

<b>Item No.</b> 3.	<b>Classification:</b> OPEN	<b>Date:</b> 06/07/04	<b>Meeting Name:</b> PLANNING COMMITTEE
<b>Report title:</b>		Former Mary Datchelor School Planning Brief	
<b>Ward affected:</b>		Brunswick Park	
<b>From:</b>		Planning Policy and Research Manager	

### **RECOMMENDATION**

1. That the draft Planning Brief for the Former Mary Datchelor School as set out in Appendix A be agreed.

### **BACKGROUND INFORMATION**

2. A planning brief has been prepared for the site referred to as the Former Mary Datchelor School. The purpose of the brief is to establish a planning framework and provide detailed guidance for potential developers as to Council's requirement and aspirations for redevelopment of the site.
3. Until recently, the site has been occupied by the Save the Children Fund, which has been utilising the former school buildings as offices and leasing the two tennis courts to the Butterfly Tennis Club on a monthly basis. Ownership of the property has recently been transferred from the Save the Children Fund to St George [South London] Limited and the buildings are now vacant.
4. Camberwell Community Council approved a draft planning brief for consultation purposes on the 17 May 2004. Revisions have been made to the draft brief taking into consideration representations received within the four-week public consultation period.

### **KEY ISSUES FOR CONSIDERATION**

#### **Policy implications**

5. Once adopted the brief will be a principal material consideration when considering any planning application for development within the brief site. The site does not have any specific land-use designation in the current 1995 Unitary Development Plan or the revised second deposit Southwark Plan. The brief is consistent with London-wide, national and regional planning policy, and with the emerging Southwark Plan and Supplementary Planning Guidance.
6. The brief seeks to ensure that any development of the site will enhance the character and appearance of the property and surrounding conservation areas. It

also has the potential to contribute towards the provision of community uses in this part of the borough and to improvements to the public realm.

## **Other factors**

### *Conservation area context*

7. The site is located partly within the Camberwell Grove and partly within Camberwell Green conservation areas and preservation and enhancement of the character and appearance of these conservation areas is central to the objectives of the brief. The original Victorian school building fronting Camberwell Grove and the 1926 3-storey addition fronting Grove Lane contribute significantly to the character of the Camberwell Grove conservation area. The brief has included specific requirements for a high quality residential development that retains these buildings and ensures their sensitive adaptation, taking into account the scale, massing and architectural features of the surrounding conservation area.

### *Area of garden space between 1960s building and tennis courts*

8. There is an area of garden space located between the 1960s building and the tennis courts. There has been significant objection from local residents over the fact that this space was not mentioned or afforded any protection in the brief. The revised brief has been amended to include the garden space in the description of the site. However, specific protection cannot be given in the brief, as the garden does not meet the definition of Other Open Space in the Second Draft Deposit of the Southwark Plan, as it is ancillary to and within the curtilage of the building. It is considered that the brief does afford indirect protection to green space on the property, through the requirements for:

*“c) High quality residential development to be located and designed to provide an appropriate setting to the main school buildings and to preserve and enhance the character and appearance of this part of the Camberwell Grove Conservation Area, as detailed in the Camberwell Grove Conservation Area Statement, being sympathetic to the height, scale, bulk and massing of surrounding development along Camberwell Grove and Grove Lane.”*

and

*“h) High quality landscaping of the site, which respects the context of the site and preserves and enhances the leafy open feel of this part of the conservation area, including retention of mature trees and appropriate boundary treatment to allow adequate sightlines.”*

9. Further to this, one of the primary aims of the brief is to preserve and enhance the character and appearance of the conservation area. It is considered that by simply preventing any building over the garden space that the objective to 'enhance' the conservation area would not necessarily not be achieved. The redevelopment will require an exemplary standard of design, layout and landscaping that must not only preserve the character of the conservation area, but also enhance this character.

#### *1982 Legal Agreement*

10. The original planning permission for conversion of the site from a school to offices in 1982 was subject to a legal agreement requiring that the assembly hall be retained and made available to local societies, associations and groups between the hours of 6pm and 10:30pm Monday to Friday upon payment of a reasonable charge to the SCF. Local tennis clubs are permitted to use the tennis courts from 9am to dusk throughout the year upon payment of a reasonable charge to the SCF. No time limit was placed on enforcement of these clauses of the agreement. The agreement also specified that an area of land on the western boundary of site could be purchased by the Council with 21 years of the permission for the purposes of providing service access to the shops fronting Camberwell Church Street and that the swimming pool and associated building could be purchased by the Council within six months of the permission. The access land has not been developed to provide the service access to the shops and the swimming pool has not been used for some years.

#### *Tennis courts*

11. The tennis courts have been used in accordance with the terms of the agreement, are still in active use and are an important local leisure facility that is well used by local residents and school children. One of the primary objectives of the brief is to secure the continued use of the courts by the local community, in particular the Butterfly Tennis Club, which offers affordable and unrestricted membership. It is considered that the brief provides adequate measures to protect the use of tennis courts by emphasising the importance of this clause of the 1982 legal agreement, which was not time restricted. Protection and enhancement of the tennis courts is further supported by Policy 2.1 of the revised second deposit of the Southwark Plan and Policy C.4.1 of the adopted 1995 Unitary Development Plan.

#### *Assembly hall*

12. The assembly hall has not been used in some years and appears to have been taken over by the offices of Save the Children Fund. However, as no time limit was placed on enforcement on this clause of the agreement, it is considered that Council is entitled to require that the developer provide contributions towards community facilities in the local area, to compensate for the loss of these facilities on the site, which are unlikely to be reinstated within the site. These

contributions will be sought through a Section 106 agreement between the developer and Council.

### Consultation

13. All local residents and relevant interest groups were consulted from 28 May to 25 June 2004. A copy of the brief was forwarded on request and made available on the Council's website.
14. 87 representations were received from 24 consultees. These are set out in detail Appendix B to this report. Responses were in the main from local residents and community groups. Appendix C confirms those parties who were consulted.
15. Consultation responses are summarised in the table below, together with the officer response:

Consultation response	Officer response
17 representations raised concern that the area of garden space between the existing 1960's school building and the tennis courts was not mentioned in the draft brief and that this space should be retained and protected, as forms part of the character of the conservation area and is an important urban green space	Refer to paragraphs 8 and 9 of this report.
14 representations were received requesting that the maximum building height of the redevelopment be reduced from four storeys to three storeys in keeping with the height of surrounding development.	The brief has been amended to remove reference to a specific number of storeys. Instead it will be required that redevelopment take into consideration the height, scale and massing of surrounding development along Camberwell Grove and Grove Lane.
13 representations were received emphasising that the requirement of the tennis courts to be retained for the use of the local community and specifically the Butterfly Tennis Club should be strengthened through mention of the 1982 legal agreement between Council and Save the Children Fund.	The 1982 legal agreement is explained in section 5.0 of the brief 'Planning History' and its weight in relation to retention of the tennis courts for the use of the local community forms a requirement of future development as set out in section 7.0 of the brief 'Appropriate Development Response'. It is considered that this makes explicit the requirement to retain the tennis courts for community use indefinitely and that it is not possible nor is there is no need to provide further clarification or reiteration of this point.
Ten representations were received raising concern that the brief should take into account the scale and character of the conservation area in setting out	Ensuring that redevelopment is sympathetic to and in keeping with the character and scale of the conservation area is central to the objective of the brief

requirements for redevelopment.	and Council's requirements to this end are clearly set out in section 7.0 of the brief.
Eight representations were received voicing support for the requirement to retain the two tennis courts.	Noted.
Seven representations were received supporting the overall approach and requirements of the brief.	Noted.
Two representations were received raising concern over the requirement for 35% affordable housing. One suggested that payment should be received in lieu of any affordable housing. One suggested that 10% affordable housing be required as to require 35% would encourage further low income and public benefit system housing, rather than encouraging middle and high income earners to the area.	The Mayor's London Plan requires that Council's achieve 50% affordable housing in all new developments. To achieve these figures, Southwark Council must request a minimum of 35% affordable housing from private developers. This site is located within the Camberwell Green Neighbourhood Centre with good access to public transport and services, making it an appropriate location to achieve 35% affordable housing.
Two representations were received concerning retention of the derelict swimming pool. One suggested that should the pool not be retained, contributions should be sought for the Camberwell Leisure Centre.	The pool and pool house are in a state of disrepair and it is not considered viable to retain them onsite. Contributions will be sought through a Section 106 agreement to secure funds for community uses in the area.
Two representations were received with regard to on street parking, stating that it should be ensured that no on-street parking will be acceptable.	Both Camberwell Grove and Grove Lane are within a Controlled Parking Zone, which prevents on street parking for those without permits. A condition would attach any planning permission for redevelopment stating that no resident parking permits will be issued, ensuring that all parking is contained within the site.
<p>Other objections:</p> <ul style="list-style-type: none"> <li>- access to the site should be from Camberwell Grove only, not Grove Lane only.</li> <li>- the 1960s building should be retained</li> <li>- concern about maintenance and lease arrangements</li> </ul>	<ul style="list-style-type: none"> <li>- The current access to the site is from Grove Lane and this road is less trafficked, making it more able to cope with increased traffic.</li> <li>- It is not intended to retain the 1960s school building, as it detracts from the character and appearance of the property and surrounding conservation area.</li> <li>- Issues of maintenance and the structure of ownership and leases of the property cannot be addressed through the planning brief. These are matters that will be determined as part of the construction and sale/leasing of residential units.</li> </ul>
<p>Other supporting statements:</p> <ul style="list-style-type: none"> <li>- access from Grove Lane only</li> </ul>	- noted

- retention and protection of the conservation area character and school buildings	- noted
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16. Key revisions to the brief in response to comments received during the consultation period:

- Clarification added that permission would be required for the removal of any mature trees on the site (section 3.0);
- The site description amended to include reference to the garden space between the 1960s building and tennis courts and to reflect the fact that the buildings are currently vacant and no longer owned by Save the Children Fund (section 4.1);
- Section 4.4 'Historic Environment' amended to clarify that the majority of the site is within the Camberwell Grove Conservation Area, with the northwest corner being within the Camberwell Green Conservation Area, and to add reference to the Conservation Area Appraisals of the two areas;
- Clarification that section 52 agreements are now known as section 106 agreements (section 5.0);
- List of relevant supplementary planning guidance and PPG17 'Planning for Open Space, Sport and Recreation' included in section 6 'Policy Context';
- The requirement for retention of the tennis courts reworded to provide greater clarification (section 7.0a);
- Added mention of the Camberwell Grove Conservation Area Appraisal (7.0c); and
- Added requirement for retention of mature trees as part of the requirement for high quality landscaping (7.0h).

## APPENDIX A

Copy of revised planning brief – separate document

## APPENDIX B

Data base of all consultation comments and officer comments – separate document

## APPENDIX C - Consultee Summary

### External Consultees

- Ward Councillors for site
- Butterfly Tennis Club
- Black Awareness Group
- Camberwell Community Forum
- The Camberwell Society
- Lyndhurst Grove Primary School
- Camberwell Traders Organisation
- Metropolitan Police – Camberwell Police Station
- Abbeyfield Society
- Camberwell Community Support
- GVA Grimley (agent for St George [South London] Limited)
- Save the Children Fund
- STC Working Party
- Grove Lane Residents Association
- Maudsley Hospital
- Occupiers of surrounding properties, including local residents and businesses (as shown in Consultation Area map)

### Internal Consultees

- Camberwell Neighbourhood Renewal Manager
- Development Control Team
- Design and Conservation Team
- Transport Team

## APPENDIX D – Background Documents

Background Papers	Held At	Contact
<i>Development Control Planning Application Case File for 17 Grove Lane (Mary Datchelor School)</i>	<i>Development Control, Regeneration, Chiltern House, Portland Street, SE17 2ES</i>	<i>Jeremy Howell 020 7525 5906</i>
<i>Camberwell Grove Conservation Area Appraisal (Sept 2002)</i>	<i>Conservation &amp; Design, Regeneration, Chiltern House, Portland Street, SE17 2ES</i>	<i>Chris Colville 020 7525 2289</i>
<i>Camberwell Green Conservation</i>	<i>Conservation &amp; Design,</i>	<i>Chris Colville</i>

<i>Area Appraisal (Oct 2002)</i>	<i>Regeneration, Chiltern House, Portland Street, SE17 2ES</i>	<i>020 7525 2289</i>
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#### APPENDIX E - Audit Trail

<b>Lead Officer</b>	Paul Evans, Head of Regeneration	
<b>Report Author</b>	Elizabeth Rich, Planning Policy & Regeneration Officer, Planning Policy and Research Team	
<b>Version</b>	Final	
<b>Dated</b>	25 <sup>th</sup> June 2004	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Borough Solicitor & Secretary		
Chief Finance Officer	No	N/A
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional Support Services</b>		