

Item No. 7.5	Classification: Open	Date: 9 December 2014	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 14/AP/2092 for: Full Planning Permission Address: ALLEYNS SCHOOL, TOWNLEY ROAD, LONDON, SE22 8SU Proposal: Repaving and extending of hard landscaping to existing school sports facilities, to create 1 additional Netball court (thereby providing a total of 3 netball and 3 tennis courts) with associated fence alterations.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 15 July 2014		Application Expiry Date 9 September 2014	
Earliest Decision Date 29 August 2014			

RECOMMENDATION

- 1 That planning permission is granted subject to conditions.

BACKGROUND INFORMATION

- 2 This application has been brought before Sub-Committee A due to the site's location within Metropolitan Open Land.

Site location and description

- 3 Alleyn's School occupies a large site to the west of Lordship Lane in the Village area of the borough. The site comprises a junior and senior school, and playing fields situated on either side of Townley Road.
- 4 This application specifically relates to the existing tennis and netball courts to the south east of the main school buildings on the northern side of Townley Road opposite its junction with Dovercourt Road.
- 5 The surrounding area is predominantly residential in nature and the boundary of the Dulwich Village Conservation Area is immediately to the south of the application site, and incorporates part of the school site. The site is subject to the following designations on the Proposals map to the Saved Southwark Plan:
 - Site of Importance for Nature Conservation (SINC)
 - Metropolitan Open Land (MOL)
 - Urban Density Zone
 - Air Quality Management Area

Details of proposal

- 7 This application seeks full planning permission for the repaving and extension of an

existing hard surfaced sports court to provide one additional netball court, thereby providing a total of 3 netball and 3 tennis courts.

- 8 The existing court is 45m x 35m. This would be re-laid and extended to the south east by 10m to provide an area of 55m x 35m using a semi-permeable asphalt playing surface in a natural grey/black finish.
- 9 The existing 3m high chain link fencing would be removed and the new courts would be bounded by a new 3m high welded mesh fencing.

Planning history

- 10 There is extensive planning history for the school site, the majority of which do not relate directly to the proposal under consideration here. Of most relevance is:
- 11 13/AP/0493
First floor extension to existing swimming pool to providing a seating gallery for up to 100 spectators and enhanced changing areas. Planning permission granted 17/04/13 under delegated powers.
- 12 12/AP/1759
Erection of first floor extension to south-west elevation to provide additional music rooms, and erection of single-storey entrance lobby to south-west elevation. Planning permission granted 11/09/12 at Sub Committee B.
- 13 11-AP-0495
Installation of eight floodlights to existing multi-use games pitch on the northern side of Townley Road. Planning permission granted 14/06/11 at planning committee.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 14 The main issues to be considered in respect of this application are:
 - a) The principle of development and MOL.
 - b) Design, Appearance and impact on CA.
 - c) Traffic and Transportation.
 - d) Neighbour Amenity.
 - e) Trees.

Planning policy

- 15 Core Strategy 2011
Strategic Policy 1 - Sustainable development
Strategic Policy 2 - Sustainable transport
Strategic Policy 4 - Places to learn and enjoy
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 19th 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.

- 17 Policy 2.3 - Enhancement of educational establishments
Policy 3.2 - Protection of amenity
Policy 3.11 - Efficient use of land
Policy 3.12 - Quality in design
Policy 3.13 - Urban design
Policy 3.16 - Conservation areas
Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites
Policy 3.25 - Metropolitan open land
Policy 3.28 - Biodiversity
Policy 5.2 - Transport impacts
- 18 Supplementary Planning Documents
Sustainable Design and Construction SPD (February 2009)
Dulwich Village Conservation Area Appraisal (February 2006)
Dulwich SPD (2013)
- 19 London Plan July 2011 consolidated with revised early minor alterations October 2013
Policy 3.18 Education facilities
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.8 Heritage assets and archaeology
Policy 7.17 Metropolitan Open Land
- 20 National Planning Policy Framework (NPPF)
Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 10 - Meeting the challenge of climate change, flooding and coastal change
Section 11 - Conserving and enhancing the natural environment
Section 12 - Conserving and enhancing the historic environment

Principle of development

- 21 Saved Policy 2.3 of the Southwark Plan 'Enhancement of Educational Establishments' states that planning permission for change of use from D class educational establishments will not be granted unless similar or enhanced provision within the catchment is secured and opportunities are taken wherever possible to ensure that provision is made to enable the facility to be used by all members of the community.
- 22 There would be no loss of D class floor space on the site therefore no objections are raised in principle.
- 23 Metropolitan Open Land
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. 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:
 - 24 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.
- 25 Allyn's School has an impressive history of sporting success with county, regional and international athletes represented. The areas of open land around the school buildings, the majority of which fall within MOL, are established as playing fields for outdoor sports use. They support a wide variety activities and are laid out for formal purposes such as hard surface courts and astro-turf pitches, and informal areas of grassed playing fields.
- 26 The proposal would extend an existing area of hard surface to be used for enhanced sporting purposes, making provision for 3 netball courts and 3 tennis courts. The area would be repaved and include the provision of a new fencing system to its boundary.
- 27 The proposal is considered to preserve the openness of the MOL and makes provision for an enhanced essential facility for outdoor sport and recreation. It therefore complies with the provisions of policy 3.25(ii) and as such, there are no objections to the principle of the proposed development in this location.

Design, appearance and impact on conservation area

- 28 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.
- 29 The area of land to which this application relates does not lie within the Dulwich Village conservation area, however the boundary runs along Townley Road to the south of the site and includes the main school building to the north west. It therefore has the potential to effect its setting.
- 30 The visual impact of the proposed works is considered to be limited by the existing vegetation and topography of the site. There are significant boundary trees that exist along the Townley Road frontage, these provide a screen to the courts and will reduce the visual prominence of the fencing. The pitch itself is set at a lower level than Townley Road with a minimum drop of 1m.
- 31 The enlarged playing areas and new fencing will be located on an existing sports pitch and is consistent with the established character of the land as playing fields and sports facilities where one would expect to see structures associated with such a use. In consideration of this, and with regard to the sensitive approach taken to the design of the fencing, the proposal is policy compliant with regard to design and appearance.

Trees

- 32 The position of the subject playing surface lies within close proximity to a number of mature trees which run along the boundary of the Allyn's School site. These trees are not subject to a tree preservation order and do not fall within the adjacent conservation area and are therefore afforded limited protection. They do however offer significant amenity value to the area and are good mature specimens.

- 33 Work on the excavation of the area of the pitch to be extended was begun prior the granting of planning permission. This was brought to the attention of the council by a local resident and was evident during the case officers site visit. The applicants were advised to cease work immediately, which was complied with, and the council's Tree Officer visited the site to inspect the work undertaken within the root protection areas of the trees.
- 34 It can not be accurately assessed whether work already undertaken has resulted in irreversible damage to those trees of concern, however the tree officer has advised that with appropriate protection of roots during construction the trees can be retained and protected from further damage. It is therefore recommended that an appropriate condition requiring the protection of the trees be imposed.
- 35 Damage to mature trees however may not become apparent until many years following completion of the works. Given that trees may have been damaged as a result of the work already undertaken, and may require removal in the future, a condition should also be imposed ensuring that new appropriate planting replace any losses should they occur.

Residential amenity

- 36 Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 37 The nearest residential properties are 14-24 Townley Road which are located approximately 35m to the south-east of the site.
- 38 It is not anticipated that there would be any increase in noise on the application site as a result of the 1 additional netball court. The intensity of the use of the pitch would not be over and above what would be expected on an established sporting facility of this nature.

Traffic and transportation

- 39 The pitch is an existing facility which can be currently used by the school without restriction at all times of the year. The extension of the playing area to make provision for 1 addition netball court would not materially increase activity at the site.
- 40 There would be no increased pressure on the surrounding transport network or parking situation.

Environmental impact assessment

- 41 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 specify the types of development and circumstances where an EIA may be required. The Regulations are applicable to two types of development: Schedule 1 developments are where an EIA is mandatory and includes developments that would have an obvious and major impact such as power stations. Schedule 2 developments require an EIA if they are likely to give rise to significant effects on the environment by virtue of factors such as size, nature or location. With regard to this proposal neither Schedule 1 or 2 is relevant. The proposed development would not give rise to a significant effect on the environment and an EIA is not required.

Other considerations

- 42 Mayoral CIL
The proposed development does not involve the provision of addition floorspace and

education uses are not CIL liable. Therefore no payment would be due in this instance.

Conclusion on planning issues

- 43 The proposed development is in accordance with adopted policy and is consistent with the established use of the application site for recreational and sporting purposes. For the reasons as discussed above it is recommended that planning permission be granted subject to conditions.

Community impact statement

- 44 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.

Consultations

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

Consultation replies

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

47 Summary of consultation responses

The council has received 1 letter of comment and 1 letter of objection to the proposed development from nearby residential properties. These raise the following areas of concern:

- 48 - The existing courts are readily visible from street level and from the rooms of those dwellings on the opposite side of Townley Road. Concern over the proposed use of black/grey asphalt in place of the existing green surface.

Officer Comment

Contrary to letter of comment received, the existing surface is a painted asphalt in red and green. The use of a natural black/grey asphalt is not considered to have a significant impact on the character or appearance of the playing fields, the setting of the adjacent conservation area or the outlook from nearby residential dwellings.

- 49 - Works have commenced in advance of permission being granted and has involved excavation around the roots of the trees which line Townley Road and which affect the character of the adjacent Conservation Area.

Officer Comment

See Tree Officer comments below and consideration of tree matters within the planning consideration section of this report.

50 Tree Officer

Regrettably, work has already started on site that has resulted in excavation within the root protection areas and therefore potential damage to mature trees. These consist of specimens of significance value to amenity and which contribute positively to the setting of the conservation area located opposite.

- 51 Trees which are protected by a TPO have also been affected by inappropriate storage of materials and ground compaction by construction vehicles. Should the application be recommended for approval tree protection condition is required.
- 52 Given that trees may already be damaged and may require removal a landscape condition should also be imposed such that new planting can replace any losses. Damage to mature trees may not become apparent until many years following completion of the works.

Human rights implications

- 53 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.
- 54 This application has the legitimate aim of seeking planning permission for an extension to an existing sports playing surface. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2300-A Application file: 14/AP/2092 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department Southwark Council 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 5452 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 Planning Officer	
Version	Final	
Dated	20 October 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	27 November 2014	

APPENDIX 1

Consultation undertaken

Site notice date: 21/07/2014

Press notice date: 24/07/2014

Case officer site visit date: 21/07/2014

Neighbour consultation letters sent: 24/07/2014

Internal services consulted:

Tree Officer

Statutory and non-statutory organisations consulted:

n/a

Neighbours and local groups consulted:

- 21 TOWNLEY ROAD LONDON SE22 8SR
- 22 TOWNLEY ROAD LONDON SE22 8SR
- 19 TOWNLEY ROAD LONDON SE22 8SR
- 20 TOWNLEY ROAD LONDON SE22 8SR
- FLAT 1 CHARMOUTH 11A TOWNLEY ROAD LONDON SE22 8SR
- FLAT 2 CHARMOUTH 11A TOWNLEY ROAD LONDON SE22 8SR
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Re-consultation:

n/a

APPENDIX 2

Consultation responses received

Internal services

Tree Officer

Statutory and non-statutory organisations

n/a

Neighbours and local groups

- 19 TOWNLEY ROAD LONDON SE22 8SR
- Local Resident - By Email