

## Planning Sub-Committee A

Tuesday 18 April 2023

6.30 pm

Ground Floor Meeting Room G01 - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor John Batteson  
Councillor Natasha Ennin  
Councillor Ketzia Harper  
Councillor Adam Hood  
Councillor Richard Livingstone

### Reserves

Councillor Maggie Browning  
Councillor Victor Chamberlain  
Councillor Gavin Edwards  
Councillor Jason Ochere  
Councillor Chloe Tomlinson

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

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**Contact:** Gerald Gohler on 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 31 March 2023



# Planning Sub-Committee A

Tuesday 18 April 2023

6.30 pm

Ground Floor Meeting Room G01 - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 4
	To approve as a correct record the minutes of the meeting held on 15 March 2023.	
7.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	5 - 9

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>7.1. DULWICH COLLEGE, COLLEGE ROAD, LONDON SE21 7LG</b>	10 - 29

Date: 31 March 2023

### **EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

## Planning Sub-Committee

### Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. The role of members of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than three minutes each**.

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the committee will then debate the application and consider the recommendation.

**Note:** Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the three-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.
8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

**Please note:**

Those wishing to speak at the meeting should notify the constitutional team by email at [ConsTeam@southwark.gov.uk](mailto:ConsTeam@southwark.gov.uk) in advance of the meeting by **5pm** on the working day preceding the meeting.

**The arrangements at the meeting may be varied at the discretion of the chair.**

**Contacts:** General Enquiries  
Planning Section  
Environment, Neighbourhoods and Growth  
Tel: 020 7525 5403

Planning Sub-Committee Clerk, Constitutional Team  
Governance and Assurance  
Tel: 020 7525 7420  
Email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)



## Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Wednesday 15 March 2023 at 6.30 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Kath Whittam (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor John Batteson  
Councillor Natasha Ennin  
Councillor Adam Hood  
Councillor Richard Livingstone

**OFFICER SUPPORT:** Sadia Hussain (Specialist Lawyer Planning)  
Sonia Watson (Team Leader Major Applications Team)  
Sophie Chapman (Legal Officer)  
Winnie Wing Lam Tse (Planning Officer)  
Gerald Gohler (Constitutional Officer)

### 1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

### 2. APOLOGIES

There were apologies for absence from Councillor Ketzia Harper.

### 3. CONFIRMATION OF VOTING MEMBERS

Those members listed above were confirmed as voting members of the sub-committee.

#### 4. **DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

The following members made declarations regarding the agenda item below:

##### **7.1 Victory Community Park, Muntun Road, London Southwark SE17**

Councillor Jane Salmon, non-pecuniary, as she lived close to the development site and knew one of the objectors, but had not discussed this application with them.

#### 5. **ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7.1 – development management item
- Members' pack
- Supplemental Agenda No.1 which contains the minutes of the meeting held on 15 November 2022.

#### 6. **MINUTES**

##### **RESOLVED:**

That the minutes of the meetings held on the 15 November 2022 and 25 January 2023 be approved as correct records and signed by the chair.

#### 7. **DEVELOPMENT MANAGEMENT ITEMS**

Members noted the development management report.

##### **RESOLVED:**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they can be clearly specified.

## 7.1 VICTORY COMMUNITY PARK, MUNTON ROAD, LONDON SOUTHWARK SE17

### Planning application number: 22/AP/2455

Report: see pages 11 to 44 of the agenda pack and page 1 to 2 of the addendum report.

### PROPOSAL

*The regeneration of Victory Community Park (adjacent to grade II listed building Elephant House) to include the relocation of the MUGA, opening up of a nature garden, creation of a new leisure area, improvement and expansion of the existing playground, soft and hard landscaping and improved entrance access to align with the future raised table crossing point leading to Elephant Park to the west.*

The sub-committee heard the officer's introduction to the report. Members of the sub-committee asked questions of the officers.

An objector addressed the meeting and responded to questions from members of the sub-committee.

Representatives of the applicant addressed the meeting and responded to questions from members of the sub-committee.

There were no supporters living within 100 metres of the application site or ward councillors who wished to address the meeting.

Members of the sub-committee asked further questions of officers and debated the application.

A motion to approve the planning application was moved, seconded, put to the vote and declared carried.

### RESOLVED:

That planning permission be granted, subject to the conditions set out in the report and addendum report.



The meeting ended at 8.16 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 18 April 2023	<b>Meeting Name:</b> Planning Committee A Sub-
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

### BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

### KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning sub-committee items members are asked, where appropriate:
  - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Levelling Up, Housing and Communities and any directions made by the Mayor of London.
  - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within

the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

- c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
  7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
  8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
  9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
  10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

### **Community impact statement**

11. Community impact considerations are contained within each item.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Assistant Chief Executive – Governance and Assurance**

12. A resolution to grant planning permission shall mean that the director of planning and growth is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the sub-committee and issued under the signature of the director of planning and growth shall constitute a planning permission. Any additional conditions required by the sub-committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning sub-committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the director of planning and growth is authorised to issue a planning

permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the assistant chief executive – governance and assurance, and which is satisfactory to the director of planning and growth. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the assistant chief executive – governance and assurance. The planning permission will not be issued unless such an agreement is completed.

14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Plan which was adopted by the council in February 2022. The Southwark Plan 2022 was adopted after the London Plan in 2021. For the purpose of decision-making, the policies of the London Plan 2021 should not be considered out of date simply because they were adopted before the Southwark Plan 2022. London Plan policies should be given weight according to the degree of consistency with the Southwark Plan 2022.
16. The National Planning Policy Framework (NPPF), as amended in July 2021, is a relevant material consideration and should be taken into account in any decision-making.
17. Section 143 of the Localism Act 2011 provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
18. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010 as amended, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

19. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Each planning sub-committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	Planning Department 020 7525 5403

## APPENDICES

No.	Title
None	

**AUDIT TRAIL**

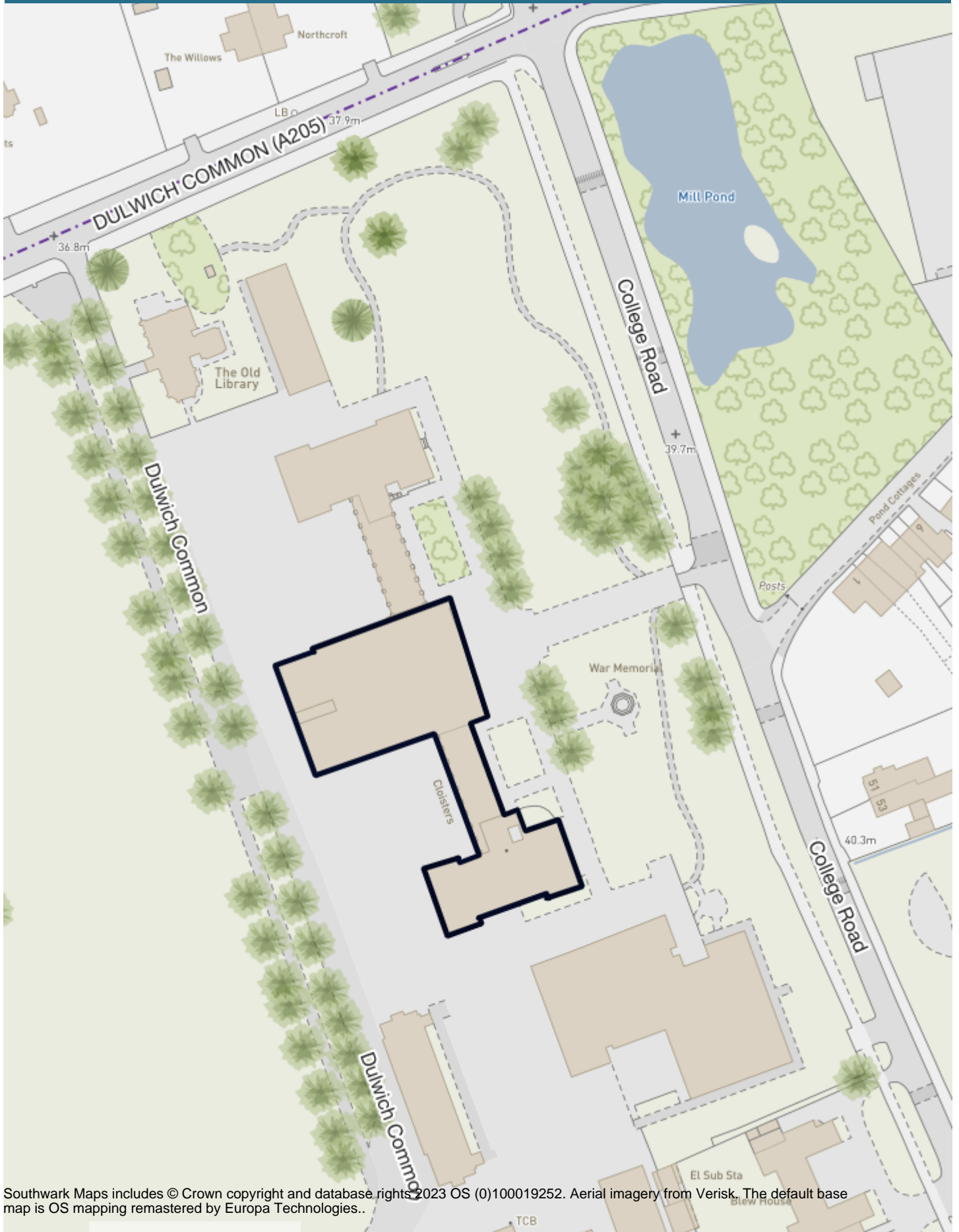
<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services		
<b>Report Author</b>	Gerald Gohler, Constitutional Officer Nagla Stevens, Deputy Head of Law (Planning and Development)		
<b>Version</b>	Final		
<b>Dated</b>	23 March 2023		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Assistant Chief Executive – Governance and Assurance	Yes	Yes	
Director of Planning and Growth	No	No	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>		31 March 2023	

# Agenda Item 7.1



23/AP/0006

Dulwich College, College Road, London, SE21 7LG



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<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 18 April 2023	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 23/AP/0006 for: Full Planning Application (Minor)  <b>Address:</b> Dulwich College, College Road, SE21 7LG  <b>Proposal:</b> Construction of a single storey extension to the existing music rooms		
<b>Ward(s) or groups affected:</b>	Dulwich Wood		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b>	09.02.2023	<b>PPA Expiry Date</b>	N/A
<b>Earliest Decision Date</b>			

## RECOMMENDATION

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

## BACKGROUND INFORMATION

### Site location and description

2. The application site relates to music department building within the curtilage of Dulwich College.
3. The application site [red line] boundary is not listed, however it is within Dulwich Village conservation area.

### The surrounding area

4. The wider ownership [blue line] boundary of the site contains a number of listed heritage assets: College main building (Gr.II\*), War memorial (Gr.II), Entrance gates (Gr.II) and the Old Library (Gr.II). The surrounding area is characterised primarily by educational facilities, sports facilities and local residential.
5. To the north: Dulwich Common (A205)  
 To the east: College Road  
 To the south: Hunts Slip Road  
 To the west: Railway Embankment

## **Details of proposal**

6. Construction of a single storey extension to the existing music rooms [within the curtilage of Dulwich College].

## **Planning history**

7. See Appendix 3 for any relevant planning history of the application site.

## **Key issues for consideration**

### **Summary of main issues**

8. The main issues to be considered in respect of this application are:
  - Principle of the proposed development in terms of land use;
  - Fire safety regulations;
  - Design, layout, heritage assets and impact on Borough and London views;
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
  - Noise and vibration;
  - Water resources and flood risk;
  - Mayoral and borough community infrastructure levy (CIL);
  - Community impact and equalities assessment;
  - Human rights;
  - Carbon concurrent; and
  - Positive and proactive statement.
9. These matters are discussed in detail in the 'Assessment' section of this report.

## **Legal context**

10. 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 Southwark Plan 2022 and the London Plan 2021.
11. 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

### National Planning Policy Framework (the Framework)

12. The revised National Planning Policy Framework ('NPPF') was published in July 2021 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.
13. Paragraph 218 states that the policies in the framework are material considerations which should be taken into account in dealing with applications.
14. The relevant chapters from the framework are:
  - Chapter 2 Achieving sustainable development
  - Chapter 11 Making effective use of land
  - Chapter 12 Achieving well-designed places
  - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 Conserving and enhancing the natural environment
  - Chapter 16 Conserving and enhancing the historic environment

### The London Plan 2021

15. On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:
  - Policy D4 Delivering good design
  - Policy D12 Fire safety
  - Policy D14 Noise
  - Policy HC1 Heritage conservation and growth
  - Policy G3 Metropolitan Open Land

### Southwark Plan 2022

16. The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:
  - P14 Design quality
  - P18 Efficient use of land
  - P19 Listed buildings and structures
  - P20 Conservation areas
  - P21 Conservation of the historic environment and natural heritage

- P56 Protection of amenity
- P57 Open space
- P68 Reducing flood risk

### **Area based AAP's or SPD's**

17. Of relevance in the consideration of this application are:
- Heritage SPD (2021)

### **Assessment**

#### **Principle of the proposed development in terms of land use**

18. The proposal seeks to extend existing music rooms within the curtilage of Dulwich College. The application site sits on metropolitan open land (MOL), however the submission is still considered acceptable in policy terms.
19. Policy P57 – Open Space (Southwark Plan, 2022) stipulates “Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL). In exceptional circumstances development may be permitted on MOL or BOL when: it consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building.”
20. The proposal is considered to adhere to the above policy. It infills an unused parcel of hardstanding (tarmac) between educational buildings. The changes will not be visible from the public realm nor will they detract from the openness/character of the MOL. The proposal is considered to comply with the overarching policy and framework – London Plan (2021) and National Planning Policy and Framework.

#### **Fire safety regulations**

Policy D12 (A) of the London Plan (2021)

21. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).

#### **Summary of Information Contained in Planning Fire Safety Strategy**

Fire Strategy provided by Open London, reference: 22031/4.1/Fire Strategy, dated 16 January 2022.

22. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is “third-party independent and suitably-qualified”. The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the

Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The council accepts fire statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

23. A fire statement or reasonable exemption statement has been provided for this proposal. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development.

## **Design, layout, heritage assets and impact on borough and London views**

### **Design & Layout**

24. The proposal remains subordinate to the host music building and the materials selected are sympathetic to the existing.

Dimensions:	Value	Unit
Single Storey Extension (min. height)	3.25	m
Single Storey Extension (max. height)	3.70	m
Single Storey Extension (depth)	2.95	m
Side Storey Extension (width)	6.72	m

### **Heritage assets**

25. The application site is located within Dulwich Village conservation area, as well as being in proximity to a number of listed heritage assets: College main building (Gr.II\*), War memorial (Gr.II), Entrance gates (Gr.II) and the Old Library (Gr.II). The Design and Conservation officer raised no issue with the proposal in heritage terms with regards to the listed buildings or conservation area.

### **Borough & London views**

26. The proposal is for single storey infill extension and will have no impact on borough & London views.
27. Overall, the proposal is acceptable with respect to design.

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

## **Privacy**

28. The proposal will have no privacy effects for neighbouring residential buildings (development site >200m from the nearest residential properties).

## **Sunlight/daylight**

29. Sunlight/daylight effects for neighbouring residential buildings are likely to be negligible bearing in mind the substantial separation distance. There will be a minor reduction for the adjacent school buildings in terms of sunlight/daylight however it is unlikely to be of detrimental impact since the buildings are not for residential use.

## **Openness/outlook**

30. Similarly to the above, there will no effect on nearby residential openness/outlook. The adjacent school buildings will receive a marginal reduction in openness/outlook, however since the adjacent buildings are not of residential use class not detrimental impact has been identified.
31. Overall, taking into account the considerable separation distance to the nearest local residential properties and the single storey massing of the proposal it is not considered that there will be any materially harmful impacts.

## **Noise and vibration**

32. Since the proposal relates to provision of new music rooms/studios the environmental protection team (EPT) were consulted. EPT raised no issue with the provision of music studios and recommended a compliance condition for plant noise be attached for the re-location of the A/C units.

## **Water resources and flood risk**

33. Flood risk information has not been included as part of the application submission. It is considered the development will have no net effect on flood risk despite being in a critical drainage area: this is due to the fact that the site already features hardstanding (tarmac) in the location in which the extension is proposed.

## **Mayoral and borough community infrastructure levy (CIL)**

34. Scheme is not CIL liable.

## **Consultation responses, and how the application addresses the concerns raised**

### **Consultation responses from members of the public**

35. Summarised below are the material planning considerations raised by

members of the public.

- 3x Site notices displayed.
- No letters of representation received.

36. These matters are addressed comprehensively in the relevant preceding parts of this report.

### **Consultation responses from consultees**

37. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.

38. Environmental Protection Team:

- "Approval with [compliance] condition:  
Plant Noise - The Rated sound level from any plant, 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 +A1:2019  
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 Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021."

Officer Comment: Noted – condition imposed.

39. Design and Conservation Team:

- "This proposal will have a minimal impact on the appearance of the existing building and given the location of the extension affected will therefore have no urban design or conservation impact and complies with the councils policies."

Officer Comment: Noted.

### **Community impact and equalities assessment**

40. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights

41. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

42. 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:
- The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - 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
  - 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.
43. 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**

44. 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.
45. This application has the legitimate aim of providing planning permission for an extension to a school building. 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.

### **Carbon concurrent**

46. N/A – Considering the small scale of the application.



## Positive and proactive statement

47. The council has published its development plan 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.
48. 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.

49. **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

## Site visits

50. How have you assessed that the existing plans are accurate? (Google maps/photographs submitted with the application/photographs requested post submission/other?)

Plans reviewed, scales confirmed and dimensions checked. Google Earth, Southwark maps & Street view used to check site context and character.

51. Have you assessed whether any change of levels may affect the impact on amenity? If so, how?

Yes, using Google earth and provided drawings to assess.

52. Have you assessed whether there are overlooking issues? If so, how?

Yes, using Google earth and provided drawings to assess.

53. Have you identified all windows in neighbouring properties that might have impacts on their daylight and sunlight? If so, how?

Yes, using Google earth and provided drawings to assess.

## Conclusion

54. The proposal demonstrates conformity with the principles of sustainable development. It complies with current policy, respects the amenity of neighbouring properties and is of good design. Accordingly, it is recommended that planning permission be granted.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Environment Neighbourhoods and Growth 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	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Sean Gomes, Planning Officer (Applications Team)	
<b>Version</b>	Final	
<b>Dated</b>	28 March 2023	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
<b>Date final report sent to Constitutional Team</b>		29 March 2023

**APPENDIX 1****RECOMMENDATION  
(draft decision notice)**

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.

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<b>Applicant</b>	c/o Agent	<b>Reg. Number</b>	23/AP/0006
<b>Application Type</b>	Minor application		
<b>Recommendation</b>	GRANT permission	<b>Case Number</b>	2084-C

**Draft of Decision Notice****Planning permission is GRANTED for the following development:**

Construction of a single storey extension to the existing music rooms.

Dulwich College, College Road London Southwark

**In accordance with application received on 3 January 2023 and Applicant's Drawing Nos.:**

Proposed Plans:

PROPOSED PLANS- 002 received 03/01/2023

EXISTING/PROPOSED ROOF PLAN- 006 REV. P1 received 20/02/2023

**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 Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

**4. ROOF TO BE USED ONLY IN EMERGENCY**

The roof of the extension(s) hereby permitted shall not be used other than as a means of escape and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Reason:

In order that the privacy of neighbouring properties may be protected from overlooking from use of the roof area in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

**5. PLANT NOISE**

The Rated sound level from any plant, 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 +A1:2019

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 Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

**APPENDIX 2****Relevant planning policy**

## National Planning Policy Framework (2021):

- Chapter 2 Achieving sustainable development
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

## London Plan (2021):

- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth
- Policy G3 Metropolitan Open Land

## Southwark Plan (2022):

- P14 Design quality
- P18 Efficient use of land
- P19 Listed buildings and structures
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P56 Protection of amenity
- P57 Open space
- P68 Reducing flood risk

**APPENDIX 3****Planning history of the site and nearby sites**

No relevant planning history.



**APPENDIX 4****Consultation undertaken**

**Site notice date:** 23/02/2023

**Press notice date:** 19/01/2023

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** n/a

**Internal services consulted**

Design and Conservation Team [Surgery]

Environmental Protection

No external consultees required.

**Consultation responses received****Internal services**

Design and Conservation Team [Surgery]

Environmental Protection

No external consultees required.

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**PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2022-23**

**NOTE:** Original held by Constitutional Team all amendments/queries to Gerald Gohler Email: gerald.gohler@southwark.gov.uk Tel: 020 7525 7420

Name	No of copies	Name	No of copies
<b>To all Members of the sub-committee</b>			
Councillor Kath Whittam (Chair)	1	Environment & Social Regeneration	By email
Councillor Jane Salmon (Vice-Chair)	1	Environmental Protection Team	
Councillor John Batteson	1		
Councillor Natasha Ennin	1		
Councillor Ketzia Harper	1	Communications	By email
Councillor Adam Hood	1	Louise Neilan, media manager	
Councillor Richard Livingstone	1		
		<b>Total:</b>	11
<b>(Reserves to receive electronic copies only)</b>		<b>Dated:</b> 31 March 2023	
Councillor Maggie Browning			
Councillor Victor Chamberlain			
Councillor Gavin Edwards			
Councillor Jason Ochere			
Councillor Chloe Tomlinson			
<b>Officers</b>			
Constitutional Officer, Hub 2, Level 2, Tooley Street	3		
Planning Team - Philippa Brown / Affie Demetriou - Hub 2 Level 5, Tooley St.			By email
Sophie Chapman/Sadia Hussain, Legal Services Hub 2, Level 2, Tooley Street	1		