

Contents

EXECUTIVE SUMMARY	2
BACKGROUND INFORMATION	2
Site location and description	2
Details of proposal	4
Planning history of the site, and adjoining or nearby sites.	5
KEY ISSUES FOR CONSIDERATION	5
Summary of main issues	5
Legal context	5
Planning policy	6
ASSESSMENT	6
Principle of the proposed development in terms of land use.....	6
Design	9
Impact of proposed development on amenity of adjoining occupiers and surrounding area	10
Energy and sustainability	10
Community impact and equalities assessment	11
Human rights implications	12
Positive and proactive statement	12
Positive and proactive engagement: summary table.....	12
CONCLUSION	13
BACKGROUND INFORMATION	13
BACKGROUND DOCUMENTS	13
APPENDICES	13
AUDIT TRAIL	13
Appendix 2: Relevant planning history.....	17
Appendix 3: Consultation undertaken	18
Appendix 4: Consultation responses received.....	19

Item No. 7.2	Classification: Open	Date: 3 March 2021	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 20/AP/3682 for: Full Planning Application Address: Dulwich College, Dulwich Common, London, Southwark SE21 7LD Proposal: Installation of 2 Ground Source Heat Pumps, 190 Boreholes, Associated underground pipework and 2 Thermal Storage Tanks.		
Ward(s) or groups affected:	Dulwich Wood		
From:	Director of Planning		
Application Start Date	15/12/2020	PPA Expiry Date	11/03/2021
Earliest Decision Date			

RECOMMENDATION

1. That planning permission be granted, subject to conditions.

EXECUTIVE SUMMARY

2. The proposal is not appropriate development on Metropolitan Open Land (MOL).
3. The only above ground development – the roller shutters and thermal storage tanks - would not affect the openness of the MOL because of the location.
4. There would be an environmental benefit as a result of this development, if granted planning permission, which would see a significant reduction in carbon emissions from the site.

BACKGROUND INFORMATION

Site location and description

5. The application site is occupied by the Grade II* listed Dulwich College, a 19th century detached purpose built school, and various other buildings associated with the school surrounded by extensive grounds including the Sports Field to the west.

6. The proposed works on the site are mainly concerned with the Enterprise Building and Squash Courts building located south of the main school building as part of a cluster of modern buildings surrounding a car park. There are no works proposed to the main listed building.
7. The site is bounded by Dulwich Common South Circular to the north, College Road to the east, Hunts Slip Road to the south and Alleyn Park to the west. The surrounding area is mainly residential in use with the closest properties to the site located south of Hunts Slip Road along Tollgate Drive.
8. The application site also includes Tank field and Eller Bank field to the east on the opposite side of College Road. The two fields are adjacent, separated by Grange Lane, with Tank Field bounded by Dulwich College Sports Club to the north and Eller Bank Field bounded by Dulwich College Kindergarten and Infants School (DUCKS) to the east.
9. The site is within the Dulwich Village conservation area and is in the vicinity of the Grade II listed Old Library and Grade II listed entrance gates and piers.

Image – Site location plan (1 of 3)

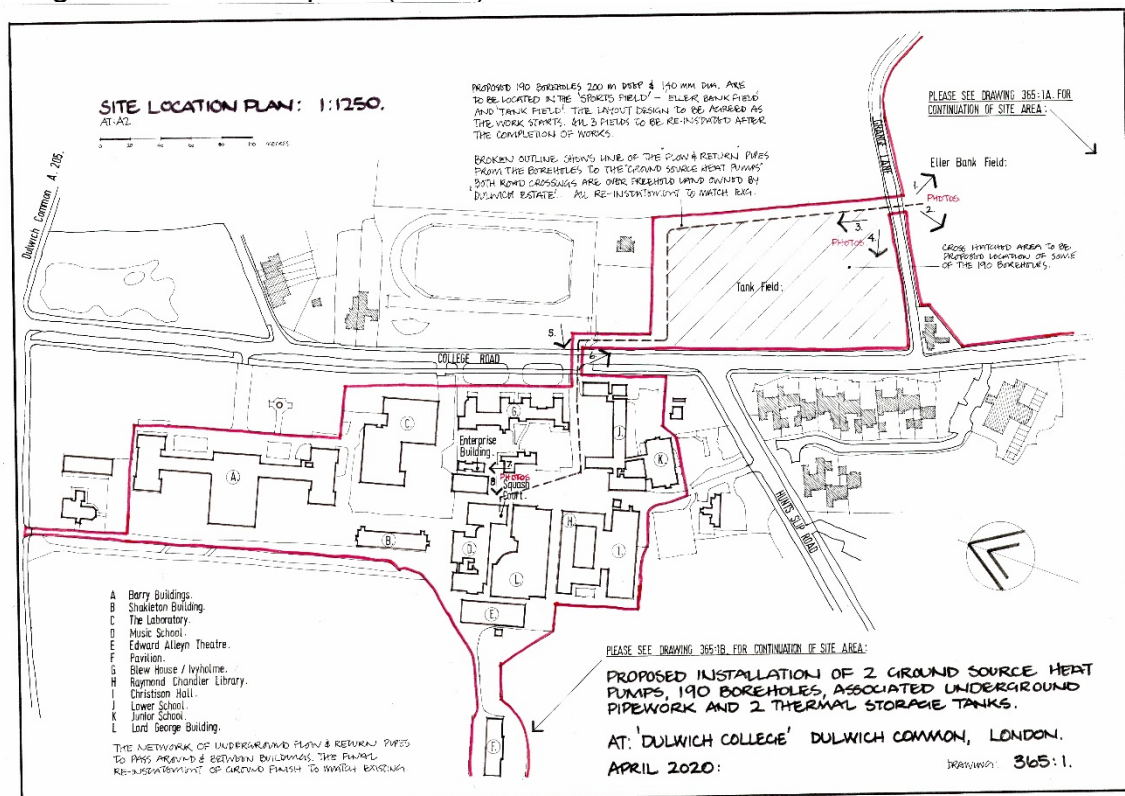


Image - Site location plan (2 of 3)

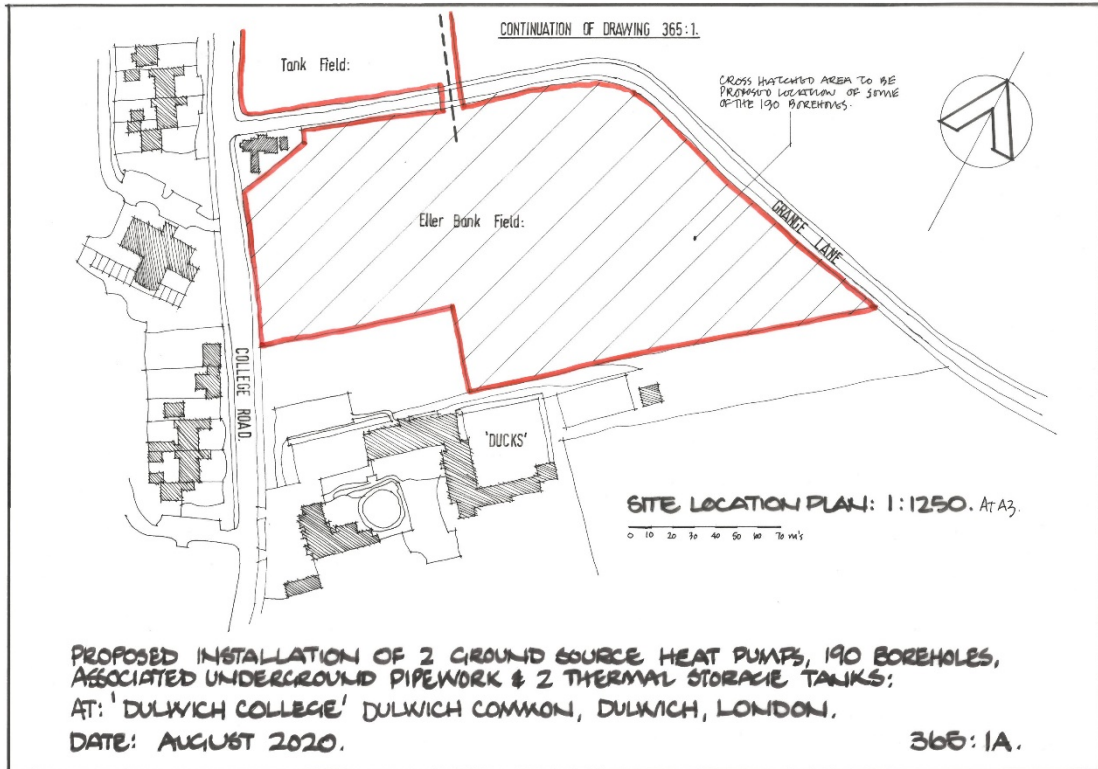
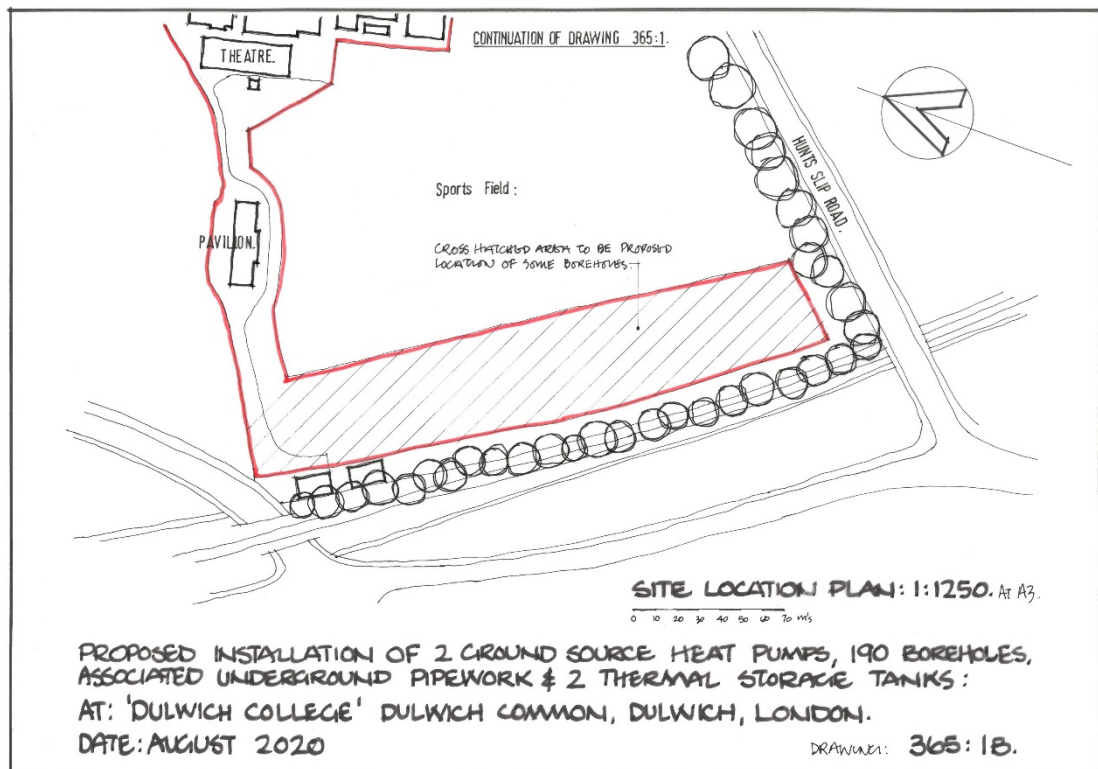


Image - Site location plan (3 of 3)



Details of proposal

10. The proposals include the installation of two thermal storage tanks and 190 boreholes across three sites with associated underground pipework.
11. Two ground source heat pumps will also be installed within the existing squash court building where two roller shutter doors are proposed to facilitate access.
12. The two ground source heat pumps, both proposed to be Carrier 1,233Kw, would be piped into the existing heat network of nine plant rooms which in turn serve multiple buildings in the complex. The heat pumps will take over the heating and hot water generation for all of the linked buildings.
13. The 190 boreholes are proposed to be installed throughout three areas, totalling 6.65 hectares, on Eller Bank Field and Tank Field to the east and Sports Field to the west. The boreholes will be 140mm in diameter and 200m deep.
14. The two thermal storage tanks, both proposed to be 20,000 litre Galu Colussos, will be situated on the south elevation of the Enterprise Building. The storage tanks will measure 2.6m in width and 5.2m in height and have white polyurethane wrapping with green tops.

Consultation responses from members of the public and local groups

15. No responses received.

Planning history of the site, and adjoining or nearby sites.

16. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. A fuller history of decisions relating to this site, and other nearby sites, is provided in Appendix 1

KEY ISSUES FOR CONSIDERATION

Summary of main issues

The main issues to be considered in respect of this application are:

- Principle of the proposed development in terms of land use;
- Impact of proposed development on amenity of adjoining occupiers and surrounding area, including privacy, daylight and sunlight
- Energy and sustainability, including carbon emission reduction

17. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

18. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
19. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

20. The statutory development plans for the Borough comprise the London Plan 2016, Southwark Core Strategy 2011, and saved policies from The Southwark Plan (2007 - July). The National Planning Policy Framework (2019) and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 1. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

The site is located within the:

- Dulwich College Metropolitan Open Land
- Dulwich Village Conservation Area
- Suburban Density Zone South

ASSESSMENT

Principle of the proposed development in terms of land use

21. The application site is located within Metropolitan Open Land (MOL). Same principles that protect the Green Belt are applied to MOL, and protective policies are set out in planning policy documents at all levels (national, regional and local).
22. Paragraph 145 of the NPPF states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. One of the exceptions offered, however, is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

23. Policy 7.17 of the London Plan (2016) states that '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'.
24. The New London Plan Policy G3 is more concise in stating that 'Development proposals that would harm MOL should be refused'.
25. The current Southwark Plan Policy 3.25 states that 'Within Metropolitan Open Land, planning permission will only be permitted for appropriate development'. Following the guidance of the NPPF 'Extension or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building' is considered to be appropriate development. Further, 'Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL' is also considered 'appropriate development' within this policy.
26. The draft new Southwark Plan Policy P56 includes the same exception for appropriate development, though the word 'dwelling' has been replaced with 'building'.
27. The two proposed thermal storage tanks are to be positioned adjacent to the south elevation of the Enterprise building on an existing area of hardstanding in use as a car park, minimising the impact on the openness of the MOL.
28. The thermal storage tanks would be modest in scale, sitting below the height and within the width of the existing Enterprise building. The proportions therefore do not result in a disproportionate addition to the MOL.

Image – Proposed location of thermal storage tanks





29. A minimum depth of 450mm of topsoil is to be removed prior to the start of work on the boreholes. The topsoil would be stock piled on site with the land being reinstated to its original condition once the works complete. The installation of the boreholes would have no impact on the openness of the MOL.
30. The flow and return pipework between the heat pumps and boreholes would be below ground with a minimum cover of 900mm; there would be no impact on the openness of the MOL.

Image – Proposed borehole location (Eller Bank and Tank field)



Image – Proposed borehole location (Sports field)



31. In light of the above, the proposed works are not compliant with the referenced policies as the scheme involves the construction of a new building on MOL as opposed to the extension or alteration of an existing, and its purpose is not an ancillary facility to any land use which preserves the openness of MOL.
32. However, the proposals will greatly reduce the carbon footprint of the Dulwich College complex which is a considerable benefit given the climate emergency we're in.
33. The proposals are further considered to be modest in scale and not a disproportionate addition.
34. Further, because the thermal storage tanks would be next to an existing building, it would preserve the openness of the MOL.

Design

35. As set out above, the scale of the proposed thermal storage tanks are considered to be modest and proportionate to the existing buildings on site.
36. There would be little impact on the setting of the Grade II* listed Dulwich College or other nearby listed structures as the above ground works proposed are located 90m distance and either within or adjacent to existing buildings on the site which have little historic importance and not in view of the heritage assets.
37. As such, the works are considered to conserve the appearance and setting of the nearby listed buildings and the Dulwich Village conservation area and are considered acceptable in terms of its quality of design.
38. A listed building consent application was submitted (Ref: 20/AP/3683) to accompany this application however it was not required as the proposed works will not be affixing to the listed structure.

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

39. The section of Eller Bank field, Tank field and Sports field where the boreholes will be located will be reinstated to its original condition once the works are complete. The installation of the boreholes will not have any adverse impact on amenity experienced at these locations.
40. The ground source heat pumps would not visible to the public as they will be housed within the existing squash courts.
41. The ground source heat pumps are considered to be a sufficient distance from adjoining occupiers and are unlikely to cause any adverse impacts due to excessive noise levels. This is because it is over 150m from the nearest dwelling and being housed in a building, sound insulation can readily be installed to make sure no impact would take place; a condition on noise is recommended to secure this.
42. As such, it is considered that the proposed works are unlikely to cause a negative impact on the amenity of adjoining occupiers and are therefore acceptable in this matter.

Energy and sustainability

Carbon emission reduction

43. The proposals will greatly reduce the carbon footprint of the Dulwich College Sports Centre complex. There would also be a benefit for air quality, as the gas boilers would be replaced.

Consultation responses from external and statutory consultees

44. No responses received.

Consultation responses from internal consultees

Environmental Protection Team

45. They recommended an acoustic report is submitted before any planning permission is granted to ensure the heat pumps do not increase the background noise levels. Considering the distance from the nearest dwelling (over 100m) and the fact that the plant would be in a structure, officers are confident that sound insulation- if needed- can be accommodated. A condition is recommended to this end.
46. EPT also recommended a Phase 1 land contamination assessment be submitted before any planning permission is granted. The site has not been developed so the risk of contamination is very low and would be covered by the health and safety regulations.

Community impact and equalities assessment

47. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
48. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
49. 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:
1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. 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
 3. 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.

50. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Human rights implications

51. 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.
52. This application has the legitimate aim of improving energy efficiency. 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.

Positive and proactive statement

53. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
54. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	N/A
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	YES

CONCLUSION

55. The proposal is not appropriate development on MOL. The only above ground structure - the roller shutters and thermal storage tanks - would not affect the openness of the MOL because of its location. There would be an environmental benefit as a result of this development, if granted planning permission, which would see a significant reduction in carbon emissions from the site.
56. It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2084-C Application file: 20/AP/3682 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: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Relevant planning policy
Appendix 2	Planning history of the site and nearby sites
Appendix 3	Consultation undertaken
Appendix 4	Consultation responses received.
Appendix 5	Recommendation (draft decision notice)

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Gemma Williams, Graduate Planner	
Version	Final	
Dated	3 February 2021	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		12 February 2021

Planning Policies

Adopted planning policy

National Planning Policy Framework (NPPF)

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.

Paragraph 212 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 12 Achieving well-designed places
Chapter 15 Conserving and enhancing the natural environment

London Plan 2016

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

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.17 Metropolitan open land
Policy 7.18 Protecting open space and addressing deficiency
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodland.

Core Strategy 2011

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 4 Places for learning, enjoyment and healthy lifestyles
Strategic Policy 11 Open spaces and wildlife
Strategic Policy 12 Design and conservation
Strategic Policy 13 High environmental standards.

Southwark Plan 2007 (saved policies)

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:

Policy 3.2 Protection of amenity

Policy 3.12 Quality in design

Policy 3.13 Urban design

Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites

Policy 3.25 Metropolitan open land (MOL)

Policy 3.28 Biodiversity.

Draft New London Plan

The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Minor suggested changes to the plan were published on 13 August 2018 and an Examination in Public (EIP) began on 15 January 2019 and closed in May 2019

The Inspector's report and Panel recommendations were issued to the Mayor of London in October 2019. The Mayor then issued his intentions to publish the London Plan along with a statement of reasons for not including all of the Inspector's recommendations to the Secretary of State. The Secretary of State will respond to the Mayor, due before 17 February 2020. Until the London Plan reaches formal adoption it can only be attributed limited weight

New Southwark Plan

For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019.

The New Southwark Plan Submission Version: Proposed Modifications for Examination was submitted to the Secretary of State in January 2020 for Local Plan Examination. It is anticipated that the plan will be adopted in late 2020 following an Examination in Public (EIP). As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of

consistency with the Framework.

APPENDIX 2

Relevant planning history

Reference and Proposal	Status
20/AP/3683 Installation of 2 Ground Source Heat Pumps, 190 Boreholes, Associated underground pipework and 2 Thermal Storage Tanks.	Application Not Required 06/01/2021

Consultation undertaken

Site notice date: n/a.

Press notice date: 01/02/2021

Case officer site visit date: n/a

Neighbour consultation letters sent: 18/12/2020

Internal services consulted

Environmental Protection

Statutory and non-statutory organisations

Neighbour and local groups consulted:

70 Alleyn Park London Southwark	75 College Road London Southwark
82 Alleyn Park London Southwark	13 Tollgate Drive London Southwark
68 Alleyn Park London Southwark	14 Tollgate Drive London Southwark
66 Alleyn Park London Southwark	15 Tollgate Drive London Southwark
76 Alleyn Park London Southwark	12 Tollgate Drive London Southwark
86 Alleyn Park London Southwark	11 Tollgate Drive London Southwark
78 Alleyn Park London Southwark	10 Tollgate Drive London Southwark
64 Alleyn Park London Southwark	Eller Bank 87 College Road London
56 Alleyn Park London Southwark	89 College Road London Southwark
50 Alleyn Park London Southwark	14 Ferrings London Southwark
54 Alleyn Park London Southwark	15 Ferrings London Southwark
52 Alleyn Park London Southwark	12 Ferrings London Southwark
Blew House College Road London	16 Ferrings London Southwark
Dulwich College Preparatory School	11 Ferrings London Southwark
Sports Ground Grange Lane London	10 Ferrings London Southwark
Ivyholm College Road London	74 Alleyn Park London Southwark
1 Hunts Slip Road London Southwark	84 Alleyn Park London Southwark
16 Tollgate Drive London Southwark	80 Alleyn Park London Southwark
18 Tollgate Drive London Southwark	72 Alleyn Park London Southwark
17 Tollgate Drive London Southwark	

Re-consultation:

APPENDIX 4

Consultation responses received

Internal services

Environmental Protection

Statutory and non-statutory organisations

Neighbour and local groups consulted:

APPENDIX 5

Recommendation

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

Applicant	Mr Peter Childs	Reg. Number	20/AP/3682
Application Type	Minor application	Case Number	2084-C
Recommendation	GRANT permission		

Draft of Decision Notice

Planning permission is **GRANTED** for the following development:

Installation of 2 Ground Source Heat Pumps, 190 Boreholes, Associated underground pipework and 2 Thermal Storage Tanks.

Dulwich College Dulwich Common London Southwark

In accordance with application received on 14 December 2020 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

Elevations - Proposed PROPOSED AND EXISTING ELEVATION received 14/12/2020

Elevations - Proposed PROPOSED ELEVATION received 14/12/2020

Other Documents

Design and access statement DESIGN & ACCESS STATEMENT received 14/12/2020

Heritage statement HERITAGE STATEMENT received 14/12/2020

Site location plan SITE LOCATION PLAN received 14/12/2020

Site location plan SITE LOCATION PLAN received 14/12/2020

Site location plan SITE LOCATION PLAN received 14/12/2020

Site location plan SITE LOCATION PLAN received 14/12/2020

Time limit for implementing this permission and the approved plans

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

Permission is subject to the following Compliance Condition(s)

3. MATERIALS TO BE AS SPECIFIED

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with: the National Planning Policy Framework 2019; Strategic Policy 12 (Design and Conservation) of the Core Strategy 2011, and; Saved Policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Plan 2007.

4. The Rated sound level from the ground source heat pump and thermal storage tanks, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014 as amended.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

Informatives