

<b>Item No.</b> 7.4	<b>Classification:</b> OPEN	<b>Date:</b> 11 February 2014	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/1451 for: Full Planning Permission  <b>Address:</b> MARLBOROUGH CRICKET CLUB, DULWICH COMMON, LONDON SE21 7EX  <b>Proposal:</b> Demolition of existing Cricket Pavilion and removal of three trees and the erection of a new pavilion in connection with Streatham and Marlborough Cricket Club		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 25/07/2013		<b>Application Expiry Date</b> 19/09/2013	
<b>Earliest Decision Date</b> 27/10/2013			

## RECOMMENDATION

- 1 That Members grant planning permission subject to conditions.

## BACKGROUND INFORMATION

- 2 The application is referred to Members for decision as it involves Metropolitan Open Land (MOL).

### Site location and description

- 3 The site is home to the Streatham and Marlborough Cricket Club and consists of a large site bounded by Dulwich Common to the north, Cox's Walk and Lordship Lane to the East, Dulwich and Sydenham Golf Course to the South, and tennis courts and allotments to the west. To the north and east of the site there are some residential buildings.
- 4 Buildings on site currently include single storey storerooms and a single storey cricket pavilion which appears to have been built prior to 1948, situated to the west of the site, and a further building to the east.
- 5 The site is situated within Dulwich Wood conservation area, and is classed as Metropolitan Open Land and a Site of importance for nature conservation.

### Details of proposal

- 6 The proposal details the demolition of existing Cricket Pavilion and the erection of a new pavilion in connection with Streatham and Marlborough Cricket Club.
- 7 The proposed pavilion will be approximately 48m in width, 2.59m in height to the eaves with a total of 5.236m at the highest ridge level. The pavilion will have a total floor area of 474sqm. The materials proposed consist of timber cladding, metal roof tiles with a fibreglass flat roof element. All windows and doors proposed consist of new

steel framed double glazed units.

The existing pavilion is in poor condition with a floorspace of 411 square metres. The new pavilion will be a modern construction with an additional floorspace of 65 square metres. The proposed replacement pavilion would be of a more functional and useable design for the purposes of a sports pavilion, improving the sports facilities within the site.

#### **Planning history**

- 8 04-AP-1500 - Advertisement consent was refused for the display of 6m x 3m internally illuminated advertising hoarding.
- 9 *1. "The proposal is considered inappropriate development in terms of amenity due to its location on Metropolitan Open Land and also within the locally designated Dulwich Wood Conservation Area. The sign's size and illumination would have a detrimental affect on the character and appearance of the conservation area and fails to meet any of the criteria for allowing new development on Metropolitan Open Land. The proposal is thereby contrary to Policies C.5.7, E.4.3, E.2.3 and E.2.6 of the adopted Southwark Unitary Development Plan, 1995, Policies 3.25, 3.2, 3.11, 3.16 and 3.23 of the Draft Southwark Plan (replacement Unitary Development Plan), February 2005 and also the Council's Supplementary Planning Guidance on Advertisements and Signage".*
- 10 *2. "The signage is likely to cause a distraction to drivers approaching the main junction with Lordship Lane and Dulwich Common, prejudicial to highway safety. This would be contrary to Policy T.1.2 of the adopted Unitary Development Plan, 1995 and Policy 5.2 of the Draft Southwark Plan (replacement Unitary Development Plan), February 2005".*
- 11 05-AP-0082 - Planning permission was refused for alterations to existing pavilion including erection of a single storey extension to south elevation and two storey extension to east elevation to provide improved facilities; demolish existing garages and stores at north end sports ground (adjacent to Dulwich Common) and erect new garages, stores and score box to east of site (near Cox's Walk) - 15/03/2005. The application was refused for the following reason:
- 12 *"The proposed pavilion extension is unacceptable in terms of its height, bulk, and detailed design, and would result in a detrimental addition to the building. This in turn would harm the character and appearance of the Dulwich Wood Conservation Area, and the Metropolitan Open Land. The proposal would be contrary to policies E.2.3 [Aesthetic Control], E.4.2 and E.4.3 [Proposals Affecting Conservation Areas] and C.5.6 [Metropolitan Open Land] of the adopted Unitary Development Plan 1995, and policies 3.1 [Environmental Effects], 3.11 [Quality in Design], 3.13 [Urban Design] and 3.16 [Conservation Areas] of the Southwark Revised Deposit Unitary Development Plan."*
- 13 05-AP-0195 - Conservation area consent was granted for the demolition of four concrete garages - 19/04/2005
- 14 05-AP-0743- Planning permission was granted for the erection of a single storey extension to south elevation and a two storey extension to main building; demolish existing garages and stores, erect new garages and stores and score box to east of site - 27/06/2005.

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

- 15 None of relevance.

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

- 16 The main issues to be considered in respect of this application are:
- a) The principle of the development
  - b) The design issues and the impact on the Dulwich Wood conservation area
  - c) the impact of the proposal on Metropolitan Open Land and the SINC
  - d) the impact on amenity of any nearby residents
  - e) the impact on trees

### Planning policy

- 17 National Planning Policy Framework (NPPF)  
The NPPF came into effect on 27 March 2012 and is a material planning consideration. The following part is most relevant.
- 18 7. 'Requiring good design'  
11. Conserving the natural environment  
12. Conserving the historic environment
- 19 London Plan 2011 consolidated with revised early minor alterations October 2013'  
Policy 2.18 - Green infrastructure: the network of open and green spaces  
Policy 7.17 - Metropolitan Open Land  
Policy 7.21 - Trees and woodlands
- 20 Core strategy 2011  
Strategic Policy 11 – Open spaces and wildlife  
Strategic Policy 12 - Design and conservation  
Strategic Policy 13 - High Environmental Standards
- 21 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 policies 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.
- 22 3.2 'Protection of Amenity'  
3.12 'Quality in Design'  
3.13 'Urban Design'  
3.16 'Conservation Areas'  
3.25 'Metropolitan Open Land'  
3.28 'Biodiversity'
- 23 Supplementary Planning Documents  
None relevant.

### **Principle of development**

- 24 The application site is situated within metropolitan open land and part (ii) saved policy 3.25 of the Southwark plan states that development will be allowed for:

*(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;*

- 25 There is no objection to the principle of the development which seeks to replace an existing cricket pavilion with a larger pavilion for use ancillary to the cricket ground. This development supports the outdoor sports use of the land and the development therefore complies with MOL policy. Whilst the pavilion is relatively large, it is not considered that this is harmful to the openness of MOL.
- 26 Further, it is not considered that this will have any significant effects on local biodiversity.

### **Environmental impact assessment**

- 27 Not required for an application of this nature.

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

- 28 Given the proposed building's location within the sports field and the fact that it is set somewhat back from the surrounding neighbouring properties, it is not considered that there would be any material impact in terms of loss of outlook, overshadowing or sense of enclosure as a result of the proposal.
- 29 There are a number of windows and doors proposed however the closest residential properties are not within the proximity of the development, at a minimum of 120m away from the proposed structure, and thus it is therefore not considered that the proposal would lead to a material loss of privacy by way of overlooking to any neighbouring occupiers in this regard.
- 30 An objection has been received which raises concerns in relation to the use of the pavilion for events late into the night/early morning. As noted, the structure will be situated some distance from nearby residential units and the building's primary function is to operate as a cricket pavilion which would not result in any harm on nearby amenities.
- 31 However notwithstanding this, should the pavilion be used for events, it has the potential to cause substantial harm to the amenity of nearby residential properties by way of noise creep and disturbance.
- 32 As such, it is recommended that a noise management plan is required by way of condition in order to outline the methods in which the cricket club will ensure that any noise concerns from such events would be kept to a minimum. A condition limiting the hours of operation will also be included to ensure that any events do not go on into unsociable hours that would significantly harm the amenity of nearby residents.
- 33 Subject to these conditions, to any permission granted, it is not considered that the proposed new pavilion would result in any significant impacts on amenity that would warrant refusal of permission and would thus be in accordance with saved policy 3.2 of the Southwark Plan 2007.

### **Impact of adjoining and nearby uses on occupiers and users of proposed development**

- 34 None expected as a result of the proposal.

### **Transport issues**

- 35 The proposed development does not raise any significant traffic issues as it will not increase the useable accommodation within the building and therefore will not lead to a more intensive use of the site than the current structure.
- 36 The use of the site remains the same and is not likely to attract additional vehicular movements that would result in any likely traffic implications.
- 37 A ramp to the new entrance which as noted will comply with Part M of the building regulations (a gradient of 1:20), is proposed to the new entrance which helps provide access for wheelchair users and those with mobility impairments which is welcomed.

### **Design issues and the impact on the character and setting conservation area**

- 38 The building is located within a playing field and there are no buildings within close proximity and is therefore characteristically open with the existing pavilion building and storage buildings sited within the MOL. The proposed building has been sited on a similar footing to the existing building reducing its impact on the open nature of the MOL. Its design as a low level, pitched roofed structure, clad in timber further reduces its dominance and allows it to sit comfortably on the site.
- 39 By removing the existing building which is in a poor state of repair and constructing a new modern building of a modern character, it would visually improve the site within its immediate surroundings and cause no harm to the character of the surrounding area. The proposed building would be of a more functional and useable design for the purposes of a sports pavilion, improving the sports facilities within the site.
- 40 The proposed use of the timber cladding, metal and fibreglass roofing materials is considered acceptable given the use of the building as a sports pavilion. Whilst these are modern materials, they will blend with the surrounding back drop of the host building which will reduce any potential impact on the heritage asset of the Dulwich Wood conservation area.
- 41 For these reasons, It is 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. As such it would accord with saved policies 3.12, 3.13 and 3.16 of the Southwark Plan and strategic policy 12 - Design and conservation of the core strategy.

### **Impact on trees**

- 42 There are a number of trees close to the area which is proposed for the new club house/pavilion with three trees situated within the footprint of the building and would require removal.
- 43 The applicant has submitted a tree survey which notes that two of these trees (goat willow and ash trees) are of a poor quality/condition and as such the loss of these trees would not significantly impact on the amenity of the site or surrounding area. However, one large weeping willow is required to be removed which has been identified as a high quality specimen which adds significant amenity value to the area and thus its loss will affect the surrounding area.
- 44 However, weeping willow trees are very fast growing and a mature specimen for replanting would grow quickly and help add to the visual amenity of the area. As such, a condition is proposed to secure a replanting scheme to ensure that the amenity of the area is retained.
- 45 Further, no details of specific landscaping are provided and as such it is also

recommended that this is secured by way of condition.

- 46 The remaining trees retained will have protection of the roots by way of at least 2.1m high fencing which will ensure that no significant harm will be caused to these remaining trees.

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

- 47 Not required for an application of this nature

**Sustainable development implications**

- 48 None expected as a result of the proposal.

**Other matters**

- 49 CIL  
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.

- 50 The proposed development would not be CIL liable as no new residential units are proposed and the additional floorspace threshold of 100 sq. metres will not be exceeded. The existing floorspace is 411 square metres and proposed is 474, an increase of only 65 square metres. As this would be below the threshold and the existing use of the building/site is lawful, it would not be liable for CIL.

**Conclusion on planning issues**

- 51 The design of the roof and materials proposed are considered to be acceptable in this context and the site is sufficiently distant from neighbouring properties such that there will not be a material impact on amenities, subject to conditions relating to noise management and hours of operation.
- 52 Accordingly the application is in accordance with the relevant saved policies within the Southwark Plan (2007), Core Strategy (2011) and NPPF (2012) and thus it is recommended that the application is granted.

**Community impact statement**

- 53 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 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**

**Consultation replies**

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

55 Summary of consultation responses

Three responses have been received, one in support, one in objection on noise disturbance grounds and one which did not object provided the building would be solely used for its main purpose as a cricket pavilion.

**Human rights implications**

56 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.

57 This application has the legitimate aim of providing a replacement cricket pavilion. 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/2082-R  Application file: 13/AP/1451  Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5416 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	Alex Cameron, Senior Planner Fast Track and Validation Team		
Version	Final		
Dated	20 January 2014		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Finance and Corporate Services	No	No	
Strategic Director of Environment and Leisure	No	No	
Strategic Director of Housing and Community Services	No	No	
Director of Regeneration	No	No	
Date final report sent to Constitutional Team		30 January 2014	



## APPENDIX 1

### Consultation undertaken

**Site notice date:** 15/08/2013

**Press notice date:** 22/08/2013

**Case officer site visit date:** 15/08/2013

**Neighbour consultation letters sent:** 21/08/2013

#### **Internal services consulted:**

Environmental Protection.

Urban Forester.

Design Surgery

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

Green Chain

#### **Neighbours and local groups consulted:**

1-18 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
FLAT 1-16 524 LORDSHIP LANE LONDON SE22 8LG  
MANAGERS FLAT GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF  
STAFF FLAT GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF  
GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF  
GROVE HOUSE DULWICH COMMON LONDON SE21 7EZ  
MARLBOROUGH CRICKET CLUB DULWICH COMMON LONDON SE21 7EX  
4-32 (evens) DULWICH COMMON LONDON SE21 7EX  
CAMBER LAWN TENNIS CLUB DULWICH COMMON LONDON SE21 7EX  
1-9 SAVERNAKE COURT HIGHWOOD CLOSE LONDON SE22 8NQ  
ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
1-14 ASHDOWN COURT HIGHWOOD CLOSE LONDON SE22 8NP  
1-10 HIGHWOOD CLOSE LONDON SE22 8NH  
1-6 STOKE COURT HIGHWOOD CLOSE LONDON SE22 8NR  
1-12 CALEDONIAN COURT HIGHWOOD CLOSE LONDON SE22 8NW

#### **Re-consultation:**

N/A.

## **APPENDIX 2**

### **Consultation responses received**

#### **Internal services**

Environmental Protection - recommend noise management plan submitted/conditioned.

Urban forester - no concerns and confirmed that an arboricultural assessment was not necessary here given the applicants inherent interest in protecting the trees and wildlife within the site.

Design surgery - no objections.

#### **Statutory and non-statutory organisations**

Green chain - no response.

#### **Neighbours and local groups**

Three responses have been received, one in support (Dulwich Society), one in objection (Resident does not give address but "overlooks Cox's Walk") on noise disturbance grounds and one comment (resident at 1 Highwood Close) which did not object provided the building would be solely used for its main purpose as a cricket pavilion. However would object should the pavilion be used for social events with amplified music, fireworks.