

<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 10 July 2019	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 19/AP/0538 for: Full Planning Application  <b>Address:</b> LONDON BOROUGH OF SOUTHWARK SPORTS CLUB, DULWICH COMMON, LONDON, SE21 7EU  <b>Proposal:</b> Retention of 2 x external spectator stands with associated fixtures and fittings as shown on scaled plans submitted with this application.		
<b>Ward(s) or groups affected:</b>	Dulwich Village		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 26/03/2019		<b>Application Expiry Date</b> 21/05/2019	
<b>Earliest Decision Date</b> 01/06/2019			

## RECOMMENDATION

1. It is recommended planning permission is granted.

## BACKGROUND INFORMATION

### Site location and description

2. The site is an area of Metropolitan Open Land currently in use as a sports pitch on the Northern side of Dulwich Common. The site is located within:
  - Air Quality Management Area;
  - Dulwich Wood Conservation Area;
  - Metropolitan Open Land.
3. The site is bound by:
  - Metropolitan Open Land to the North;
  - Metropolitan Open Land to the East currently in use as a sports pitch;
  - Dulwich Common to the South;
  - Sports Pavilion and associated car parking to the West.
4. The surrounding area is a mixture of open space, sports facilities and residential properties, the nearest of which are approximately 25m due west of the sports pitch.

### Details of proposal

5. The proposal calls for the retention of two, covered spectator stands along the Eastern and Southern boundaries of the site. The stands are of the following specifications:

#### Eastern stand

- Height (max): 3.42m

- Width: 15.32m
- Depth (max): 3.53m

6. The Eastern stand incorporates three rows of seating.

Southern stand

- Height (max): 2.68m;
- Width: 16.82m;
- Depth (max): 2.36m.

7. The seated capacity of the Eastern stand is 86. The Southern stand has no seating facilities and has a theoretical maximum capacity of 188, though it is unlikely this would be reached in the majority of instances as outside of poor weather conditions most spectators would stand at the sides of the pitch.

**Planning history**

8.	<p>18/AP/1204 Application type: Full Planning Application (FUL)          Installation of a floodlighting system for the pitch area to include 6 x 15 metre galvanised steel columns (with relevant concrete block foundations), each column to be mounted with two floodlights, installation of an electrical junction box fabricated from galvanised steel with and associated underground cabling ducts. Hours of operation to be 12:00-22:00 Monday to Friday, 11:00-22:00 Saturday to Sunday and Bank Holidays.          Decision date 30/04/2019 Decision: Granted (GRA)</p>
	<p>18/EN/0209 Enforcement case (ENF)          Alleged breach: Unauthorised signage, pavilion and fencing.          Decision date: 23/01/2019 Decision: Warning (WARN)</p>
	<p>19/AP/0539 Application type: Advertisement Consent (ADV)          Retention of two metal signs mounted on 2 x steel support posts.          Decision date 17/04/2019 Decision: Granted (GRA)</p>

**Planning history of adjoining sites**

9. None of relevance to this application.

**KEY ISSUES FOR CONSIDERATION**

**Summary of main issues**

10. The main issues to be considered in respect of this application are:
- a) Principle of development;
  - b) Impact of the proposed development on the openness of the Metropolitan Open Land;
  - c) Impact of proposed development on amenity of adjoining occupiers and surrounding area;
  - d) Design issues;
  - e) Impact on character and setting of a listed building and/or conservation area;
  - f) Transport issues;
  - g) Community benefits;
  - h) Other matters;

## **Adopted planning policy**

### National Planning Policy Framework (NPPF)

11. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
12. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

Chapter 2 Achieving sustainable development  
Chapter 8 Promoting healthy and safe communities  
Chapter 11 Making effective use of land  
Chapter 12 Achieving well-designed places  
Chapter 13 Protecting Green Belt Land  
Chapter 15 Conserving and enhancing the natural environment  
Chapter 16 Conserving and enhancing the historic environment

### London Plan 2016

13. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 3.19 - Sports facilities  
Policy 7.8 - Heritage assets and archaeology  
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
Policy 7.17 Metropolitan open land  
Policy 7.19 Biodiversity and access to nature

### Core Strategy 2011

14. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

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

### Southwark Plan 2007 (saved policies)

15. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

3.2 - Protection of amenity  
3.12 - Quality in design

- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.16 - Conservation areas
- 3.25 - Metropolitan open land
- 3.28 - Biodiversity
- 5.6 - Car parking

16. Dulwich Supplementary Planning Document 2013

### **Consultation Responses**

17. This application has received a total of 27 comments, which include 21 in support and 6 objections. Sport England has been consulted as part of this application, has responded, and has does not wish to raise an objection.
18. Comments in objection have raised the following points, which have been addressed in the associated paragraph:
- Impact on the Dulwich Wood Conservation Area;
  - Impact on Metropolitan Open Land;
  - Impacts on neighbouring amenity;
  - Transport impacts;
  - Inadequacy of the consultation period.

### **Principle of development**

19. Policy 7.17 of the London Plan requires:

*'The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL. This policy goes on to establish "open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London" as one of the criteria for boroughs to meet when designating MOL.'*

20. Furthermore, saved policy 3.25 of the Southwark Plan 2007 states development within metropolitan open land will only be permitted 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.*

21. It is considered that the spectator stands would be an essential facility for sports and outdoor recreation, and would therefore comply with criterion ii) of saved policy 3.25, and Policy 7.17 of the London Plan. The stands and seating allow spectators to enjoy matches in poor weather conditions, and provide seating, which would be particularly valuable for those less able to stand for longer periods. This would improve the quality and accessibility in line with paragraph 7.56 of the London Plan.

22. In addition, Policy 7.17 of the London Plan gives the same level of protection to MOL as that given to the Green Belt. Under the National Planning Policy Framework 2019 paragraph 145, part B, exceptions to new developments within the Green Belt include "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it".
23. The spectator stands are an appropriate facility for outdoor recreation, similar stands and pavilions can be seen in other plots of MOL in use as cricket grounds for example. Within the context of the application site, the stands are a relatively minor fixture and are not considered to harm the overall openness of the MOL.
24. In summary, the proposal is deemed to be appropriate development on MOL without harming the overall openness (see below). It is considered the spectator stands would enhance the appropriate use of the site as a sports ground, by allowing for enjoyment of the pitch in poor weather conditions. In addition, the seating enclosed in these stands would be of particular value to residents and groups less able to stand for longer periods of time, and thus would extend the enjoyment of the grounds to a wider section of the community, which is welcomed. Thus, the principle of the proposal is acceptable.

#### **Impact of the proposed development on the openness of the Metropolitan Open Land**

25. The spectator stands are a relatively minor addition within the wider context of the parcel of MOL the application site sits within. The stand located on the Eastern side of the pitch sits on a natural break between two pitches, and the stand to the South is adjacent to a mature tree line. Thus, given their scale and positioning the stands would preserve the openness of the MOL in line with Policy 7.17 of the London Plan and Saved Policy 3.25 of the Southwark Plan.

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

##### Privacy

26. The proposed stands would be set a significant distance from the nearest residential property. The Eastern stand is in excess of 100m, and the Southern stand is in excess of 50m from the closest property to the west of the application site. In addition, views from the stands would be partially obscured by an existing pavilion and tree line. Thus, the stands would not present a risk to privacy.

##### Noise

27. In addition to the significant distance from the nearest residential properties noted above, the stands would be open at the front and sides reducing any echoing effect.
28. As stated under the description of proposal, the stands (particularly the Southern stand closer to residents) are unlikely to approach maximum capacity outside of instances of poor weather during a game, where the game had not already been called off due to poor conditions. It should also be noted the majority of games are typically played on Saturday afternoons outside of rare circumstances (such as especially poor weather, or a run of cup games necessitating a mid-week game), which is an acceptable time for a modestly intensive use of the pitch, and would not significantly infringe on nearby residential amenity. Furthermore, the grass nature of

the pitch makes it poorly suited to frequent games and training sessions, thus overall usage is relatively limited.

29. Thus, any additional noise generated by the stands when compared with the standard use of the pitch would be minimal and acceptable.

#### Outlook

30. The distance of the stands from the nearest residential units would mean there would be a negligible impact on outlook, which is acceptable.

#### **Transport issues**

31. Typical attendance at matches is estimated between to be between 20-30 spectators, with the majority arriving by bicycle, foot, or public transport. 24 car parking spaces are available for visitor parking, with a further 20 spaces available for players, and separate 7 spaces (plus space for one minibus) for away players. The total onsite capacity is 51 car parking spaces, plus 1 minibus space. Additional capacity is also available from Pyners Close at the other side of Dulwich Common for instances of unusually high demand, or where poor weather has reduced capacity on site.
32. The retention of the spectator stands is not envisaged to create a significantly higher usage of the pitch than currently exists. Similarly, attendance is not expected to increase significantly in the event the club is promoted, with a nearby team (Forest Hill) in the division above recording an average attendance of 36. Hence the proposal would not place significant additional strain on the transport and servicing arrangements of the site and is acceptable in transport terms.

#### **Design issues**

33. The scale and massing of the stands is considered appropriate within the scope of the large open sports ground. The design of the stands is fitting within the context of sports pitch, and would not detract from the overall appearance and character of the grounds. Furthermore, the stands are partially obscured from public view by the existing treeline along Dulwich Common. In summary, the proposal is acceptable in design terms.

#### **Impact on character and setting of a listed building and/or conservation area**

34. As above, the design and scale of the stands are appropriate and fitting within the context of the sports ground. The stands would be largely obscured from public view by the existing tree line along Dulwich Common, and similar metal coverings can be seen in the nearby Dulwich Common Riding School.
35. The Dulwich Wood Conservation Area is the largest expanse of predominantly open space in the borough and includes playing fields, allotments, and a golf course. Buildings in the conservation area tend to be around the perimeters of the open space. As noted under above, the stands are situated in natural boundaries between the pitch and the adjacent pitch and road, in keeping with the tradition of buildings around the perimeters of open spaces.
36. Finally, the spectator stands are largely obscured from public view behind a mature treeline. Thus, stands conserve the setting and character of the Dulwich Wood conservation area. As the stands are not very visible from the public realm and sit in the context of a playing field, they are appropriate to their setting and cause no harm to the conservation area. If members considered that there is harm, the harm would need to be balanced against the public benefits of the development, which are

discussed below.

### **Community benefits**

37. As noted under the principle of development, the retention of the spectator stands would allow for the enjoyment of a piece of MOL in poor weather conditions, and to wider segments of the community including, but not limited to, the elderly and those with disabilities, who may require seating. Hence, the proposal is deemed to offer a significant community benefit.

### **Other matters**

38. Paragraph 2.6.4 of the Dulwich SPD notes that “much of the open space is good quality and provides a range of functions from public parks to private sports fields, nature reserves to a golf course. Open spaces are also used for allotments, sport pitches and community facilities such as the Scouts hut”. The proposal is considered in line with these types of uses and is appropriate in the setting of a sports field.
39. Several objectors have raised issues with the inadequacy of the consultation period as part of this application. This application has been publicised and open to public comments in excess of the statutory 21 day consultation period, which is considered an acceptable level of publicity. Comments received have been addressed in this report.
40. Objections have also been raised that the Dulwich Estate were not consulted as part of this application. While there is no statutory obligation to notify this body as part of this application, the applicant has notified the Dulwich Estate.

### **Conclusion on planning issues**

41. In summary, the proposed retention of the stands is considered to comply with the requirements around development on MOL, while conserving the character of the surrounding conservation area, and without infringing on the amenity of nearby occupiers. In addition, the spectator stands would offer a useful benefit to the community, and as such planning permission should be granted.

### **Consultations**

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

### **Community impact statement / equalities assessment**

43. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:
  - a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
    - Take steps to meet the needs of persons who share a relevant protected

- characteristic that are different from the needs of persons who do not share it.
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
44. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
45. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
46. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

### **Human rights implications**

47. 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.
48. This application has the legitimate aim of providing facilities to enhance the use of metropolitan open land. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2082-J Application file: 19/AP/0538 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5840 Council website: www.southwark.gov.uk

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Glenn Ruane, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	28 June 2019	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		28 June 2019

# APPENDIX 1

## Consultation undertaken

**Site notice date:** 10/04/2019

**Press notice date:** 09/05/2019

**Case officer site visit date:** 21/06/2019

**Neighbour consultation letters sent:** 05/04/2019

### Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

### Statutory and non-statutory organisations consulted:

Sport England

### Neighbour and local groups consulted:

Parkside Dulwich Common SE21 7EU	94 Cotswold Way Worcester Park KT4 8LN
Rosebery Lodge Dulwich Common SE21 7EU	94 Cotswold Way Worcester Park KT4 8LN
Dulwich Riding School Dulwich Common SE21 7EX	41 Playfield Crescent East Dulwich SE22 8QR
London Borough Of Southwark Sports Club Dulwich Common SE21 7EU	57 Natal Road London SW16 6JA
Marklye Dulwich Common SE21 7EU	5 Dog Kennel Hill London SE228AA
Little Donyland Dulwich Common SE21 7EU	20 Oaksford Avenue London SE26 6AR
The Studio Flat Cypress Tree House SE21 7EU	144 Longland Road Eastbourne BN20 8JD
Lukyns Dulwich Common SE21 7EU	6 Almond Close Southwark SE15 4UH
Richmond Lodge Dulwich Common SE21 7EU	30 Champion Grove London SE5 8BW
Cypress Tree House Dulwich Common SE21 7EU	6 Almond Close London SE15 4UH
Little Donyland Dulwich Common SE21 7EU	8 Wivenhoe Close Peckham SE15 3QN
Mount Pleasant Sandy Lane BH31 6BZ	21 Hambledon Place Dulwich SE21 7EY
7 Henley Lodge Tennison Road SE25 5RP	45 Roxburgh Road London SE27 0LE
Flat 2 Highlands South Road SE23 2UF	85 The Warren Heston TW5 0JW
Flat 34, Capel House Loddiges Road E9 7PL	24 Brockenhurst Way London SW16 4UD
18 Crebor St Dulwich SE220HF	35 Cambria Road London SE5 9AS
	12 Monteagle Way London SE15 3RS

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

Flat 2 Highlands South Road SE23 2UF  
Flat 34, Capel House Loddiges Road E9 7PL  
Little Donyland Dulwich Common SE21 7EU  
Little Donyland Dulwich Common SE21 7EU  
Marklye Dulwich Common SE21 7EU  
Mount Pleasant Sandy Lane BH31 6BZ  
Parkside Dulwich Common SE21 7EU  
Richmond Lodge Dulwich Common SE21 7EU  
12 Monteagle Way London SE15 3RS  
144 Longland Road Eastbourne BN20 8JD  
18 Crebor St Dulwich SE220HF  
20 Oaksford Avenue London SE26 6AR  
21 Hambledon Place Dulwich SE21 7EY  
24 Brockenhurst Way London SW16 4UD  
30 Champion Grove London SE5 8BW  
30 Champion Grove London SE5 8BW  
35 Cambria Road London SE5 9AS  
41 Playfield Crescent East Dulwich SE22 8QR  
5 Dog Kennel Hill London SE228AA  
57 Natal Road London SW16 6JA  
6 Almond Close London SE15 4UH  
6 Almond Close Southwark SE15 4UH  
7 Henley Lodge Tennison Road SE25 5RP  
8 Wivenhoe Close Peckham SE15 3QN  
85 The Warren Heston TW5 0JW  
94 Cotswold Way Worcester Park KT4 8LN  
94 Cotswold Way Worcester Park KT4 8LN