

Item No: 6.1	Classification: Open	Date: 27 July 2020	Meeting Name: Planning Committee
Report title:		Addendum report: Late observations and further information	
Ward(s) or groups affected:		Champion Hill	
From:		Director of Planning	

PURPOSE

- To advise members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

- That members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

Item 6.1 - 19/AP/1867 DULWICH HAMLET FOOTBALL CLUB, EDGAR KAIL WAY, LONDON, SE22 8BD AND NEIGHBOURING ARTIFICIAL PITCH AT GREENDALE

Clarifications

1. The image under paragraph 360 of the main report shows the proposed view from Dog Kennel Hill, not the existing view as stated in the caption. The correct image of the existing view is shown below:



2. Plans and documents in Appendix 3: Recommendation
The list of supporting documents in Appendix 3: Recommendation should be amended as follows:

Playspace strategy: SLD-UD100-SPS1-RevC should be amended to:
Playspace strategy: SLD-UD100-SPS1-RevD

3. MEP & Energy Statement (including overheating assessment) Rev P4 July 2020 should be amended to:

MEP & Energy Statement Rev P3 January 2020

4. Also to add approved supporting document:

MEP & Energy Addendum P1 July 2020
Stadium Management Plan June 2019

Additional consultation responses

5. Around 2,060 public consultation responses were noted in the original Committee Report. As of midday on Thursday 23rd July 2020, an additional approximately 1,174 comments have been received since the publication of the Committee Report which includes 339 objections and 835 in support. This number is an approximate number as there are some duplicated comments and some received from the same respondent.

Objections

6. The points raised by those objecting to the scheme are similar to those previously raised, which are as follows (including reference to the main chapters of the report that cover these matters):
- Loss of MOL and impact on the openness of the MOL (chapter 5);
 - Loss of green space for existing residents which is beneficial for health and has been especially well used by the BAME community during the COVID-19 lockdown (chapter 5);
 - Loss of artificial pitch which is enjoyed by existing residents for informal recreation and play and is freely accessible (chapter 5);
 - The kick-about space does not comply with the minimum size requirements of Sport England and would not compensate for the loss of the artificial pitch (chapter 5);
 - Impact on local wildlife and their habitat including the loss of SINC (chapter 10);
 - Further investigation on the bat activity and other species of bats (chapter 10);
 - Schools will be charged for the use of the pitch (chapter 5);
 - Impact on the local highway network (chapter 9);
 - Loss of trees and green space would go against the climate emergency declared by the council (chapter 8);
 - Environmental impacts including noise and air pollution (chapters 7 and 10);
 - Loss of light and privacy to neighbouring residents (chapter 7);
 - Impact on local infrastructure and amenities (chapter 6 and 7);
 - The proposed pitch would not be affordable for the local community to hire (chapter 5);
 - Loss of public land for private use (chapter 5);
 - Question over the viability assessment and failure to provide affordable housing (chapter 6).

The above points have been previously raised and dealt with in detail in the committee report.

7. A large number of the comments noted the existing artificial pitch being a vital resource for local residents during the lockdown period and the importance of retaining the green space, particularly for those who do not have the benefit of private amenity space or gardens. It was noted that the Greendale fields and the artificial pitch has been heavily used in those weeks and is highly valued and contributes significantly to residents' health, wellbeing, and community cohesion.

Officer's response: Officers recognise the importance that this space has played during the lockdown period and that all groups in the community make use of this. The loss of the artificial pitch is covered in Chapter 5, under 'Sports Facilities'.

8. Objections also referred to the proposed pitch not being affordable for the local community. It was pointed out that the cost of hire of the space would be prohibitive for the many young people who currently use the space. The comments also pointed out that there is no other comparable space locally that is free, large, flat and allows for multi use. The Charter Schools Trust submitted a response commenting that use for the schools should be free.

Officer's response: As noted in paragraph 208 of the main report, the community rates would need to be in line with and not exceed those charged in similar facilities owned by the council and this would be secured in the Community Use Agreement (CUA) within the Pitch Management Plan.

9. Officers have continued to work with the Club on the CUA and mechanisms to minimise pitch hire costs for schools and community organisations. It should be highlighted that the Club propose to offer lower rates for community use than Southwark Council's own rates for comparable facilities. It is also planned that local state schools would be offered the facilities for free, which is a significant benefit to those schools that do not have their own playing pitch. Within the CUA would also be the requirement for an annual review of the use by the community of the facilities including usage, bookings, maintenance and charges. The review would then analyse how the community use of the facilities has been managed including any financial surplus that may generated. The costs for hire by community organisations would be reviewed to ensure that this is minimised for schools and local groups. In parallel with negotiations on the CUA, the rates would also be subject to the lease discussions with the council as freehold landowner.
10. A single objection was raised regarding the development failing to have any regard to the proposed local cycle route running through the site, in particular the compelling need to improve it on either side so it integrates fully with the wider cycling network.
11. The proposed route in question was approved in the 2015 Southwark Cycling Strategy and in the 2019 Local Implementation Plan. The respondent requests that the council require the developer to submit further details to ensure this route is delivered to London Cycling Design Standards. Another respondent also commented that there should be obligations for improvement works on the whole of the path that runs between the playing fields, including lighting and widening the actual path.

Officer's response: The scheme would provide a separate cycle route along the green link. This connects Greendale to Abbotswood Road and St Francis Park. Highway improvements on Abbotswood Road are considered to provide a safer route for both pedestrians and cyclists. The creation/enhancement of the wider cycle network, for instance the link from Greendale to Nairne Grove alongside Bessemer Grange school, is considered to be outside of the reasonable responsibility of this application

12. Amenity group comments.

The Trustees of Lettsom Gardens have submitted an objection and their comments relating to the loss of greenspace and impact on ecology is noted and discussed in the main report. They also highlight that the impacts of Covid-19 have been disproportionately negative to BAME communities and the green space is important.

Officer's response: The main report highlights in Chapter 12 the equalities impact on certain groups with protected characteristics. It was highlighted that the Club carries out significant work to fight racism as well as other forms of discrimination. Their ethos to promote inclusivity is a benefit of the Club staying at its location.

13. The Friends of Greendale (FOGD) has submitted a detailed additional objection. In their latest objection they describe the profile and demographics of the community in the Champion Hill ward. In summary, their comments are set out below:

- The community of Camberwell and East Dulwich use the existing artificial pitch at Greendale fields and it should continue to be a community asset;
- A full-page article was put together and published in Southwark News to demonstrate the use and love of Greendale;
- The artificial pitch is in poor condition mainly because the club had failed to maintain it;
- If the community uses the artificial pitch then the planning application would be in conflict with a number of London plan and local plan policies;
- Both Southwark Council Core Strategy - Strategic Policy 11 Open Spaces and Wildlife and the London Plan's Policy 3.6 Children and young people's play and informal recreation facilities address new developments and require the population as a whole to be taken into account. It is contended that the population of Camberwell and East Dulwich has not been counted within with any population consideration and only the population of the new development has been used for calculations;
- The proposal would conflict with Policy S4 Play and Informal Recreation of the New Draft London Plan as it would remove the access to the artificial pitch for the community to play, which includes informal recreation;
- The draft policy S4 applies to schemes that are likely to be used by children and young people and that boroughs should increase opportunities for play and informal recreation and developments must not result in the net loss of play provision. The group then implies that the play space provision of 10sqm per child should also include children outside the development area i.e. the existing Camberwell and East Dulwich community. As the existing community is not taken into account then the 10sqm per child criteria is not met.
- The scheme would also go against the Mayor's SPG 'Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance', Sept 2012 as there should not be any net loss of play provision and provide for the needs of existing residents as well as residents of the new development;
- The community can use the proposed play space proposed in between the flats, but if this is used by those that are displaced by not having access to Greendale it would mean that community play activity is limited and entering a semi-closed environment amounts to a barrier and may cause conflict between existing and future residents of the development;
- The walking distance to the new play space areas are increased;
- The development would conflict with Policy S5 Sports and Recreation Facilities of the New Draft London Plan in that there would be a net loss of playing pitches. The gym facilities within the new stadium building would not be affordable to all members of the community. The result would be a reduction in participation of sports and informal sports for the community;
- Notes that the business plan submitted to Sport England is limited to football and has no investment in non-football facilities;
- The proposed kick-about space (*described as MUGA in their comment*) fails to meet the community's needs in terms of size, design and safety and does not would not provide any sporting outcomes;

- The applicant has failed to consult when considered against Sport England's requirements to consult;
- Disagree with the applicant's submitted 'Sporting Needs Case' submission and the claim that it is "derelict" as the artificial pitch is regularly used;
- Concerns with regard to the value of public consultation undertaken by the applicants and the opinions of the users of the artificial pitch were not actively sought;
- Lack of analysis of need, target population and sporting outcomes as required by Sport England;
- The size of the kick-about space is too small and the objection letter includes images showing comparisons of the proposed kick-about space and Sport England's typical MUGAs;
- Question over the management of the proposed kick-about space by the resident's management company and potential failure to properly manage the space and therefore not sustainable;
- Question why a sinking fund is not proposed for the kick-about space.

Officer's response: Many of the points have been addressed in the main report, but this Addendum provides a response to some of the points not previously raised by the Friends of Greendale.

14. Officers acknowledge the scale of use of the existing artificial pitch and also appreciate that it has been a valuable space for outdoor activity and informal recreation during the Covid-19 lockdown period. It is noted that different types of play also take place outside of football. As noted in the Southwark's Playing Pitch Strategy (2017):

"The sand-based AGP is not currently used or fit for purpose. It is therefore recommended that any opportunity to re-surface the facility as a 3G pitch should be explored, ensuring that there is secured community use written in to any development at the site".

Furthermore, the council's 'Greendale Management Plan' 2017 also notes:

"Some of the defects of the pitches have made the pitches dangerous to play on due to the raised rucks in the turf, gouges or loose infill sections¹. However, the pitch has been used as a car boot sale site and is often used for informal recreation forming a central gathering place for the open space users."

It is clear that the existing artificial pitch is not in a condition that can be sustained or used for any sort of formal or organised sport.

15. The applicant's Sporting Needs Case submission details the existing range of sport and leisure facilities and local supply and demand. Discussions with Sport England concluded that this development will help secure the long term future of DHFC and will also meet the evidenced strategic need for additional 3G pitches to meet current and future demand within the borough.
16. Officers note the Sport England concerns about the size of the kick-about space, raised in their comments on the original scheme. The applicant had further responded and discussed this with Sport England. The intention is to re-provide an informal multifunctional kick-about space as opposed to a full MUGA. It is considered that the proposed kick-about space albeit much smaller in size than

the existing artificial pitch would provide an area suitable for many of the informal games and activities currently taking place on the artificial pitch.

17. Since the publication of the main report officers have had further discussions with the applicant on the management and maintenance of the kick-about space. It is now proposed that the Club would take on the responsibility for the management of this space and further details will be secured in the s106 agreement.
18. The existing gym facilities are membership only which requires payment. The proposed gym facilities replaces what is currently on site, with a slight increase in floor area and the Community Use Agreement will set the maximum pricing for the use which should not be above the council's owned facilities.
19. The sinking fund is only required for the proposed 3G pitch and not the proposed kick-about space, which will not require the more regular replacement of its surface.
20. FOGD also points out that the development would remove existing play space and that the development does not provide for existing residents in accordance with London Plan and local plan policies in respect of children's play space.
21. Planning policies require the provision of play space for new developments in line with the minimum areas stated in the Mayor's SPG. Officers have concluded in the main report that adequate children play space is provided in the development and as such would meet the demand created by the children who live in the development. The policies do not specifically require a new development to provide play space to cater for the wider existing population of children. In this case, the play areas within the green link area, which is provided as part of the requirement for replacement open space due to the loss of the stadium pitch, would be open to the wider public. Some of the areas between the residential blocks would be closed at night, in order to reduce the risk of disturbance to the new residents.
22. FOGD argues that the existing artificial pitch provides play space and space for informal sport, combatting childhood obesity. However, the quoted policies encourage participation in sport as a means of encouraging healthy lifestyles, and the role of DHFC in promoting football, and widening access to its facilities, would also be valuable in addressing the acknowledged problem of child and adolescent obesity.
23. The level of community involvement prior to the submission of the application is discussed in Chapter 12. The applicant had carried out various consultation exercises with the community and has taken on board some of the points raised.

Supporting comments

24. The supporting comments highlight similar points to those previously raised, namely that the development would help secure the long term future of the Club in its current location, benefitting the wider area. The comments also point out that the proposed facilities would be available for use by the community and schools, and the positive role of the club in the local area. Comments have also been made relating to the benefits of the provision of affordable housing.

Officer's response: The comments are covered in the main report.

25. A letter of support has been received from Peckham Town Football Club. They highlight that the continuation of the Club should be a central factor in the consideration of this planning application. That must include ensuring that the club has a sustainable and long term home in the local area, with room also to grow and look positively to the future. In addition to safeguarding the future of Dulwich Hamlet, it was also noted that the proposals would allow for wider community use of the stadium and other facilities and would help to address this deficiency of sports facilities in the area. Peckham Town Football Club also ask that the legal agreements, conditions, and other materials that flow from any planning permission are flexible enough to allow for appropriate wider community use and has therefore sought amendment to condition No. 22 in the draft decision notice to allow the use of the public address system for games other than DHFC.

Officer's response: This is noted and officers consider that it is reasonable to frame the conditions and s106 agreement to allow for wider community use. The use of the public address system should be limited and prior notification and written approval is required to ensure that a balance is struck between the use and the potential impacts on the nearby residential occupiers. This would require amendment to Condition No. 22 and is discussed further below.

Updated information

26. Under the S106 obligations listed in Chapter 11 of the main report, there is a requirement for the transfer of the freehold of the stadium building and related facilities to the council on completion. It should be added that prior to the implementation of any works above grade granted by the permission, that full particulars shall be submitted to and approved by the Local Planning Authority of the stadium building showing how it will be fitted-out to an appropriate level. It will also require a post-completion building inspection be made by the council to ensure that the quality and specification of the stadium building is of a good standard.
27. The s106 obligation outlined in Chapter 11 also states that there should be the submission of a phasing plan prior to implementation of the development. It also cites that the residential units should not be implemented until the stadium and pitch has been completed and is suitable for use. Officers recommend that this obligation is slightly amended to require the new pitch and **stand** to be completed before the implementation of residential element of the scheme. However, it should also stipulate that the existing stadium building must not be demolished until the new stadium building and associated leisure facilities are complete and ready for operation. This would ensure that the Club has continuous access to stadium facilities, but also avoids any unnecessary delay in the delivery of the housing and affordable units. Only once the new stadium building is complete and in operation would any occupation of the residential units be permitted.
28. The main report had noted in paragraph 295 that the kick-about space would be managed by the residents' management company. Following further discussions with the applicant, it has been agreed that the Club would be responsible for the management and maintenance for this space.

Amend condition 22. Hours of use football pitch to read:

*“The use of the football pitch and associated lighting shall not be carried out outside of the hours of 08:00 to 22:00 Mondays to Saturdays and 08:00 to 20:00 hours on Sundays. For scheduled cup-matches recognised by the Football Association, the use of the football pitch and associated lighting shall not be carried **out** outside of the hours of 08:00 to 22:30 Mondays to Saturdays and 08:00 to 20:00 hours on Sundays that may require extra-time. The Public Address system shall not be used other than for Dulwich Hamlet FC games **or emergency incidences or unless prior notification is given and otherwise agreed in writing by the Local Planning Authority.**”*

This is to ensure that other local community organisations can benefit from the use of the pitch should there be a wish to play other occasional competitive games at the stadium. However, prior notification is required to ensure that the council is aware of games in advance and that this is not on a regular basis and can be monitored, thereby minimising noise and disturbance to nearby residential occupiers.

Further observations

29. An objection received in the original consultation exercise had raised a matter that officers felt at the time to have a level of information that would be too personal and sensitive to include in the public report. Since the publication of the main report, the respondent has queried this.
30. The objection relates to the Human Rights implications of any development on Greendale for a particular family member. The issues raised are not considered to be material planning considerations. Article 8 of the Human Rights Act 1998 (and the report should be amended to state 1998 and not ‘2008’) states that;
 - a. *Everyone has the right to respect for his private and family life, his home and his correspondence.*
 - b. *There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*
31. Case law has held that, in relation to planning and Human Rights, whilst the purpose and scope of Article 8 requires respect for the rights of an individual, the article creates no absolute right to amenities currently enjoyed and its role, though important, has to be seen in the context of competing rights, including the right of a landowner to make use of their land weighted against the rights of others using the land and the community as a whole. The effect of planning proposals must be considered in the context of Article 8 and a balancing of interests is necessary.

Conclusion of the Director of Planning

32. Having taken into account all of the additional public responses, and following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions as amended in this

Addendum report, completion of a s106 agreement, and referral to the Mayor of London.

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403