an additional stream of income.
- Many objectors have raised the unacceptability of introducing a commercial venture onto MOL. It should be noted however that MOL designation does not preclude commercial use in any way and many uses within MOL, such as golf courses, are highly profitable businesses. Moreover, with around 3,000 persons participating through 170 different sports teams using the facilities, the ground enjoys a particularly high rate of usage which is in accordance with Strategic Policy 11 of the Core Strategy which refers to sports and leisure opportunities for the community.
- 33 Forecasts of the trust accounts, including the projected income from the day nursery and the residential unit have been made available to council's officers for assessment. For the purposes of commercial sensitivity those figures relating to the day nursery have been kept confidential in line with council standard practice concerning viability information.

- 34 These figures demonstrate that the income generated from the day nursery combined with the income generated by the rental of the residential flat meets the shortfall in income required to cover the annual lease of the ground. The proposed use and the unlawful residential use would generate no additional income for the trust.
- The proposed introduction of a day nursery would therefore, in addition to the continued operation of the residential unit, allow the trust to continue to run Dulwich Sports Ground as a facility open to the general public, schools and community users.

36 Alternative uses of MOL

MOL designation is not linked to public land or to any requirement for public access. Dulwich Sports Ground currently operates a flexible access arrangement to the land making it available to local residents and dog walkers resulting in an area of land which is very much seen as open space to be enjoyed by the community. It could at any point be closed and access restricted for private purposes only. If it becomes financially unviable to operate the site as a sports ground, alternative uses falling within the MOL designation are possible.

- 37 Alternative uses of the land within its MOL designation are as follows:
 - Allotments.
 - Allow the land to go fallow with regular temporary uses such as car-boot sales.
 - Cemetery.

These alternative uses may also not be financially viable, but in any event would not enable a community-centred sports facility such as is currently operating to continue, with the far-reaching benefits that it brings to the area.

38 Wet weather training facilities

The erection of the proposed building would provide additional space for sports teaching in association with the wider use of the site as a sports ground. To the north of the site is the existing two-storey pavilion building. At ground floor this provides twelve team dressing rooms and an open plan bar/dining area, whilst at first floor is a caretakers apartment (which is currently being used unlawfully as a C3 residential unit and which is the subject of application 13-AP-3927). All existing sporting facilities would be retained.

- 39 Southwark Community Sports Trust, being the applicant, have established that the existing pavilion building no longer meets the demands that modern day sporting facilities require. This being an expanding need for classroom based training, administration and coaching, particularly during the wetter winter months, all of which support the wider continued use of the site for outdoor sporting activities. The requirement for indoor teaching/meeting space is predominantly on weekday evenings and at weekends when the grounds are used by various youth and senior sports teams. Examples of activities requiring this additional indoor space are as follows:
 - Coaching of sports rules (theory) for players of cricket, football and rugby
 - Training of referees, linesmen and umpires
 - Parent meetings for colts and junior players
 - Use of video and sporting technique demonstration
 - Disability awareness seminars
 - Southwark Sports Clubs Alliance meetings, Surrey and Kent RFU, the ECB and Surrey County Cricket Club and the South London FA
 - After training review meetings
 - First aid training
 - Registration sessions
 - SCST board and committee meetings

- Selection committees and club panels
- The existing pavilion does not afford suitable space for activities such as these. Objectors have raised that the existing flat, which is currently being used unlawfully, could provide the space needed to meet this identified need. The flat however being located at first floor level with two sets of external and internal stairs would fail to provide the required disabled access and is not a viable option to meet this need.
- The provision of this building for sports teaching in association with the wider sports ground is considered both an essential and an appropriate facility within this MOL site. The new structure would be low rise and located to the side of the existing pavilion on land not currently utilised for sports. This is designed and sited to ensure the open nature of the MOL would not be affected, whilst being in a convenient position to allow its use in connection with the wider outdoor facilities.

42 <u>Day nursery</u>

To meet both the financial requirements of providing the building for wet weather training and securing the long term future of Dulwich Sports Ground, the trust have identified that a separate stream of income is required to meet the £40,000 annual shortfall in operating costs as described previously. The provision of a children's day nursery to operate from the proposed building as dual use with the wet weather teaching space is therefore proposed.

- During the day Monday to Friday the demand for such sports facilities is limited as the site is mostly utilised by local schools who have their own facilities for such sports training activities, the building would very likely remain empty. It is therefore proposed to use the building as a children's day nursery between the hours of 7:30 to 18.30. Each classroom has been designed with extensive storage space to allow training aids and play equipment to be easily stored when not in use to allow a convenient dual use to take place with minimal disruption.
- 44 Allowing the flexibility in the use of the building results in a sustainable solution ensuring the potential use of the building is realised and would provide a much needed facility to the local community where childcare provision is under immense pressure.
- The wider sports ground occupies 8.9 hectares of land; within this the new building would have a footprint of 197sqm, representing just 0.22% of the overall site. The predicted usage split of the building is approximately 50:50 between sporting use and the day nursery. The percentage use of the wider sports ground for a day nursery is therefore a tiny proportion of the overall use of the site and it does not involve any removal, reduction or conflict with sports facilities on the site.
- 46 Despite this, the provision of the day nursery would be contrary to the MOL designation as it does not provide essential facilities for outdoor sport and outdoor recreation. It is therefore considered as inappropriate development in accordance with paragraph 89 of the NPPF.

47 Exceptional circumstances

Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission and appeals must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. This is reiterated in paragraph 14 of the NPPF.

In accordance with Article 27, Part 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, "a local planning authority may in such cases and subject to such conditions as may be prescribed by directions given

by the Secretary of State under this order grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated. "

- The London Plan states that developments within the MOL, other than those specified will not be accepted unless exceptional circumstances can be demonstrated.
- In this case the exceptional, or very special, circumstances and local situation relate to the desire to protect the continued provision of sporting facilities on Dulwich Sport Ground, for which there is a clear local need based on the continued strong demand for the sports facilities provided at the site. This is consistent with paragraph 73 of the NPPF and the aim to provide access to high quality open spaces and opportunities for sport and recreaction which are recognised as capable of making an important contribution to the health and well-being of communities.
- In consideration of the financial justification provided by the Trust it is concluded that there are no likely alternatives to allow the continued operation of the sports ground without an additional stream of income being generated. Furthermore, in terms of sources of income, the Trust are already seeking to maximise returns from the sports facilities which are being offered at market rates. Their costs are minimised further as a result of being run by volunteers as a not-for-profit organisation. Members need to consider whether the need to maintain the availability of the sports ground constitutes very special circumstances which clearly outweighs the substantial weight arising from the inappropriate introduction of the new use on the MOL. The use proposed and the building to be erected would not compromise the openness and setting of the location, nor would it undermine the value of the MOL in this location. Furthermore it would be providing much needed child day care for which therefore is a local shortfall, and additional sporting facilities which would enhance the existing use of the site as a sports ground.

Design, appearance and impact on conservation area

- 52 Saved policies 3.12 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan seek to ensure that developments achieve high quality architectural and urban design, while policy 3.15 seeks to conserve the historic environment and 3.18 seeks to preserve or enhance the setting of listed buildings, conservation areas and world heritage sites.
- The application site is characteristically open with the existing pavilion building and storage buildings sited on the MOL boundary closest to the neighbouring built form of the residential dwellings on Turney Road. The proposed building has been sited next to the existing building reducing its impact on the open nature of the MOL. Its design as a low level, flat roofed structure, clad in timber further reduces its dominance and allows it to sit comfortably on the site.
- It is therefore considered appropriate in the local context having minimal impact on the open nature of the MOL and will preserve the character and appearance of this section of the surrounding conservation area.

Traffic and transportation

- The application site has an existing dedicated on site car park which would be reconfigured as part of the proposed works. This makes provision for 46 general parking spaces, three dedicated disabled spaces and 10 covered bicycle parking spaces.
- As the proposed use would provide sports related wet weather teaching facilities it is not anticipated that there would be any noticeable change of activity on the site during the weekends and evenings, and therefore no increase in vehicle movements over

and above what is already experienced.

- During weekdays, peak times for movements to and from the site would be during morning drop-off and afternoon pick-up from the day nursery. The nature of a children's day nursery means that these movements would be staggered throughout the morning and afternoon rather than traditional school hours. The applicant has provided a transport statement analysing the arrivals and departures of children at their nursery located at 27 Turney Road which is considered to be comparable in terms of location and size.
- This shows that the peak time for drop-off would be 08.00 to 08:15 and for pick-up would be 17:45 to 18:00. However this would represent less that 20% of the total number of children. Furthermore it is anticipated that 75% of arrival and departures modes would be by walking or cycling with just 9 children arriving by car. Walking to the site is further encouraged by the proposed large buggy storage area attached to the new building.
- Given the large existing area for car parking, those users dropping off children by car would enter the site from the existing access on Turney Road, thus ensuring that there would be no overspill onto surrounding roads and no impact on existing parking situations in the locality.
- In consideration of the above there would be no material increase in pressure on the surrounding transport network or parking situation resulting from the erection of the building and its proposed use.

Residential amenity

- Saved policy 3.2 'Protection of Amenity' of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- The nearest residential properties are those located to the north on the southern side of Turney Road. The rear elevation of these properties would be sited approximately 45m from the proposed new building. Given the single storey nature of the building, separation distance and the existing levels of vegetation within the rear gardens, there is considered to be no material impact on outlook or visual intrusion.
- It is not anticipated that the proposed use as a children's day nursery would result in increased levels of noise or disturbance, such as to warrant refusal.

Flood risk

- The application site is not located within an area as defined by the environment agency as being within a flood risk zone. however, it has been established that this area of Dulwich is within a much larger area at risk of localised flooding, this area has no clearly defined boundaries and extends in parts over much of the southern section of the borough. The Council's internal Flood Alleviation Team have provided comments and advice with regard to this application and have raised no objections to the proposal, subject to the finished floor level of the building being 500mm above ground level. The positioning and design of the building will have no impact on flooding within the locality or the wider area.
- The required finished floor level of 500mm above ground can be achieved with no overall impact on the height or positioning of the building and would be ensured through the imposition of an appropriate condition.

Impact on trees

The application site has a large mature tree sited approximately 5m to the north of the proposed new building. Given the construction methods of pre-fabricated buildings of

this nature, it is considered that with adequate protection during construction the existing tree would not be affected by the proposed development. This would be ensured through the imposition of appropriate conditions.

Mayoral CIL

Section 143 of the Localism Act 2011 states the 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. CIL is payable on this application. The applicant has completed the relevant form and CIL is payable on 187 square metres of floorspace equivalent to a CIL charge of £6,545.

Environmental impact assessment

An environmental impact assessment is not required for a development of this nature.

Conclusion on planning issues

- The proposed provision of a children's day nursery is contrary to local and national policy with regard to MOL designation. Allowing the development would therefore be a departure from adopted policy.
- 70 Consideration has been given to the exceptional circumstances present in this case. Those being the requirement of the sports club to generate an additional stream of income to allow continued operation at the ground.
- 71 It has been established that the physical presence of the proposed new building would have minimal impact on the character and openness of the MOL and that its provision would not result in any loss of existing sports and recreation facilities. Furthermore the wet weather training facilities would enhance the existing outdoor sporting facilities.
- 12 It is therefore only the principle of introducing a use, being the children's day nursery, which is not in accordance with MOL policy designation.
- 73 Evidence has been submitted to demonstrate that without the additional income it is not financially viable to operate a sports club on this site. The trust will therefore cease operation and Dulwich Sports Ground will close leading to a loss of facilities which provide access to outdoor sports for local clubs, youth groups, community groups and schools.
- Taking into account adopted policy, case law, likely alternative uses of the site and all objections raised, it is considered on balance more desirable to protect the future use of this site as a sports ground. Given the introduction of a use which is deemed inappropriate on MOL and that it is only being recommended for approval on the basis of it ensuring the continued operation of the Sports Ground, it is considered reasonable to impose a condition which links the provision of the day nursery to the continued use of the wider site for sporting purposes. Should the use of Dulwich Sports Ground cease operation as a Sports Ground, the nursery should also cease operation. A condition would also restrict the use of the building for a children's day nursery (D1) and evening and weekend sports teaching facilities (D2) only, and for no other purposes falling within the D1 use class.
- For the reasons as discussed above it is recommended that planning permission be granted subject to a conditions.

Community impact statement

- 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) There are no issues relevant to particular communities/groups not discussed above.
 - c) There are no likely adverse or less good implications for any particular communities/groups not discussed above.

Consultations

77 Details of consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- Details of consultation responses received in respect of this application are set out within Appendix 2.
- 79 At the time of writing, the council has received 231 representations with regard this application. These are broken down as follows:

80 Objections: 129 Supports: 99

Petitions in favour: 1 with 115 signatures

Comments: 2

81 Objections

129 representations received being a mixture of standard letters and individual responses. Submitted from a broad spectrum of address being both local and further a field with a number of responses received from individuals residing at the same addresses. Includes letters of objection from the following organisations:

- Friends of Belair Park
- Open Spaces Society
- Friends of Upminster Park.
- 82 Those letters of objection received raise the following issues:
 - The proposal is on Metropolitan Open Land and is not for an appropriate use, the use is not an essential facility for outdoor sports and is not ancillary.

Considered in committee report

- Introduction of commercial activity on MOL.

Although the site is MOL, it is also private land; it is not available for public access and the sports club is not a public facility. Most recreational activities on MOL (such as golf clubs, sports clubs etc) are commercial ventures. The definition of outdoor sport is not restricted to public or private sports.

- The proposed building will impact on the open nature of the site.

Considered in committee report

- The proposed building will impact the setting of the large willow tree.

Considered in committee report, previously recommended condition amended in line with discussions at 23rd July sub-committee meeting following the submission of a full method statement.

- The development will affect views into and out of the Dulwich Village Conservation Area and the building does not preserve or enhance that area.

Considered in committee report

- The proposed use of the building by the sports club is secondary, would be sporadic and could be accommodated with the existing building.

Considered in committee report

- Would result in a precedent for further development on MOL.

Allowing the proposed development is not considered to set a precedent for development of an inappropriate nature on MOL. This application is deemed acceptable in light of the unique exceptional circumstances of the financial viability which have been justified in this case.

- The site is prone to flooding.

The site is not within a FRZ and therefore a FRA is not required. Further advice has been sought from the Councils internal Flood and Drainage Team with regard to localised flooding. Considered in committee report

- Detrimental impact on traffic on Turney Road, Burbage Road and the Village area. Considered in committee report
- Increased activity on the playing fields (unclear on what basis this is raised as an objection)

Residential amenity issues are considered in committee report.

- Detrimental impact on views from the rear windows of properties on Turney Road. Considered in committee report
- Increased risk of burglary to properties backing onto the sports ground as the site would be more open to public access.

This is a civil matter as the site is private land and could be left open anyway.

- Failure of the plans to shown enclosed play areas for the nursery.

The application drawings do not show specific areas for outside play associated with the proposed nursery and therefore any boundary treatment has not been considered as part of this proposal. The Council is unable to refuse on the basis of something which hasn't been applied for. The applicant has stated that they currently do not have plans to provide outdoor enclosed play areas and that they are aware that permission may be required.

- Failure of the application to demonstrate that the harm to MOL etc is outweighed by the positive factors. Failure for the applicant to justify the exceptional circumstances in this case.

Considered in committee report.

- The consideration of section 9 (Green Belts) of the NPPF rather than Southwark Plan Policy 3.25 which is based on the no longer applicable PPG2.
- Failure to be in accordance with section 8 of the NPPF.
- Conflict between the Southwark Plan and NPPF.
- The volume of the building would erode the openness of the MOL.

The scale and position of the proposal is considered in the committee report

- Disturbance to wildlife including bats and owls.

Whilst it is acknowledged that extensive wildlife is present within the area, including bats which are protected, the proposal would not involve the loss of habitat nor would it involve the provision of facilities such as lighting which would effect movement of bats. There is no requirement for an ecological/habitat survey with this application.

83 Supports

99 individual responses received in addition to a petition with 115 signatures. Submitted from a broad spectrum of address being both local and from existing users of the sports ground residing further afield. Includes letters of support from the following organisations:

- The Amateur Football Alliance
- Rugby Football Union Association
- King College Hospital RFC
- Palace Knights FC
- Old Josephians FC
- Southbank CUACO FC

- London Lawyers FC
- Southbank Youth FC
- South London Schools Football Association
- London Football Association
- London Southbank Youth FC
- Henry Cavendish Primary School
- Immanuel & St Andrew School
- Lambeth & Southwark Primary Schools League
- 84 Those letters of support received raise the following issues:
 - Lack of nursery provision in the surrounding area with current waiting lists of 18 months at some nurseries. The new facility is much needed.
 - Creation of 14 new jobs.
 - The facility would be a shared resource with the sports club.
 - There would be no loss of useable sports fields.
 - Minimal impact on transport.
 - The provision of the nursery would help support the viability of the sports ground.
 - Failure to grant permission would result in the ground ceasing operation and being left empty.
 - The loss of the sports ground would have a significant impact on the local schools and groups which do not benefit from their own facilities.

Human rights implications

- 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.
- This application has the legitimate aim of providing a new children's day nursery and improved sports facilities. 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/2546-B	Chief executive's	Planning enquiries telephone:
	department	020 7525 5403
Application file: 13/AP/1732	160 Tooley Street	Planning enquiries email:
	London	planning.enquiries@southwark.gov.uk
Southwark Local Development	SE1 2QH	Case officer telephone:
Framework and Development		020 7525 5452
Plan Documents		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	Amy Lester, Senior Planner Strategic Applications Team			
Version	Final			
Dated	29 January 2014			
Key Decision	No			
CONSULTATION W	VITH OTHER OFFICE	RS / DIRECTORATES	/ CABINET MEMBER	
Officer Title Comments Sought Comments included			Comments included	
Strategic Director of Finance and Corporate Services		No	No	
Strategic Director of Environment and Leisure		Yes	Yes	
Strategic Director of Housing and Community Services		No	No	
Director of Regeneration		No	No	

30 January 2014

Date final report sent to Constitutional Team

Consultation undertaken

Site notice date: 03/07/2013

Case officer site visit date: 03/07/2013

Neighbour consultation letters sent: 04/07/2013

Internal services consulted:

Transport Planning Waste Management Flood Alleviation Team

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Neighbours and local groups consulted:
154 TURNEY ROAD LONDON SE21 7JJ
156 TURNEY ROAD LONDON SE21 7JJ
158 TURNEY ROAD LONDON SE21 7JJ
152 TURNEY ROAD LONDON SE21 7JJ
144 TURNEY ROAD LONDON SE21 7JJ
146 TURNEY ROAD LONDON SE21 7JJ
150 TURNEY ROAD LONDON SE21 7JJ
168 TURNEY ROAD LONDON SE21 7JJ
170 TURNEY ROAD LONDON SE21 7JL
172 TURNEY ROAD LONDON SE21 7JL
166 TURNEY ROAD LONDON SE21 7JJ
160 TURNEY ROAD LONDON SE21 7JJ
162 TURNEY ROAD LONDON SE21 7JJ
164 TURNEY ROAD LONDON SE21 7JJ
142 TURNEY ROAD LONDON SE21 7JJ
122 TURNEY ROAD LONDON SE21 7JJ
124 TURNEY ROAD LONDON SE21 7JJ
126 TURNEY ROAD LONDON SE21 7JJ
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112 TURNEY ROAD LONDON SE21 7JJ
114 TURNEY ROAD LONDON SE21 7JJ
118 TURNEY ROAD LONDON SE21 7JJ
136 TURNEY ROAD LONDON SE21 7JJ
138 TURNEY ROAD LONDON SE21 7JJ
140 TURNEY ROAD LONDON SE21 7JJ
134 TURNEY ROAD LONDON SE21 7JJ
128 TURNEY ROAD LONDON SE21 7JJ
130 TURNEY ROAD LONDON SE21 7JJ
132 TURNEY ROAD LONDON SE21 7JJ
174 TURNEY ROAD LONDON SE21 7JL
BOROUGH POLYTECHNIC GROUNDS 102-106 TURNEY ROAD LONDON SE21 7JH
FIRST FLOOR FLAT 83 TURNEY ROAD LONDON SE21 7JB
140A CROXTED ROAD LONDON SE21 8NR
FLAT 2 144 CROXTED ROAD LONDON SE21 8NR
142 CROXTED ROAD LONDON SE21 8NR
FLAT 1 144 CROXTED ROAD LONDON SE21 8NR
GROUND FLOOR FLAT 83 TURNEY ROAD LONDON SE21 7JB
HOLLINGTON CLUB REAR OF 123 TO 125 BURBAGE ROAD LONDON SE24 9HD
140E CROXTED ROAD LONDON SE21 8NR
140B CROXTED ROAD LONDON SE21 8NR
140C CROXTED ROAD LONDON SE21 8NR
140D CROXTED ROAD LONDON SE21 8NR
138 CROXTED ROAD LONDON SE21 8NR
184 TURNEY ROAD LONDON SE21 7JL
186 TURNEY ROAD LONDON SE21 7JL
188 TURNEY ROAD LONDON SE21 7JL
182 TURNEY ROAD LONDON SE21 7JL
176 TURNEY ROAD LONDON SE21 7JL
178 TURNEY ROAD LONDON SE21 7JL
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67 TURNEY ROAD LONDON SE21 7JB
134 CROXTED ROAD LONDON SE21 8NR
136 CROXTED ROAD LONDON SE21 8NR
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190 TURNEY ROAD LONDON SE21 7JL
192 TURNEY ROAD LONDON SE21 7JL
90 TURNEY ROAD LONDON SE21 7JH
117 TURNEY ROAD LONDON SE21 7JB
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123 TURNEY ROAD LONDON SE21 7JB
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127 TURNEY ROAD LONDON SE21 7JB
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39 TURNEY ROAD LONDON SE21 7JA
33 TURNEY ROAD LONDON SE21 7JA
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31 TURNEY ROAD LONDON SE21 7JA
101 TURNEY ROAD LONDON SE21 7JB
103 TURNEY ROAD LONDON SE21 7JB
105 TURNEY ROAD LONDON SE21 7JB
47 TURNEY ROAD LONDON SE21 7JA
41 TURNEY ROAD LONDON SE21 7JA
43 TURNEY ROAD LONDON SE21 7JA
45 TURNEY ROAD LONDON SE21 7JA
55 TURNEY ROAD LONDON SE21 7JB
82 TURNEY ROAD LONDON SE21 7JH
84 TURNEY ROAD LONDON SE21 7JH
86 TURNEY ROAD LONDON SE21 7JH
100 TURNEY ROAD LONDON SE21 7JH
89 TURNEY ROAD LONDON SE21 7JB
91 TURNEY ROAD LONDON SE21 7JB
93 TURNEY ROAD LONDON SE21 7JB
98 TURNEY ROAD LONDON SE21 7JH
108 TURNEY ROAD LONDON SE21 7JJ
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96 TURNEY ROAD LONDON SE21 7JH
88 TURNEY ROAD LONDON SE21 7JH
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87 TURNEY ROAD LONDON SE21 7JB
65 TURNEY ROAD LONDON SE21 7JB
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61 TURNEY ROAD LONDON SE21 7JB
81 TURNEY ROAD LONDON SE21 7JB
85 TURNEY ROAD LONDON SE21 7JB
79 TURNEY ROAD LONDON SE21 7JB
73 TURNEY ROAD LONDON SE21 7JB
75 TURNEY ROAD LONDON SE21 7JB
77 TURNEY ROAD LONDON SE21 7JB
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APPENDIX 2

Consultation responses received

Internal services

Transport Planning Flood Alleviation Team

Neighbours and local groups

Neighbour Consultee Response List for Application Reg. No. 13/AP/1732

TP No	TP/2546-B Site DULWICH SPORTS GROUND, 102-106 TURNEY RO	OAD, LONDON, SE21
App. Type	Full Planning Permission Printed: 29/01/2014	Total: 331
Date Received	Address	
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22/07/2013	170 TURNEY ROAD LONDON SE21 7JL	Objects
22/07/2013	160 TURNEY ROAD LONDON SE21 7JJ	Supports
23/07/2013	124 TURNEY ROAD LONDON SE21 7JJ	Objects
30/12/2013	124 TURNEY ROAD LONDON SE21 7JJ	Objects
24/07/2013	126 TURNEY ROAD LONDON SE21 7JJ	Objects
02/01/2014	126 TURNEY ROAD LONDON SE21 7JJ	Objects
17/07/2013	112 TURNEY ROAD LONDON SE21 7JJ	Objects
24/12/2013	112 TURNEY ROAD LONDON SE21 7JJ	Objects
15/07/2013	114 TURNEY ROAD LONDON SE21 7JJ	Objects
17/07/2013	114 TURNEY ROAD LONDON SE21 7JJ	Objects
21/12/2013	114 TURNEY ROAD LONDON SE21 7JJ	Objects
29/07/2013	118 TURNEY ROAD LONDON SE21 7JJ	Objects
29/07/2013	118 TURNEY ROAD LONDON SE21 7JJ	Objects
15/07/2013	118 TURNEY ROAD LONDON SE21 7JJ	Objects
02/01/2014	118 TURNEY ROAD LONDON SE21 7JJ	Objects
02/01/2014	118 TURNEY ROAD LONDON SE21 7JJ	Objects
17/07/2013	136 TURNEY ROAD LONDON SE21 7 JJ	Objects
22/07/2013	136 TURNEY ROAD LONDON SE21 7JJ	Objects
24/09/2013	136 TURNEY ROAD LONDON SE21 7 JJ	Objects
30/12/2013 08/07/2013	136 TURNEY ROAD LONDON SE21 7 JJ	Objects
19/07/2013	138 TURNEY ROAD LONDON SE21 7JJ 138 TURNEY ROAD LONDON SE21 7JJ	Objects Objects
24/07/2013	138 TURNEY ROAD LONDON SE21 7JJ	Objects Objects
02/01/2014	138 TURNEY ROAD LONDON SE21 7JJ	Objects
22/07/2013	140 TURNEY ROAD LONDON SE21 7JJ	Objects
15/07/2013	132 TURNEY ROAD LONDON SE21 7JJ	Objects
28/12/2013	132 TURNEY ROAD LONDON SE21 7JJ	Objects
15/07/2013	184 TURNEY ROAD LONDON SE21 7JL	Objects
02/01/2014	184 TURNEY ROAD LONDON SE21 7JL	Objects
18/07/2013	186 TURNEY ROAD LONDON SE21 7JL	Objects
22/07/2013	188 TURNEY ROAD LONDON SE21 7JL	Objects
22/07/2013	182 TURNEY ROAD LONDON SE21 7JL	Supports
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22/07/2013	90 TURNEY ROAD LONDON SE21 7JH	Objects
22/07/2013	121 TURNEY ROAD LONDON SE21 7JB	Objects
22/07/2013	109 TURNEY ROAD LONDON SE21 7JB	Objects
22/07/2013	109 TURNEY ROAD LONDON SE21 7JB	Objects
06/01/2014	109 TURNEY ROAD LONDON SE21 7JB	Objects
27/12/2013	125 TURNEY ROAD LONDON SE21 7 JB	Objects
02/01/2014	107 TURNEY ROAD LONDON SE21 7JB	Objects
22/07/2013	105 TURNEY ROAD LONDON SE21 7 JB	Objects
03/01/2014	105 TURNEY ROAD LONDON SE21 7 JB	Objects
01/01/2014 25/07/2013	105 TURNEY ROAD LONDON SE21 7JB 41 TURNEY ROAD LONDON SE21 7JA	Objects Supports
03/01/2014	43 TURNEY ROAD LONDON SE21 7JA 43 TURNEY ROAD LONDON SE21 7JA	Supports
02/01/2014	45 TURNEY ROAD LONDON SE21 7JA 45 TURNEY ROAD LONDON SE21 7JA	Objects
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              c/o Francis Peek Centre Dulwich Park College Road London SE27 2EH
22/07/2013
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02/01/2014
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25/12/2013
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24/07/2013
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              4 Woodyard Lane Dulwich London SE217BH
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24/07/2013
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               Lyndhurst Primary School Grove Lane Camberwell London SE5 8SN
24/07/2013
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25/07/2013
              email
              4 Frank Dixon Way London SE21 7BB
30/12/2013
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              4 Frank Dixon Way London SE21 7BB
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26/07/2013
              15 College Road London SE21 7BG
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30/12/2013
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29/07/2013
               133 Burbage Road London SE21 7AF
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               1 College Gardens Dulwich London SE21 7BE
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04/01/2014
               18 Alleyn Road London SE21 8AL
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30/07/2013
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              Farringdon Place 20 Farringdon Road London EC1M 3AP
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              203 Clive Road London SE21 8DG
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203 Clive Road London SE21 8DG	C
	Supports
10a Croxted Road London SE21 8SW	Supports
231 Croxted Road London SE21 8NL	Supports
134 Croxted Road London SE21 8NR	Supports
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171b, Flat 2, Gipsy Road London SE27 9QT	Supports
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235 Croxted Road London SE21 8NL	Supports
136 TURNEY ROAD LONDON SE21 7.IH	Objects
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	Supports
58 Martell Road London SE21 8EE	Supports
14 Lowden Road London SE24 0BH	Supports
	Supports
1 Warren Close London SE21 8NB	Supports
21 Craster Road London SW2 2AT	Supports
	Supports
329 Crystal Palace Road London SE22 9JL	Objects
24 Derwent Grove East Dulwich London SE22 8EA	Supports
	Supports
78 LOWDEN ROAD LONDON SE24 0BH	Supports
148 Woodwarde Road London SE22 8UR	Supports
148 Woodwarde Road London, SE22 8 I R	Supports
	Objects
37 HOLMDENE AVENUE LONDON SE24 9LB	Supports
92 CHESTNUT ROAD LONDON SE27 9LF	Supports
	Supports
Top Flat 234 Turney Road Dulwich SW21 7JL	Supports
37 Glengarry Road East Dulwich London SE22 8QA	Supports
· · · · · · · · · · · · · · · · · · ·	Supports
59 Milton Road London SE24 UNW	Supports
88 Woodwarde Road Dulwich SE22 8UT	Supports
	Supports
247 Croxted Road London SE21 8NL	Supports
277 Croxted Road Dulwich London SE21 8NN	Supports
Flat 12 Hitherwood Court Hitherwood Drive London, SE19 1UX	Supports
• 11	Supports
133 Woodwarde Road London SE22 8UP	Supports
Flat 2.45 Dulwich Road London, SE24.0N.I	Supports
	Supports
40 Fawnbrake Avenue London SE24 0BY	Objects
1 Thorsden Way Gipsey Hill London SE19 1RA	
FO Dualin Walk Landon CE24 OLZ	Supports
50 Ruskin Walk London SE24 9LZ	Supports
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	17th, Flat 2, Gipsy Road London SE27 9QT 17th, Flat 2, Gipsy Road London SE27 9QT by email by email 235 Croxted Road London SE21 8NL 136 TURNEY ROAD LONDON SE21 7JH 58 Martell Road London SE21 8EE 58 Martell Road London SE21 8EE 14 Lowden Road London SE24 0BH 1 Warren Close London SE24 0BH 1 Warren Close London SE21 8NB 21 Craster Road London SE24 NB 21 Craster Road London SE24 9JA 329 Crystal Palace Road London SE29 JL 24 Derwent Grove East Dulwich London SE22 8EA 9 CALTON AVENUE LONDON SE21 7DE 78 LOWDEN ROAD LONDON SE24 0BH 148 Woodwarde Road London SE22 8UR 32 Gilkes Crescent Dulwich SE21 7BS 37 HOLMDENE AVENUE LONDON SE24 9BB 92 CHESTNUT ROAD LONDON SE27 9LE 41 Lings Coppice London SE24 8X Top Flat 234 Turney Road Dulwich SW21 7JL 37 Glengarry Road East Dulwich London SE22 8QA 59 Milton Road London SE24 0NW 88 Woodwarde Road Dulwich SE21 8NL 99 Milton Road London SE24 0NW 88 Woodwarde Road Dulwich SE21 8NL 277 Croxted Road Dulwich SE21 8NL 11 Lings Coppice London SE22 8UT 12 Toroxted Road Dulwich London SE21 8NL 12 Hitherwood Court Hitherwood Drive London SE19 1UX 1 Lings Coppice London SE21 8SY 133 Woodwarde Road London SE24 8SY 133 Woodwarde Road London SE24 8NS 140 Fawnbrake Avenue London SE24 8NS 150 Flat 245 Dulwich Road London SE24 8NS 151 Lings Coppice London SE21 8NL 277 Croxted Road Dulwich SE21 8SY 133 Woodwarde Road London SE24 8NS 151 Seakeleton Court Toxted Road London SE24 8RS 152 Shackleton Court Toxted Road London SE24 8NS 153 Woodwarde Road London SE24 8NS 154 Shackleton Court Toxted Road London SE24 8NS 155 Shackleton Court Toxted Road London SE24 8NS 158 Shackleton Court Toxted Road London SE24 8NS

03/01/2014	54 Lancaster Avenue London SE27 9EB	Objects
03/01/2014	159 Turney Road London SE21 7JU	Objects
03/01/2014	159 Turney Road London SE21 7JU	Objects
03/01/2014	45 Alleyn Park London SE21 8AT	Objects
03/01/2014	19 Durlaton Road Kingston KT2 5RR	Objects
03/01/2014	8 Roseway Dulwich SE21 7JT	Objects
03/01/2014	30 Carson Road West Dulwich London SE21 8HU	Objects
03/01/2014	20 Ashbourne Grove London SE22 8RL	Objects
02/01/2014	28a Hillhouse Road London SW16 2AQ	Supports
02/01/2014	By Email XXXX	Supports
02/01/2014	29 Lovelace Road London SE21 8JY	Objects
03/01/2014	41 Amery House Kinglake Street London SE17 2RA	Objects
02/01/2014	87 Choumert Road London SE15 4AP	Supports
02/01/2014	By Email XXXX	Supports
02/01/2014	11 Hurlingham Business Park Sulivan Road Fulham London SW6 3DU	Supports
02/01/2014	Streatham Common Lambeth XXXX	Supports
02/01/2014	128 Benhill Road London SE5 7LZ	Objects
02/01/2014	163 Turney Road London SE21 7JU	Objects
03/01/2014	163 Turney Road London SE21 7JU	Objects
02/01/2014	25 Crossway Court Endwell Road Brockley SE4 2NG	Supports
02/01/2014	183 South Croxted Road By Email XXXX	Objects
02/01/2014	London Assembly City Hall The Queen's Walk London SE1 2AA	Objects
04/01/2014	46 Kennoldes Croxted Road West Dulwich SE21 8SS	Supports
	10/56 Lant Street Borough SE1 1RE	Supports
04/01/2014	· · · · · · · · · · · · · · · · · · ·	
03/01/2014	Unit 3 7 Wenlock Road London N1 7SL	Supports
03/01/2014	Flat 2 146 Gordon Road Nunhead SE15 3RP	Supports
03/01/2014	Hydethorpe Road Balham SW12 0JA	Supports
03/01/2014	By Email XXXX	Supports
03/01/2014	19 Brockwell Park Gardens London SE24 9BL	Supports
30/12/2013	13 First Floor Parade Mews Norwood Road Tulse Hill SE27 9AX	Supports
01/01/2014	93 Bradmore Way Coulsdon Surrey CR5 1PE	Supports
01/01/2014	43 Basque Court Garter Way SE16 6XD	Supports
31/12/2013	39 Pickwick Road London SE21 7JN	Supports
31/12/2013	Top Flat 26 Lambourn Road Clapham SW4 0LY	Supports
31/12/2013	120 Court Lane Dulwich SE21 7EA	Supports
31/12/2013	13 Longton Avenue Sydenham London SE26 6RE	Objects
02/01/2014	9 Selwyn Court Yunus Khan Close Walthamstow London E17 8XE	Objects
03/01/2014	128 BENHILL ROAD LONDON SE5 7LZ	Objects
07/01/2014	36 Trinity Rise London SW2 2QR	Supports
08/01/2014	Area 3 Office Kent Kent Sports Development Unit Gibson Drive Kings Hill ME19 4QG	Supports
08/01/2014	By Email XXXX	Supports
09/01/2014	48 Peabody Cottages Rosendale Road London SE24 9DW	Supports
10/01/2014	75 Beauval Road London SE22 8UH	Supports
07/01/2014	21 Towton Road London SE27 9EE	Supports
06/01/2014	169 Turney Road London SE21 7JU	Objects
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