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Item No. 7.3	Classification: Open	Date: 3 March 2021	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 20/AP/3454 for: Full Planning Application Address: Dulwich College Sports Club, Pond Cottages, London Southwark SE21 7LE Proposal: Installation of 5 Ground Source Heat Pumps, 1 Energy Centre, 42 Boreholes and all associated underground pipework		
Ward(s) or groups affected:	Dulwich Wood		
From:	Director of Planning		
Application Start Date	30/11/2020	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 structure - the energy centre - would not affect the openness of the MOL because of its 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 contains the Dulwich College Sports Club and adjoining fields. The sports club is housed within three distinct but connected buildings ranging from one to two storeys and mostly constructed in brick.
6. The site is on the south side of Dulwich Common, at the junction with College Road. The sports court associated with the sports club is to the north of the site and Mill Pond is to the north west. There are two clusters of residential properties

in the vicinity at 1-5 Hambledon Place to the north east and 1-10 Pond Cottages to the south west with 1-6 and 9-10 Pond Cottages being Grade II listed.

Image: Aerial photograph of site



Details of proposal

7. The proposal includes the construction of a pre-fabricated energy centre to house five ground source heat pumps and the installation of 42 boreholes with associated underground pipework.
8. The pre-fabricated energy centre would be clad in vertical cedar boarding with a slate grey GRP (glass reinforced plastic) roof. The energy centre would be located at the south elevation of the sports club next to the existing footpath with a 1-1.5m distance between the two buildings. The ground under the energy centre and to the west is proposed to be reduced in height by 1m so as to be level with the adjacent footpath and paved in tarmac to facilitate access into the building. The proposed energy centre will measure 2.8m in height, 5m in depth and 12m in width.
9. The five ground source heat pumps, all proposed to be Stiebel Eltron 435kW, would replace the existing gas fired boilers and would serve the existing heating and hot water circuits in the sports club.
10. The 42 boreholes are proposed to be installed throughout an area of 0.54 hectare on the field to the south of the sports club building. The boreholes will be 140mm in diameter and 190m deep.

Image – Proposed plans and elevation 376:2

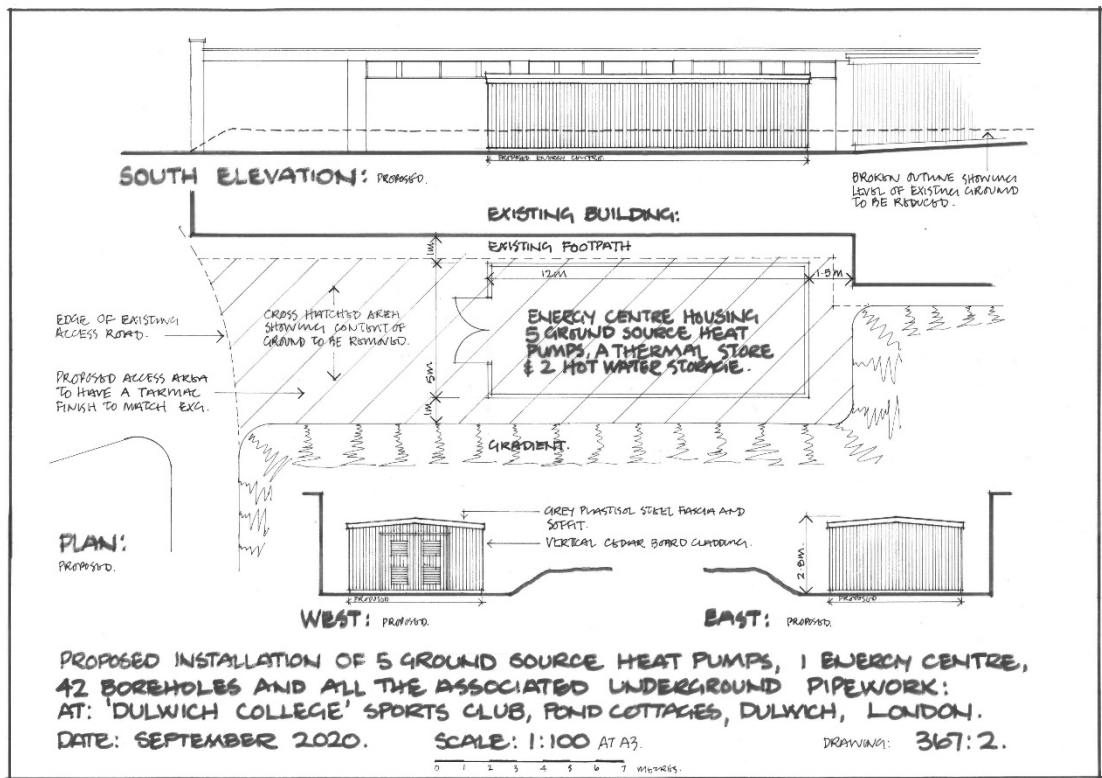
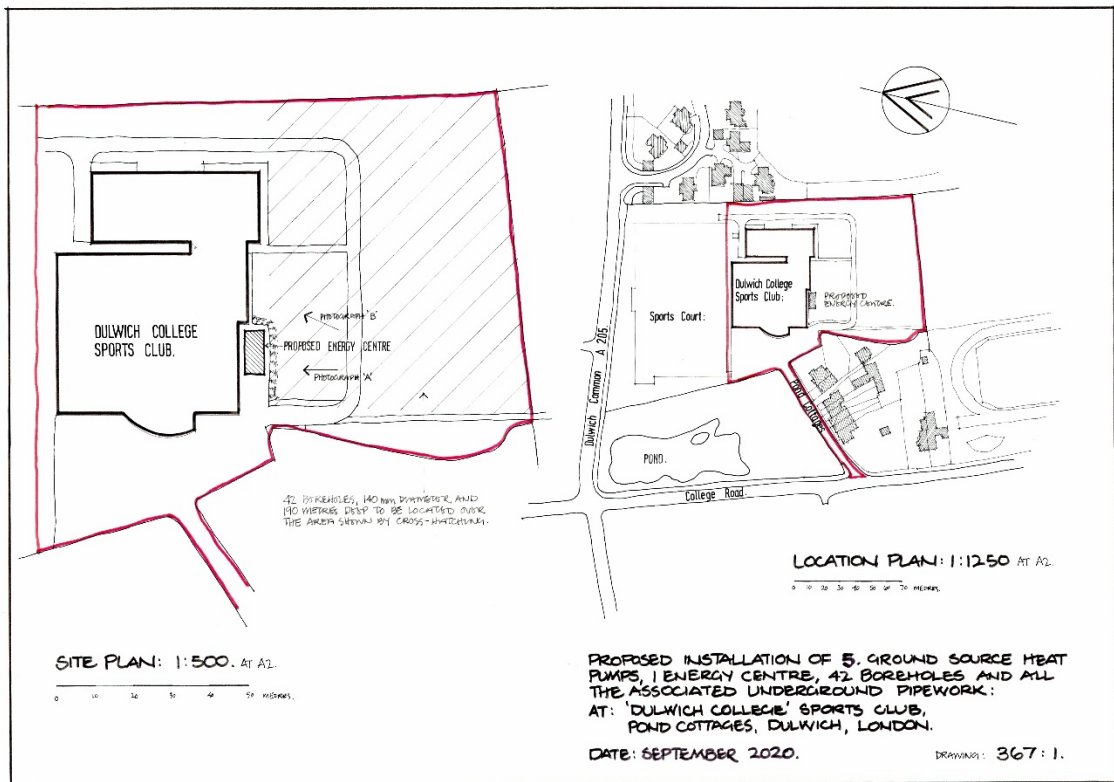


Image – Site and location plans 376:1



Consultation responses from members of the public and local

groups

11. A neutral consultation response was received asking for confirmation that the noise generated from the heat pumps will not cause an adverse impact on neighbouring residential properties. Noise would not cause harm to local residents and this issue is discussed more fully below.
12. An objection was received concerned with the potential for ground subsidence resulting from the installation of the boreholes. The boreholes are very unlikely to cause any ground issues because of their small diameter and the fact they would be interspersed across a wide area.

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

13. 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

14. The main issues to be considered in respect of this application are:
 - Principle of the proposed development in terms of land use
 - Design considerations including the impact on the conservation area
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area, including privacy, daylight and sunlight
 - Energy and sustainability, including carbon emission reduction
15. These matters are discussed in detail in the assessment section of this report.

Legal context

16. 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.
17. 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

18. 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.
19. The site is located within the:
 - Dulwich College Sports Ground Metropolitan Open Land
 - Dulwich Village Conservation Area
 - Suburban Density Zone South

ASSESSMENT

Principle of the proposed development in terms of land use

20. The application site is located within Metropolitan Open Land. The 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).
21. 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'.
22. 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'.
23. The New London Plan Policy G3 is more concise in stating that 'Development proposals that would harm MOL should be refused'.
24. 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.

25. The draft new Southwark Plan Policy P56 includes the same exception for appropriate development, though the word 'dwelling' has been replaced with 'building'.
26. The energy centre would be positioned next to the south west elevation of the existing sports club building, with very limited if any impact on the openness of the MOL.
27. The structure would be comparatively small in scale, sitting below the height and within the width of the existing sports club building. The proportions therefore do not result in a disproportionate addition to the MOL.
28. The proposed energy centre would also be partially obscured from view as the ground level is being reduced in height by 1m to be level with the adjacent footpath to facilitate access to the building. Although 2.8m in height, only 1.8m will be visible above the ground level when viewed from the surrounding MOL.

Image – Proposed location of the energy centre



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. As such, there would be no impact on the openness of the MOL.

Image – Proposed location of the boreholes



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 development would significantly reduce the carbon emissions from the sports club complex which is a considerable public 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 energy centre would be situated next to an existing building, it would preserve the openness of the MOL.

Design

35. As set out above, the scale of the proposed energy centre would be modest and proportionate to the existing building on site.
36. The structure would be clad in vertical cedar boarding with a slate grey GRP roof to match the existing sports club building.
37. The materials are suitable for use within a conservation area as they do not introduce design details or features that are out of character.
38. As such, the works would to conserve the appearance and setting of the Dulwich Village Conservation Area and is acceptable in terms of its quality of design.

39. A condition is recommended stating that the materials for the energy centre should be as specified within the application and on the approved drawings to ensure that the new structure blends in with the existing building and conserves the wider conservation area.

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

40. The section of the field where the boreholes are proposed would be reinstated to its original condition once the works are complete. As such, the installation of the boreholes will not have any adverse impact on amenity experienced.
41. The ground source heat pumps will not be visible to the public as they will be housed within the proposed energy centre.
42. 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 45m 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.
43. The proposed energy centre is located within the middle of the application site and although it could be visible at points from the residential properties at Pond Cottages, is considered a low impact addition and is unlikely to cause any adverse impact to amenity.
44. 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

45. 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

46. The Environment Agency was consulted however they declined to provide a response.

Consultation responses from internal consultees

Ecologist

47. No ecological concerns raised.

Environmental Protection Team

48. Support the application as it is removing the use of gas fired boilers.
49. 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 (45m) 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.
50. 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

51. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
52. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
53. 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.

54. 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

55. 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.
56. 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

57. 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.
58. 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

59. The proposal is not appropriate development on MOL. The only above ground structure - the energy centre - 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.
60. It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2082-A Application file: 20/AP/3454 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

No relevant planning history

APPENDIX 3

Consultation undertaken

Site notice date: n/a.

Press notice date: 03/12/2020

Case officer site visit date: n/a

Neighbour consultation letters sent: 03/12/2020

Internal services consulted

Environmental Protection
Ecology

Statutory and non-statutory organisations

Environment Agency

Neighbour and local groups consulted:

4 Pond Cottages College Road London	51 College Road London Southwark
6 Hambledon Place London Southwark	4 Hambledon Place London Southwark
5 Pond Cottages College Road London	3 Hambledon Place London Southwark
1 Pond Cottages College Road London	22 Hambledon Place London Southwark
10 Pond Cottages College Road London	1 Hambledon Place London Southwark
7 Pond Cottages College Road London	9 Pond Cottages College Road London
53 College Road London Southwark	8 Pond Cottages College Road London
5 Hambledon Place London Southwark	6 Pond Cottages College Road London
23 Hambledon Place London Southwark	3 Pond Cottages College Road London
2 Hambledon Place London Southwark	

Re-consultation:

Consultation responses received

Internal services

Environmental Protection
Ecology

Statutory and non-statutory organisations

Environment Agency

Neighbour and local groups consulted:

2, Hambledon Place Dulwich London London
3 Hambledon Place London Greater

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 Simon Yiend Dulwich College	Reg. Number	20/AP/3454
Application Type	Minor application	Case Number	2082-A
Recommendation	GRANT permission		

Draft of Decision Notice

planning permission is GRANTED for the following development:

Installation of 5 Ground Source Heat Pumps, 1 Energy Centre, 42 Boreholes and all associated underground pipework

Dulwich College Sports Club Pond Cottages London Southwark

In accordance with application received on 23 November 2020 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

Plans - Proposed 376:2 - PROPOSED PLANS AND ELEVATIONS received 30/11/2020

Plans - Proposed 376:1 received 25/11/2020

Other Documents

Design and access statement DESIGN AND ACCESS STATEMENT received 25/11/2020

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. 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, 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