

Item No.	Classification:	Date:	Meeting Name:
5	OPEN	07/09/2004	PLANNING COMMITTEE
Report title:		Former Mary Datchelor School Planning Brief	
Ward affected:		Brunswick Park	
From:		Strategic Director of Regeneration	

RECOMMENDATION

1. That the draft Planning Brief for the Former Mary Datchelor School as set out in Appendix A be adopted for development control purposes.

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 (SCF), 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. The draft planning brief was initially taken to Camberwell Community Council for comment on 17 May 2004 before being consulted on with the local community for four weeks from 28 May 2004 to 25 June 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 key 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 adopted 1995 Unitary Development Plan and supplementary planning guidance and the emerging draft Southwark Plan and draft 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 Camberwell Grove and partly within Camberwell Green conservation areas. 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 and in section 7.0, as part of the requirement for high quality landscaping, to require protection of the garden area between the tennis courts and the 1960s building except where it can be demonstrated to the satisfaction of the council that a better site layout can otherwise be achieved, as well as requiring protection of mature trees on the site and that there is no net loss of amenity space over the site.

1982 Legal Agreement

9. 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. Although the use of the assembly hall ceased some time ago, the provisions of the section 52 agreement requiring its use still apply to the site. Policy C.4.1 of the adopted 1995 Unitary Development Plan and Policy 2.1 of the emerging Southwark Plan will therefore apply to any proposals to redevelop the site.

Tennis courts

10. The tennis courts have been used in accordance with the terms of the 1982 legal agreement. They are still in active use and are an important local leisure facility that are 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 on terms which are affordable and without restrictions on membership: currently this facility is provided by the Butterfly Tennis Club. 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. This clause of the legal agreement supports 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

11. The council is entitled to require that the developer provide contributions towards community facilities in the local area, to compensate if there is a loss of these facilities on the site. These contributions will be sought through a Section 106 agreement between the developer and Council and in accordance with Policy C.4.1 of the adopted 1995 UDP and Policy 2.1 of the revised second draft deposit of the Southwark Plan.

Consultation

18. 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. 207 representations were received from 47 consultees to the initial draft of the brief.
19. The revised brief was then sent to all Camberwell Community Councillors and those individuals and groups that made representations to the initial draft for final comment on the revisions. St George South London Ltd, Camberwell Working Party and four residents made further responses to the revised brief.
19. Appendix B confirms those parties who were consulted. All representations with officer comments are set out in detail Appendix E to this report. Responses were in the main from local residents and community groups. .

Consultation on initial draft of brief

20. Consultation responses to the initial draft of the brief are summarised in table 1 below, together with the officer response below.

Table 1 – Summary of responses to initial draft of brief

Consultation response		Officer response
1.	29 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 paragraph 8 of this report.
2.	21 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.
3.	23 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 any need to provide further clarification or reiteration of this point.
4.	17 representations were received raising concern that the brief should take into account the scale and character of the conservation area in setting out requirements for redevelopment.	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 and Council's requirements to this end are clearly set out in section 7.0 of the brief.
5.	14 representations were received voicing support for the requirement to retain the two tennis courts.	Noted.
6.	11 representations were received supporting the overall approach and requirements of the brief.	Noted.

7.	Five representations showed support for the retention and protection of the conservation area character and school buildings	Noted.
8.	Three representations were received raising concern over the requirement for 35% affordable housing, suggesting that it should be reduced or payment in lieu accepted.	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.
9.	Three representations were received concerning retention of the derelict swimming pool. One of these 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.
10.	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.
11.	Other objections: - access to the site should be from Camberwell Grove only, not Grove Lane only.	- 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.
12.	- the 1960s building should be retained	- 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.
13.	- concern about maintenance and lease arrangements	- 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.
14.	- trees on site should be retained	- The brief has been amended to require protection of mature trees and should the developer wish to remove any trees, permission would be required.
	Other supporting statements:	

16.	- access from Grove Lane only	- noted
17.	- support for 35% affordable housing	- noted
18.	- support for onsite car parking requirements	- noted

21. The owner of the site, St George South London Ltd, has also made representations to the initial draft brief. These are set out in detail in the separate Consultation Responses document, which includes officer comments in response to each representation.

22. Key revisions to the brief in response to comments received during the initial 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 7.0);
- Added mention of the Camberwell Grove Conservation Area Appraisal (7.0); and
- Added requirement for encouraging retention of the garden area between the tennis courts and the 1960s building, retention of mature trees and no net loss of amenity space over the site, as part of the requirement for high quality landscaping (7.0).

Consultation on revised draft brief

23. Consultation responses to the revised brief are summarised by objector in table 2 below:

Table 2 – Summary of key responses to the revised brief

	Consultee	Consultation Response	Officer Comment
1.	Camberwell Working	- support clear commitment	- note

	Party	to preserving the tennis courts	
2.		- support commitment to retention and sensitive adaptation of main school building	- note
3.		- support the requirement that development must be 'high quality' and 'preserve 4.and enhance' the character and appearance of this part of the conservation area	-note
4.		- support requirement that the amenity of the surrounding area must be protected.	- note
5.		- the brief still needs to be more specific about the protection offered to the existing green open space and mature trees	- section 7.0 point j) has been amended to require protection of the garden area between the tennis courts and the 1960s building except where it can be demonstrated to the satisfaction of the council that a better site layout can otherwise be achieved, as well as requiring protection of mature trees on the site and that there is no net loss of amenity space over the site.
6.		- the brief still contains an inaccurate description of the architectural and historic character of this part of the Camberwell Grove Conservation Area, which requires amendment.	- section 4.4 of the brief has been amended to clarify the character of this part of the conservation area, stating that Mary Datchelor School provides contrast architecturally. Section 4.2 has also been amended to clarify that the houses along Camberwell Grove are mainly three storeys and along Grove Lane are mainly four storeys.
7.		- the brief should be more specific on the question of appropriate height and scale of any conversion or development.	- the aim is to ensure that the redevelopment is sympathetic to height, scale, bulk and massing of the surrounding development, not to prescribe specific height

			limits.
8.	St George South London Ltd (c/o GVA Grimley)	- the word 'refurbished' should be deleted with reference to the tennis courts	- policy 2.1 of the revised second draft deposit of the Southwark Plan requires that all community facilities shall be protected and where possible enhanced. It is considered that the redevelopment provides an opportunity to enhance this community facility particularly given that it will potentially cause an increase in use of the courts by new residents.
9.		- presumption in favour of retaining the 1926 building should be deleted.	- It is stated in the brief that there is a presumption in favour of retention of the 1926 building, so should a developer wish to replace this building the onus would be on them to justify the loss of this building and replace it with a development that would enhance the character of the conservation area.
10.		- that new text added to encourage protection of the garden space should be deleted	- the brief has been amended to require protection of the garden space except where it can be demonstrated to the satisfaction of the council that a better site layout can otherwise be achieved. The onus would be on the developer to demonstrate this to council.
11.		- vehicular access should be from either Camberwell Grove or Grove Lane	- the brief states that the council prefers that access be from Grove Lane only. The onus would be on the developer to demonstrate why access to Camberwell Grove would be more appropriate.
12.	42 Camberwell Grove	- object to the text that was added as part of revisions to state that access is 'preferred' from Grove	- the brief states that the council prefers that access be from Grove Lane only. The onus would be on the

		Lane only and request that traffic access is solely from Grove Lane	developer to demonstrate why access to Camberwell Grove would be more appropriate.
13.	35 Camberwell Grove	- Mary Datchelor School does not follow the architectural character of the northern part of the conservation area	- section 4.4 of the brief has been amended to clarify the character of this part of the conservation area, stating that Mary Datchelor School provides contrast architecturally, in accordance with comments from the Conservation and Design officer.
14.	5 Love Walk	- objects to affordable housing figures as there must be lots of areas in the borough where 50% affordable housing could be sustained and feels that Camberwell should not be targeted again and become the low income part of the borough. Feels that 10% is reasonable.	- the requirement for 35% affordable housing is the amount required across the borough. 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.
15.		- access should not be from Grove Lane as this would clog up Church Street. Access should be from Camberwell Grove	- the Senior Technical Officer of Southwark Council's Transport team has provided professional advice stating that Grove Lane is less trafficked. The brief also requires that a transport assessment be submitted with any proposal for redevelopment. It will be through this transport assessment that it can be determined whether access from Camberwell Grove may be acceptable.

23. Following consultation on the revised brief, the following additional amendments were made:

- ♦ Section 4.2 'Surrounding Development' amended to state that the dwellings along Camberwell Grove are mainly three storeys and along Grove Lane are mainly four storeys;

- ♦ Section 4.4 'Historic Environment' amended to state that the Mary Datchelor School building provides architectural contrast in this part of the Camberwell Grove conservation area and to state that the 1960s building does not contribute to the character of the conservation area;
- ♦ Amended the order of presentation of the core policies in section 6.0 to place the national policies first, followed by the London Plan, then the adopted 1995 UDP and supplementary planning guidance (SPG) and then the revised second draft deposit of the emerging Southwark Plan, draft SPG and conservation area appraisals;
- ♦ In section 7.0 all bullet points were replaced to number the points using a), b), c), etc for easier referencing;
- ♦ 7.0 a) was reworded to remove lengthy sentences and improve understanding. The meaning of the point has not changed;
- ♦ Added mention of adopted 1995 UDP policies in point b) in section 7.0;
- ♦ Addition of requirement for redevelopment to be built to Lifetime Homes Standards whenever possible including wheelchair accessible units and providing family sized units and that all ground floor units must have private garden space;
- ♦ Addition of requirement for an accessibility statement and an EcoHomes report as part of the requirement for a design statement;
- ♦ Clarification that 50% of the 35% affordable housing units should be social rented and the remainder can be an intermediate tenure;
- ♦ Rewording of the requirement for high quality landscaping of the site to require retention of the garden area between the tennis courts and the 1960s building except where it can be demonstrated to the satisfaction of the council that a better site layout can be achieved;
- ♦ The requirement for a transport assessment was reworded to state that a car club and/or scooter pool should be created 'where possible';
- ♦ Added that one visitor cycle parking space is also required per ten units; and
- ♦ Elaborated the requirement relating to section 106 agreements to separate out the community facilities, infrastructure and transport components of such an agreement, allowing greater clarity of what will likely be required of a developer.

Borough Solicitor

14. The Borough Solicitor has been consulted and provided the following comments, all of which have been incorporated:
- that wherever possible the brief should refer not only revised second deposit policies but also the corresponding adopted 1995 unitary development plan;
 - that section 4.4 does not seem to reflect the advice of the Conservation and Design officer;

- that the first bullet point of section 7.0 contains a lengthy sentence and is not easy to understand. A suggested wording was given and this has been incorporated into the revised brief.

APPENDIX A

Copy of revised planning brief and revised appendices to the brief

APPENDIX B- Consultee Summary

External Consultees

- Ward Councillors for site
- Camberwell Community Council
- 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
- Borough Solicitor

APPENDIX C – 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 & Design, Regeneration, Chiltern House, Portland Street, SE17 2ES</i>	<i>Chris Colville 020 7525 2289</i>
<i>Camberwell Green Conservation Area Appraisal (Oct 2002)</i>	<i>Conservation & Design, Regeneration, Chiltern House, Portland Street, SE17 2ES</i>	<i>Chris Colville 020 7525 2289</i>

APPENDIX D - Audit Trail

Lead Officer	Julie Seymour, Planning Policy and Research Manager	
Report Author	Elizabeth Rich, Planning & Regeneration Policy Officer, Planning Policy and Research Team	
Version	Final	
Dated	27 th August 2004	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Conservation & Design Officer	Yes	Yes
Chief Finance Officer	No	N/A
Executive Member	No	No
Date final report sent to Constitutional Support Services		

APPENDIX E – Consultation Database

Available on request and will be available prior to the meeting on 7 September 2004