

Planning Sub-Committee B

Tuesday 14 June 2022

7.00 pm

Ground Floor Meeting Room GO2 - 160 Tooley Street,
London SE1 2QH

Membership

Councillor Cleo Soanes (Chair)
Councillor Emily Tester (Vice-Chair)
Councillor Esme Hicks
Councillor Emily Hickson
Councillor Adam Hood
Councillor Richard Livingstone
Councillor Sandra Rhule

Reserves

Councillor Sam Dalton
Councillor Sabina Emmanuel
Councillor Vikki Mills
Councillor Charlie Smith
Councillor Irina Von Wiese

INFORMATION FOR MEMBERS OF THE PUBLIC

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

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact Beverley Olamijulo on 020 7525 7234 or email: Beverley.olamijulo@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 6 June 2022



Planning Sub-Committee B

Tuesday 14 June 2022

7.00 pm

Ground Floor Meeting Room GO1 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 3
	To approve as a correct record the minutes of the meeting held on 2 March 2022.	
7.	DEVELOPMENT MANAGEMENT ITEMS	4 - 7

Item No.	Title	Page No.
7.1.	153-159 ABBEYFIELD ROAD, SOUTHWARK, LONDON SE16 2BS	8 - 54
7.2.	MARLBOROUGH CRICKET CLUB, DULWICH COMMON, LONDON SE21 7EX	55 - 79
7.3.	DULWICH PARK CAFÉ, DULWICH PARK, COLLEGE ROAD, SE21 7BQ	80 - 96

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 sub-committee.
3. Your role as a member 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 sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- | |
|---|
| <ol style="list-style-type: none">(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 sub-committee will then debate the application and consider the recommendation. |
|---|

Note: Members of the sub-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 sub-committee. If more than one person wishes to speak, the 3-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.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

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

Contacts: Director of Planning
Chief Executive's Department
Tel: 020 7525 5655; or

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance Department
Tel: 020 7525 7420



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B meeting held on Wednesday 2 March 2022 at 7.00 pm at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
Councillor Sirajul Islam
Councillor Victoria Mills
Councillor Damian O'Brien (reserve member)
Councillor Martin Seaton
Councillor Sandra Rhule

OFFICER SUPPORT: Dennis Sangweme (Head of Development Management)
Gemma Perry (Development Management)
Alex Gillott (Legal Officer)
Beverley Olamijulo (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 Councillors Maria Linforth-Hall (vice-chair), Sirajul Islam and David Noakes.

3. CONFIRMATION OF VOTING MEMBERS

The members listed as present were confirmed as voting members of the sub-committee.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

None were disclosed.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Members' pack and addendum report relating to item 7.1 – development management item.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 22 November 2022 be approved as a correct record 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 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.

7. ADVENTURE PLAYGROUND DOG KENNEL HILL LONDON SOUTHWARK

Planning application reference 21/AP/4210

Report: See pages 13 to 37 of the agenda pack and pages 1 to 2 of the addendum report.

PROPOSAL:

Removal of existing buildings and creation of a single storey community centre (F2) for Dog Kennel Hill Adventure Playground (Renewal of planning permission 17/AP/4769 Granted 28.6.2018).

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

There were no objectors present at the meeting that wished to speak.

The applicant addressed the meeting and responded to questions from members.

There were no supporters who lived within 100 metres of the development site present at the meeting.

Councillor Sarah King in her capacity as a ward member was not present at the meeting, but provided written submission to say she was in support of the application..

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning permission be granted subject to conditions and amendments outlined in the addendum report.

The meeting ended at 7.24 pm

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 14 June 2022	Meeting Name: Planning Sub-Committee B
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		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. These were agreed by the annual meeting of the council on 23 May 2012. 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 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 the Secretary of State (vis the Planning Inspectorate) 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

Director of Law and Governance

12. A resolution to grant planning permission means 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 committee and issued under the signature of the director of planning and growth constitutes a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement means 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 director of law and governance , and which is satisfactory to the director of planning and growth. Developers meet the council's legal costs of such agreements. Such an agreement is entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as determined by the director of law and governance . 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, to local finance considerations and to any other material considerations when dealing with applications for planning permission. Local finance considerations

are discussed further in paragraph 18 below and material considerations in paragraph 17.

15. Where there is any conflict with a policy contained in the development plan, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (s38(5) Planning and Compulsory Purchase Act 2004).

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 for Southwark is now the London Plan 2021 and the Southwark Plan 2022.

16. Case law has established that to be *material* the considerations must (i) relate to a planning purpose and not any ulterior purpose. A planning purpose is one that relates to the character and use of land (ii) must fairly and reasonably relate to the development permitted and (iii) must not be so unreasonable that no reasonable planning authority would have regard to them.
17. Section 143 of the Localism Act 2011 amended Section 70 of the Town and Country Planning Act 1990 and provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through Community Infrastructure Levy (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 (CIL) regulations 2010, 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 in 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. Planning permissions cannot be bought or sold. Benefits which provide a general benefit to the community rather than being proposed for a proper planning purpose affecting the use of the land, will not satisfy the test.

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.
20. The National Planning Policy Framework (NPPF) was last updated in July 2021. The NPPF is supplemented by detailed planning practice guidance (PPGs) on a number of

planning topics. The NPPF is a material planning consideration in the determination of planning applications..

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 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

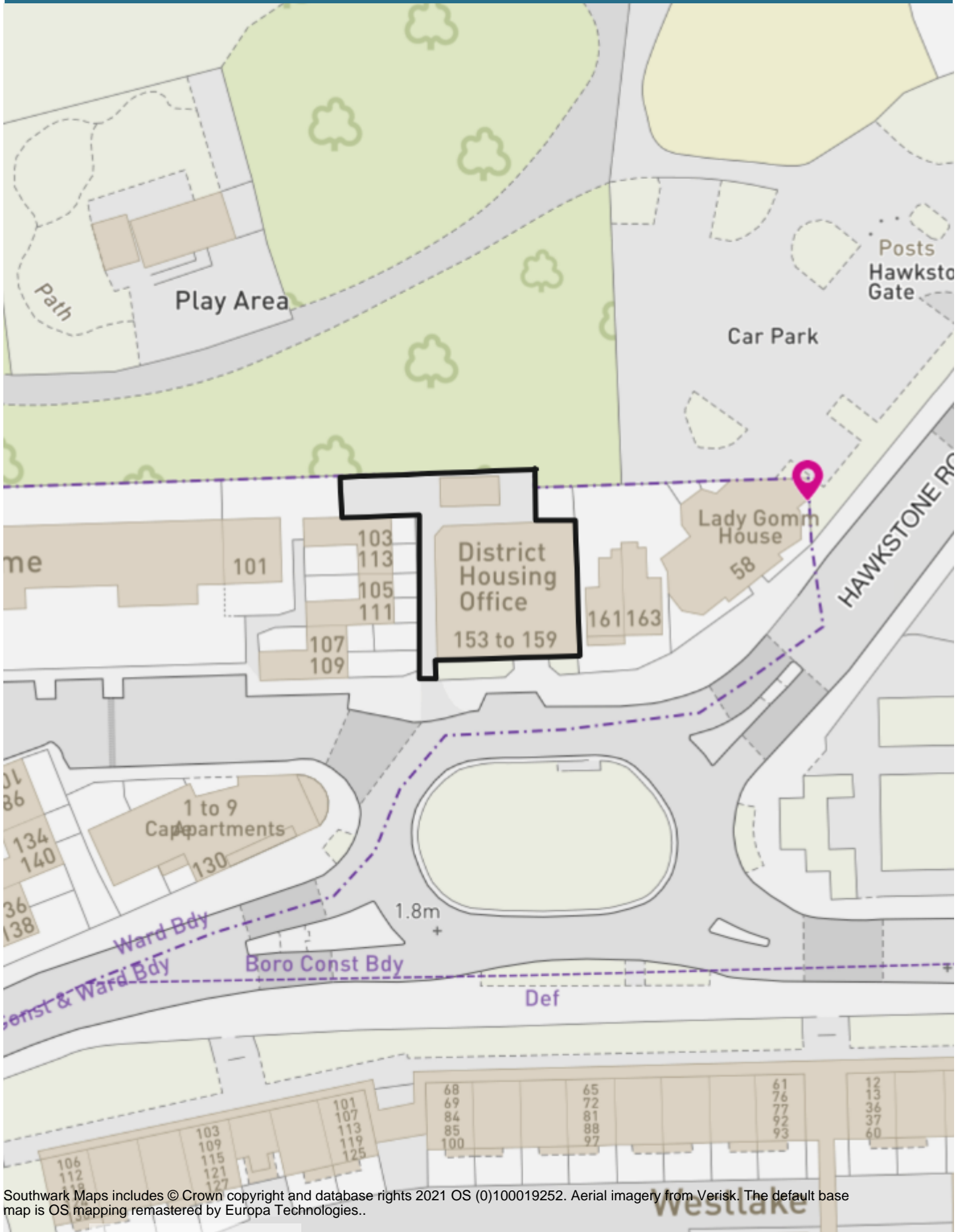
Lead Officer	Chidilim Agada, Head of Constitutional Services		
Report Author	Sadia Hussain, Acting Deputy Head of Law (Property and Development)		
Version	Final		
Dated	6 June 2022		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Governance	Yes	Yes	
Director of Planning and Growth	No	No	
Cabinet Member	No	No	
Date final report sent to Constitutional Team			6 June 2022

Agenda Item 7.1



21/AP/3577

153-159 ABBEYFIELD ROAD, LONDON, SE16 2BS



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Item No. 7.1	Classification: Open	Date: 14 June 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application for: Full Planning Application 21/AP/3577 Address: 153-159 ABBEYFIELD ROAD, SOUTHWARK, LONDON SE16 2BS Proposal: Demolition of a two storey former council office buildings and a temporary structure to rear and erection of part three, part six storey residential building containing 13 social rented affordable homes with associated landscaping works.		
Ward(s) or groups affected:	North Bermondsey		
From:	Director of Planning and Growth		
Application Start Date 14/10/2021		PPA Expiry Date 30/06/2022	
Earliest Decision Date 11/01/2022			

RECOMMENDATION

1. That planning permission is granted, subject to:
 - a) The conditions as set out in the report; and
 - b) The completion of a unilateral undertaking.
2. That in the event that a legal agreement is not signed by 14 December 2022 the Director of Planning and Growth be authorised to refuse planning permission, if appropriate, for the reasons set out under paragraph 102 of this report.

BACKGROUND INFORMATION

Site location and description

3. The site is 153-159 Abbeyfield Road, a 1970s two storey council housing office, which currently sits vacant. The existing building has a quasi-industrial appearance comprising stock brickwork, an exposed concrete floorslab and horizontal timber strip windows at first floor. A photograph of the site is shown below.

4. The building is located on the north side of Abbeyfield Road at the roundabout with Hawkstone Road and Rotherhithe New Road. Immediately to the north of the site is Southwark Park and to the east are a pair of two storey Victorian villas raised above semi-basements and with additional mansard roof additions. Further to the east is a part three and part four storey Victorian gothic-styled former mission house at 58 Hawkstone Road occupied by Cavendish School. Immediately to the west of the site is the Pedworth Estate, a low density estate which comprises two storey suburban-style houses set around courtyard parking and short cul-de-sacs. The architecture is typical of the early 1980s. The estate includes a short, staggered terrace of six houses (Nos. 103-113) that face eastwards towards the site, separated by their small front gardens and a narrow service road that access the site and a vehicle turning head. These are accessed via an existing alleyway adjacent to the site.
5. Directly opposite the site is the Silverlock Estate, which dates from the mid/late 1970s and includes Westlake House, a series of five storey deck-access blocks with connecting walkways that face towards Rotherhithe New Road, sitting behind a strip of communal landscaping. The notable townscape feature is Addy House, a 16 storey residential tower block built in the 1960s, which sits on the junction of Hawkstone Road and Rotherhithe New Road.

6.



7. The site is subject to the following designations:

- Flood Zones 2 and 3
- South Rotherhithe Controlled Parking Zone (CPZ)
- Air Quality Management Area
- Urban Density Zone
- Bermondsey Area Vision Boundary

8. The site is not in a conservation area and there are no listed buildings close by. Southwark Park, to the rear of the site, is designated as a Site of Importance for Nature Conservation (SINC) and Metropolitan Open Land (MOL) and a Grade II listed park.

Details of proposal

9. The proposed development is for the demolition of the existing council housing office and the construction of a part three and part six storey building containing 13 social rented homes.
10. The social rented homes form part of the council's New Homes Delivery Programme which seeks to deliver 11,000 new homes by 2043.
11. The proposed dwelling mix is for 3 x 1 bedroom dwellings, 3 x 2 bedroom dwellings and 7 x 3 bedroom dwellings.
12. The proposal would also provide communal amenity space to the rear, refuse storage and cycle storage associated with the development.

Consultation responses from members of the public and local groups

13. Summarised below are the material planning consideration raised by members of the public. 5 objections have been received.
14. Design quality and site layout:
- Height
 - Out of character with surrounding area
 - Density
15. Quality of accommodation and provision of private/communal outdoor space:
- Small size of flats
 - Lack of family homes
 - Lack of outdoor amenity space
 - Affordability
 - No wheelchair accessible homes
16. Neighbour amenity impacts:
- Loss of privacy
 - Impact of overshadowing
 - Loss of daylight and sunlight
 - Noise and vibration impacts

17. Transport, parking, highways, deliveries and servicing matters:

- Construction impacts
- Impacts on parking

18. These matters are addressed in the relevant parts of this report.

Planning history of the site, and adjoining or nearby sites

19. 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 4.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- Principle of the proposed development in terms of land use
- Tenure mix, dwelling mix and wheelchair accessible housing
- Density
- Quality of residential accommodation
- Design, layout, heritage assets and impact on Borough and London views
- Landscaping and trees
- Outdoor amenity space, children's playspace and public open space
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Transport and highways
- Energy and sustainability
- Ecology and biodiversity
- Planning obligations (S.106 undertaking or agreement)
- Consultation responses, and how the application addresses the concerns raised
- Community impact and equalities assessment
- Human rights

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

Legal context

22. 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 2021 and the Southwark Plan 2022. 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.

23. 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

24. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) 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 3. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of the proposed development in terms of land use

25. The proposed development seeks the construction of 13 residential dwellings in place of a vacant building. The previous occupiers (the Council) have been re-located to other premises within the borough at Tooley Street. Policy P30 of the Southwark Plan 2022 states that a financial contribution towards training and jobs for local people is required where there is a loss of employment. As the existing building is currently vacant and jobs have been re-located elsewhere, with none being lost, this is not required. Furthermore, the site is not within the Central Activities Zone, a town centre or an opportunity area meaning employment re-provision at this location is not required by policy. The proposal would also make an efficient use of land to provide social rented residential dwellings which would be consistent with the established residential land use of the surrounding area.
26. The principle of the proposed development in terms of land use is compliant with the development plan.

Tenure mix, dwelling mix and wheelchair accessible housing

27. All of the 13 dwellings would be council homes for social rent.

Unit size	No. of social rented units
1-bedroom	3 (23%)
2-bedroom	3 (23%)
3-bedroom	7 (54%)
All units	13

28. 77% of the new homes would have two or more bedrooms which exceeds the minimum 60% requirement as set out in Policy P2 of the Southwark Plan 2022.

Furthermore, 54% of homes would have 3 bedrooms which far exceeds the 25% minimum requirement in the urban zone.

29. There are no wheelchair accessible units proposed on site. No sleeping accommodation is able to be provided at ground floor due to flood risk. To provide wheelchair accessible housing above ground floor a second lift would be required which is not feasible because of the relatively small site area. Furthermore, accessibility to the site is an issue on the roundabout and there would be no potential for off street Blue Badge car parking. As such, the shortfall of 4 habitable rooms would be offset via a financial contribution of £40,000. This is to be secured via legal agreement.

Quality of residential accommodation

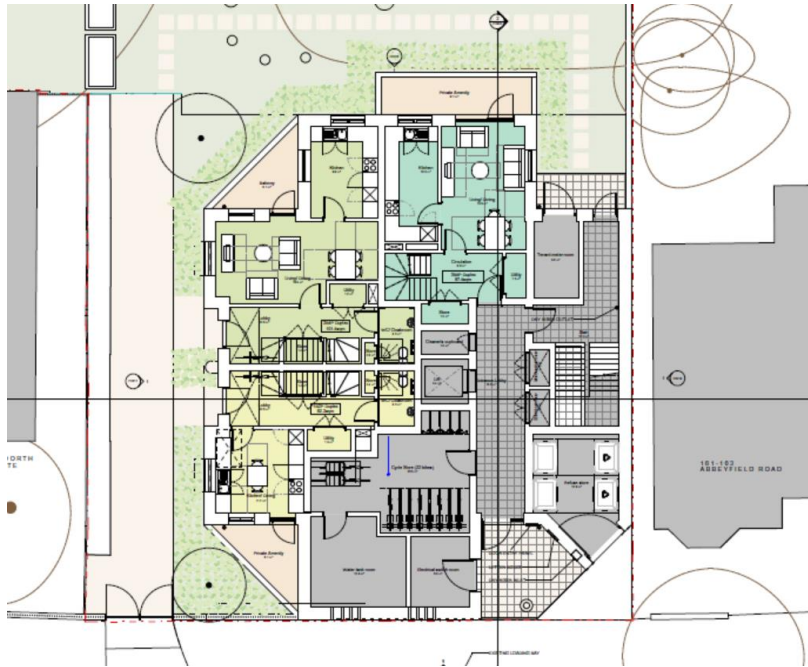
30. The development would provide 13 council with dwelling and outdoor amenity sizes as below.

31.

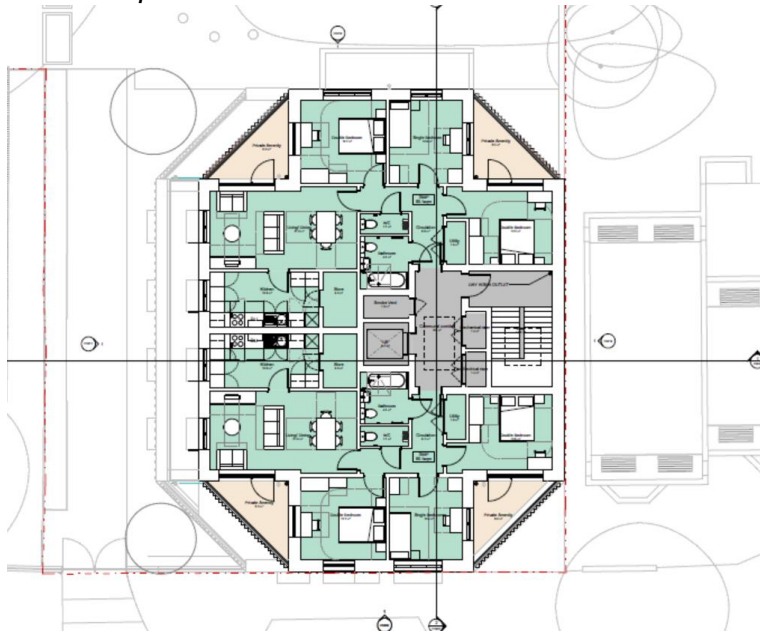
<u>Unit type</u>	<u>GIA [minimum]</u>	<u>Private external amenity</u>
1b2p (ground + first)	82.3 sq. m. [58]	11.6 sq. m.
2b4p (ground + first)	101.4 sq. m. [79]	12.1 sq. m.
3b5p (ground + first)	97. 4 sq. m. [93]	15.1 sq. m.
1b2p (first)	54.9 sq. m. [50]	5.5 sq. m.
1b2p (second)	54.9 sq. m. [50]	6 sq. m.
2b3p (second)	69.4 sq. m. [61]	6 sq. m.
2b4p (second)	87.2 sq. m. [61]	6 sq. m.
3b5p (third)	90.3 sq. m. [86]	18.7 sq. m.
3b5p (third)	90.3 sq. m. [86]	18 sq. m.
3b5p (fourth)	90.1 sq. m. [86]	12 sq. m.
3b5p (fourth)	90.1 sq. m. [86]	12 sq. m.
3b5p (fifth)	90.1 sq. m. [86]	12 sq. m.
3b5p (fifth)	90.1 sq. m. [86]	12 sq. m.

32. All dwellings would meet, or exceed, the Nationally Described Space Standards in terms of GIA as set out in the table in paragraph 34, and in terms of individual room sizes.

33. *Ground floor plan*



34. *Fifth floor plan*



35. All of the homes would be at least dual aspect, with all six three bedroom homes being triple aspect, providing sufficient levels of daylight and sunlight for future occupiers. The Average Daylight Factor (ADF) has been assessed for the dwellings within the proposed development. All but three bedrooms and eight kitchens would exceed BRE guidance in terms of ADF. These rooms only fall slightly below the ADF targets at over 1.5% for the kitchens (where BRE guidance is 2%) and not below 0.8% for the bedrooms (where BRE guidance is 1%). All principal living spaces would receive high levels of daylight and sunlight, Every habitable room would also have at least one vertical window for outlook.
36. All three bedroom homes would benefit from private external amenity spaces of at least 10 sq. m., as set out in the table in above. Four of the smaller homes

would have private external amenity spaces of less than 10 sq. m., though larger than 5 sq. m. which is policy compliant. The minor shortfall in providing 10 sq. m. for all units, of 16.5 sq. m. in total, would be offset within the communal amenity space.

37. An area of communal amenity space is proposed to the rear of the building of 66.5 sq. m., this exceeds the minimum 50 sq. m. policy requirement and offsets the minor shortfall in private amenity space of 16.5 sq. m. This area would be landscaped with planting. Wooden play equipment covering 115.8 sq. m. would also be provided.
38. Overall the proposed development would provide a high quality of both internal and external accommodation for future occupiers, in compliance with planning policy.

Design, layout and heritage assets

39. Locating the building forward of the existing building's position to the back edge of the pavement meets adjacent building lines and allows for a larger footprint. The front façade would be in alignment with the flank wall of the adjacent end-of-terrace property (No.109), which provides visual continuity along Abbeyfield Road. The chamfered plan form would ease the transition between the terrace to the west and Victorian buildings to the east and help to moderate any sense of enclosure to the front windows within the neighbouring villa. The landscaping would soften the building's appearance and provide a welcome improvement to the pedestrian experience at this point.

40.



41. At an overall height of six storeys, the proposed building would sit well within the varied townscape and would not appear out of scale with Westlake House at five storeys opposite. While there would be an increase in height compared to the current building, it would appear less bulky with its chamfered form.

Overall, the height and massing is well considered and effective, optimising the housing delivery on the site.

42. Whilst the building would be part three storey and part six storey, the minor setback would allow the building to be read as one composed single built form. Similarly, the simple punched-hole aesthetic is supported as it would provide a modern, robust built form. The fenestration would be consistent with partly infilled openings and the balconies read well as part of the building.
43. The use of the two colours of brickwork is a welcome contextual move, with the use of a multi-stock red to reflect the brickwork of the Pedworth Estate, and a yellow stock to reflect that of the adjacent Villas. The proposed brick plinth to the building would work well to provide a clear base to the building. The brickwork detailing at ground floor and at parapet add visual interest to the building.
44. Conditions have been recommended for details of material samples, the biodiversity green roof and Photovoltaics (PVs) at roof level to be submitted for approval.

Landscaping and trees

45. The proposal would significantly improve the landscaping with planting and trees. A condition has been recommended for details of hard and soft landscaping to be submitted.
46. The development would require the removal of one small Category C ornamental flowering tree, which is of a low quality and has an estimated remaining life expectancy of at least 10 years. This loss would be mitigated via the new landscaping with the planting of a new tree to the southwest of the proposed building with a canopy of 8 sq. m. Further details would be secured via a hard and soft landscaping condition. Some tree pruning would also be required. Conditions have been recommended for an Arboricultural Method Statement to be submitted and for Arboricultural Site Supervision to take place.
47. The proposal would provide 282.35 sq. m. of greening on the site, with areas of species intensive planting and a green roof. As such, the Urban Greening Factor (UGF) of the site would be 0.4 which meets the London Plan 2021 minimum requirement for major developments of 0.4.

Outdoor amenity space, children's play space and public open space

48. As previously set out, the proposed development would provide communal amenity space to the rear of the building, in compliance with policy requirements. The landscape plan, as shown below, includes 193 sq. m. of grass areas, 103 sq. m. of permeable paving, 35 sq. m. of planting and 8 sq. m. of tree coverage.

49.



50. The expected child yield of the development is 18.2, with 7 being ages 0 – 5, and therefore 182.3 sq. m. of children’s playspace should be provided to comply with policy. There is 183 sq. m. of available space to the rear of the site with the proposed building in place. As required by policy, 66.5 sq. m. of this area would be allocated to communal amenity space. The remaining 116.5 sq. m. would be used for children’s playspace. This is the maximum amount of playspace that can be provided on site. The provision of rooftop playspace was explored, however the roof would be a green roof with Photovoltaic Panels (PVs), Air Source Heat Pumps (ASHPs) and vents. The shortfall of 65.8 sq. m. children’s playspace would therefore be offset by a financial contribution of £9,935.80. This financial contribution, alongside further details of the onsite playspace, would be secured via legal agreement. The site is very close to Southwark Park and the playground is an approximate 7 minute walk using the park entrance on Dilston Grove.
51. The existing alleyway to the side of the building, as shown in the photograph below would be retained. This alleyway would provide access into the duplex units and an improved access to existing homes at Nos. 103 – 113 Abbeyfield Road. The landscaping plan includes paved pathways to the entrances.

52.



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

53. The nearest buildings to the application site are 103 & 113, 105 & 111 and 107 & 109 Abbeyfield Road, 1 - 9 Cape Apartments 130 Rotherhithe New Road, 161 & 163 Abbeyfield Road and Lady Gomm House Cavendish School.

54.



Privacy, outlook and sense of enclosure

55. The building has been designed to follow adjacent building lines with chamfered corners, minimising any potential sense of enclosure caused to the occupiers of neighbouring properties. The six storey building steps down to three storeys adjacent to 103 – 113 Abbeyfield Road further reducing any potential sense of enclosure.

56. No windows are proposed on the eastern elevation which ensures there would be no overlooking impacts to the adjacent Villas. To the west, high level windows are proposed at ground to second floor to limit overlooking to the adjacent terrace properties. The upper floors of the building include windows on the west elevation, however these would be sufficiently set back from the building line edge by 2.5m and from the neighbouring properties by 8.5m. The terraced properties are two storeys therefore the proposal would not result in any direct overlooking or privacy impacts to neighbouring occupiers from these set back high level windows. Windows to the north would overlook the communal amenity space to the rear, with Southwark Park beyond, and to the south would look towards the roundabout, not creating any privacy impacts to any residential occupiers.

Daylight and sunlight

57. A Daylight and Sunlight Assessment has been submitted which considers the impact of the proposed development on 103 & 113, 105 & 111 and 107 & 109 Abbeyfield Road, 1 - 9 Cape Apartments 130 Rotherhithe New Road, 161 & 163 Abbeyfield Road and Lady Gomm House Cavendish School. Lady Gomm House forms part of the Cavendish School and does not contain any residential units.
58. The impact on Vertical Sky Component (VSC), in line with BRE guidance, is considered acceptable if the VSC value is higher than 27% or if it is no less than 0.8 times its former value (20%). The assessment shows the percentage loss of No Sky Line (NSL) whereby BRE guidance notes that a reduction of 0.8 times may be deemed to adversely affect daylight. The assessment also includes an Annual Probable Sunlight Hours (APSH) analysis and overshadowing analysis.

103 & 113 Abbeyfield Road

59.

Vertical Sky Component (VSC)					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
8	8	100%	0	0	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
4	4	100%	0	0	0

60. Of the 8 windows assessed, they would all comply BRE guidance for daylight in terms of VSC and the four rooms would comply in terms of NSL when considering the impacts of the proposed development. One window which serves a living room would fail to meet BRE guidance in terms of APSH with a proportional reduction factor of 0.7. This would only be slightly below BRE guidance of 0.8 and furthermore, the overall room, which is served by two windows, would comply with BRE guidance in terms of APSH.

105 Abbeyfield Road

61. Vertical Sky Component (VSC)

Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
4	3	75%	1	0	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
1	1	100%	0	0	0

62. One window out of the four assessed would fail to meet BRE guidance in terms of VSC as a result of the proposed development, at 0.78 of its existing value, marginally below 0.8. One window would also fail to meet BRE guidance in terms of APSH at 0.77 of its existing result, however the overall room is served by four windows and would comply with BRE guidance in terms of APSH. The NSL of the room would actually improve as a result of the proposed development. This is due to the reduced footprint of the building on the site; as the proposed building would not extend as far north as the existing building does, sky would become visible from the north-east of the room.

107 Abbeyfield Road

63. Vertical Sky Component (VSC)

Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
2	2	50%	2	0	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
1	1	100%	0	0	0

64. Two windows within this property would fail to meet BRE guidance in terms of VSC, with values at 0.79 and 0.77 of their existing values, again only being slightly below BRE guidance of 0.8. The room that the windows serve would meet BRE guidance in terms of NSL and APSH.

109 Abbeyfield Road

65. Vertical Sky Component (VSC)

Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
4	2	50%	2	0	2
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
1	1	100%	0	0	0

66. One window would experience a proportional VSC at 0.7 of its existing value, just below 0.8 which the BRE guidelines say would not cause harm, retaining a VSC value of 17.8%. The assessment with the effect of overhangs removed would result in a VSC of 0.75 its existing value, retaining a VSC value of 22.7%. One further window would experience a VSC at 0.77 its existing value, again

just below 0.8, retaining a VSC value of 14.2%. With the effect of overhangs removed the window would experience a VSC at 0.79 its existing value, retaining a VSC value of 16.4%. These are not significant reductions and the VSC values can be considered appropriate for an urban location. Furthermore, the effected room is served by a further three windows which would not experience any noticeable impact as a result of the proposed development. All other windows would comply with BRE guidance in terms of VSC. The room would comply with BRE guidance in terms of NSL and APSH.

111 Abbeyfield Road

67.

Vertical Sky Component (VSC)					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
4	2	50%	0	2	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
1	1	100%	0	0	0

68. As a result of the proposed development, two windows would fail to comply with BRE guidance in terms of VSC. The windows would experience proportional VSCs at 0.43 and 0.45 of their existing values, from VSC values of 18.3% and 19.7% to 7.9% and 8.8%, respectively. With the effect of balconies removed, the two windows would still fail to meet BRE guidance in terms of VSC, however the proportional VSC values would be at 0.57 of their existing value. The VSC values would decrease from 25.3% to 14.4% and 26.8% to 15.3%. These values are not dissimilar to the existing VSC values at ground floor that would not be harmed as a result of the proposed development. Furthermore, the effected windows serve a living / kitchen / diner which is also served by two windows to the rear, being dual aspect. The NSL of the room would actually improve as a result of the proposed development due to the reduced footprint of the building on site; as the proposed building would not extend as far north as the existing building does, sky would become visible from the north-east of the room.

69. Similarly, the two windows would fail to meet BRE guidance in terms of APSH at 0.58 and 0.26 of their existing values. These would be fairly significant reductions, however the further two windows within the room would be unaffected as a result of the proposed development, making the overall APSH at 0.72 of its existing value. This is not significantly below BRE guidance of 0.8.

113 Abbeyfield Road

70.

Vertical Sky Component (VSC)					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
4	2	50%	1	1	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+

2	2	100%	0	0	0
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71. Two windows would fail to meet BRE guidance in terms of VSC at 0.53 and 0.64 of their existing values. The VSC values would reduce from 17.8% and 23.5% to 9.5% and 15.1%, respectively. With the effect of overhangs removed, the two windows would still fail to meet BRE guidance in terms of VSC, however the values would be at 0.64 and 0.72 of their existing values. Again, these are not significant reductions and the VSC values would remain at 17.2% and 21.6% which are reasonable for an urban location. One of the windows serves a kitchen which is also served by another window that would be unaffected in terms of VSC as a result of the proposed development. The other window serves a living room which is also served by a further window that would be unaffected in terms of VSC as a result of the proposed development. These two rooms would comply with BRE guidance in terms of NSL. Two windows would fail to comply with BRE guidance in terms of APSH at 0.26 and 0.32 of their existing values, again the rooms these windows are also served by additional windows meaning the overall APSH results would be at 0.65 and 0.66 of their former value, which is not significantly below BRE guidance.

1-9 Cape Apartments, 130 Rotherhithe New Road

72.

Vertical Sky Component (VSC)					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
27	27	100%	0	0	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
4	4	100%	0	0	0

73. All of the windows within this building, with the effect of balconies removed, would comply with BRE guidance in terms of VSC. All rooms would comply in terms of NSL and APSH. There would be no noticeable impacts.

161 Abbeyfield Road

74.

Vertical Sky Component (VSC)					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
14	14	100%	0	0	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
6	6	100%	0	0	0

75. All of the windows within this building would comply with BRE guidance in terms of VSC. All rooms would comply in terms of NSL and APSH. There would be no noticeable impacts.

163 Abbeyfield Road

Vertical Sky Component (VSC)					
Window			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
11	11	100%	0	0	0
No Sky Line (NSL)					
Room			Loss		
Total	Pass	BRE Compliant	20-30%	31-40%	41%+
7	7	100%	0	0	0

77. All of the windows within this building would comply with BRE guidance in terms of VSC. All rooms would comply in terms of NSL and APSH. There would be no noticeable impacts.

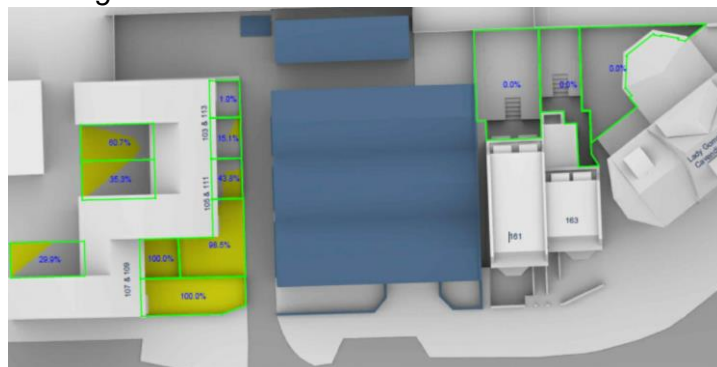
Lady Gomm House

78. Lady Gomm House is currently occupied by the Cavendish School and is not in residential use. Notwithstanding this, the windows and rooms have been assessed and all comply with BRE guidance with the proposed development in place meaning there would be no adverse effects.

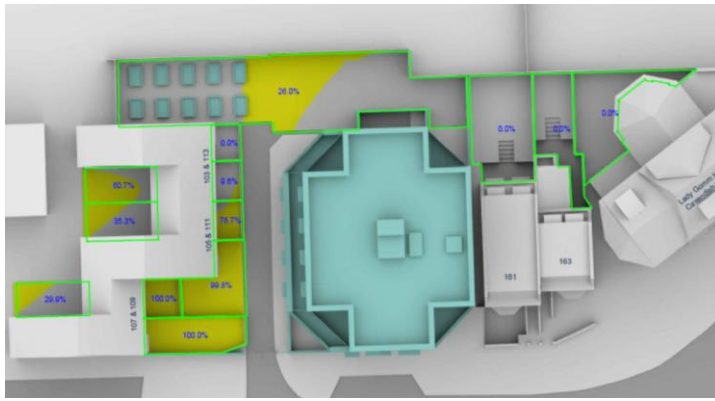
Overshadowing

79. As shown in paragraph 81, overshadowing to neighbouring amenity areas will be minimal and largely compliant with the BRE guidelines. The small amenity areas of 105 and 111 Abbeyfield Road, adjacent to the site, will gain sunlight as a result of the proposed development. The areas in front of 103 and 113 Abbeyfield Road are heavily overshadowed in the existing situation with 1% and 15.1% sunlight on 21 March in the existing situation, and 0% and 9.6% as a result of the proposed development. No other amenity areas would experience any further overshadowing, including the areas to the rear of 103 and 113 Abbeyfield Road.

80. Existing



Proposed



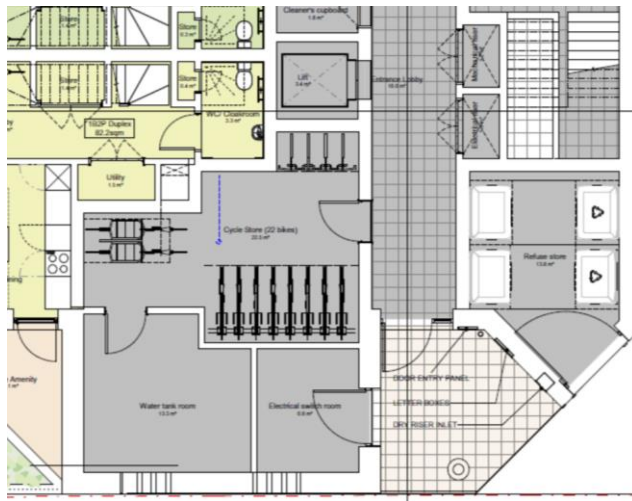
Summary

81. The proposed development would not have any unacceptable impacts in terms of privacy and outlook, and would not cause any sense of enclosure. In terms of daylight and sunlight there would be some minor noticeable impacts on 103 – 113 Abbeyfield Road, however these impacts would not be significantly beyond BRE guidance. Overall the proposed development would not cause any unacceptable impacts on the amenity of surrounding occupiers.

Transport and highways

82. The proposed development would be car free. Parking would remain unaffected as there is none on the existing site. Future occupiers would be restricted from obtaining parking permits within the South Rotherhithe Controlled Parking Zone (CPZ) which would be secured via legal agreement.
83. A trip generation assessment finds that the proposed residential development would result in a net reduction of vehicle movement during the AM and PM peak hours in comparison to the previous use on site, with the daily trip rates expected to reduce from 22 to 10. This confirms that a change in use to residential would have a positive impact in terms of the local highway.
84. The proposed cycle parking would encompass a communal long-stay cycle store for residents consisting of 22 cycle spaces (including two cargo bike spaces, which are larger bikes for transporting loads). A further single cycle parking space is provided in each of the three duplex units, giving a total of 25 long-stay cycle parking spaces which meets policy requirements in terms of the quantity provided. Four Sheffield stands would also be provided for short-stay visitor cycle parking. A condition has been recommended for the cycle storage to be provided in accordance with the proposed plans.
85. The proposed development would provide refuse storage at ground floor. This would be accessed externally and angled away from the main residential entrance. It would be easily accessible for both future occupiers and a condition has been recommended to ensure the refuse storage is provided as shown below.

86.



87. A condition has been recommended for a Construction Environmental Management Plan (CEMP) to be submitted to ensure the impacts of construction works are mitigated with regard to the local highway network and neighbouring occupiers.

Noise and vibration

88. A Noise Impact Assessment has been submitted which found a high level of noise on the Abbeyfield Road elevation of the proposed building of 68 dB(A) and 60 dB(A) at daytime and night-time, respectively, whereas the north elevation would experience lower measured noise levels of 54 dB(A) and 45 dB(A) at daytime and night-time, respectively. Accordingly, a condition has been recommended to ensure appropriate internal noise levels are achieved. This would be achieved with a robust glazing system.

Energy and sustainability

'Be Lean'

89. 'Be Lean' requires developments to use less energy and manage demand during operation. The building has been designed to reduce energy demand through an enhanced building fabric, minimising heat loss through air infiltration, reducing reliance on artificial lighting, utilising low energy lighting and ensuring adequate levels of ventilation are maintained whilst reducing heat loss through the use of Mechanical Ventilation Heat Recovery (MVHR).

'Be Clean'

90. 'Be Clean' seeks to exploit local energy resources and supply energy efficiently and cleanly. The submitted Energy Statement finds that the design of the building and the use of ASHPs and PVs would reduce the development's CO2 emissions to 59.8% over Part L 2013 Regulations standards of performance. The assessment has considered the feasibility of different approaches to energy supply in seeking to reduce emissions further. Although the site is located near a proposed district heating network and around 100 metres away from the nearest existing district heating network, due to distribution losses and the substation space requirements, the small number of household and small heating demand from the proposed development, connection to district heating network was not found to be an option. Furthermore, a centralised system is

not suitable for a development of this size due to the relatively large space required for the plant room, the small number of households to cover the capital costs and the small overall demand for heating. This means that no additional carbon savings can be achieved for the 'Be Clean' step of the energy hierarchy.

'Be Green'

91. 'Be Green' seeks to maximise opportunities for renewable energy by producing, storing and using renewable energy on-site Photovoltaic Panels (PVs) would be provided at roof level and would achieve carbon savings of 5.4% for the development and the use of Air Source Heat Pumps (ASHPs) would achieve carbon savings of 39.3% for the development. The feasibility of other types of renewable technologies have also been considered. Biomass releases high levels of NOx and there are limitations with storage and delivery in an urban location, solar thermal arrays are not compatible with ASHPs which are proposed, wind turbines are not appropriate given the location and site constraints, and Ground Source Heat Pumps (GSHPs) also require a plant room and significant space at ground floor which is not available.
92. In order to achieve zero carbon as required by policy, 7.5 tonnes per annum of regulated CO₂, equivalent to 226 tonnes over 30 years, from the development would need to be offset. As such, an offset financial contribution of £95 per tonne, totalling £21,470 would be secured via legal agreement. In accordance with the 'Be Seen' requirement of the London Plan 2021 and Southwark Plan 2022, the energy performance would also be monitored, verified and reported on as part of the legal agreement.

Ecology and biodiversity

93. A bat survey and Preliminary Ecological Appraisal (PEA) have been carried out which identified the existing buildings on site as having low potential to support roosting bats and that no nests were found within trees. A condition has been recommended for a lighting plan to be submitted to ensure that there would be no light spill into Southwark Park.
94. The Urban Greening Factor of the proposed development would be 0.4 which meets policy requirements and would ensure enhancements in terms of greening on site. A green roof is proposed to the building. Conditions have been recommended for details of the biodiversity green roof, bat tubes and swift bricks to be submitted.
95. Overall, the proposed development would have a positive impact in terms of ecology and biodiversity in comparison to the site at present.

Air quality

96. An Air Quality Assessment has been submitted which finds that although the site is located adjacent to a busy roundabout, future occupiers would experience acceptable levels of air quality, with pollutant concentrations below the air quality objectives.

Ground conditions and contamination

97. The submitted Site Investigation Report found some low level contamination on site and that a clean cover system is necessary. A condition has therefore been recommended for a detailed remediation strategy and verification report to be submitted.

Water resources and flood risk

98. The application site is located in Flood Zones 2 and 3 and is protected by the River Thames tidal defences for events up to the 0.1% Annual Exceedance Probability (AEP). It is deemed to be at low risk from surface water, fluvial and tidal flooding. To further minimise the risk, all sleeping accommodation is located at first floor and above.

Other matters

99. Fire safety details have been submitted in accordance with Policy D12 of the London Plan 2021. The application identifies the use of appropriate building materials and the inclusion of full residential sprinklers, sets out a stay put evacuation strategy and provides a plan detailing fire personnel access to the building and clear emergency vehicle road access.

Planning obligations (S.106 undertaking)

100.	Planning obligation	Mitigation	Applicant's position
	Housing, Viability and Amenity Space		
	Affordable housing Provision	100% social rented homes	Agreed
	Wheelchair accessible housing	£40,000 financial contribution	Agreed
	Children's playspace	£9,935.80 financial contribution	Agreed
	Transport and Highways		
	Parking permit restriction	Removal of all parking permit rights in CPZ except blue badge permits	Agreed
	Energy, Sustainability and the Environment		
	Carbon offset fund	Off-set contribution of £21,470	Agreed
	'Be Seen'	Monitoring, reporting and verifying of energy performance	Agreed
	Other		
	Administration fee	Payment to cover the	Agreed

	costs of monitoring these necessary planning obligations calculated as 2% of total sum.	
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101. The planning obligations agreed would satisfactorily mitigate against the adverse impacts of the proposed development.
102. In the event that a satisfactory legal agreement has not been entered into by 14 December 2022 it is recommended that the director of planning refuses planning permission, if appropriate, for the following reason:

The proposal, by failing to provide for appropriate planning obligations secured through the completion of a legal agreement, fails to ensure adequate provision of affordable housing and mitigation against the adverse impacts of development through projects or contributions in accordance with Policy DF1 (Delivery of the London Plan and Planning Obligations) of the London Plan 2021, Policy IP3 (Community Infrastructure Levy (CIL) and Section 106 Planning Obligations) of the Southwark Plan 2022 and Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015).

Consultation responses from internal and divisional consultees

103. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.
104. Environmental Protection Team:
- Advise conditions for residential internal noise, contamination and a Construction Environmental Management Plan (CEMP)
 - Air quality assessment shows acceptable levels
105. Design and Conservation Team:
- Height, scale and massing is considered acceptable
 - Design details are supported
 - Material samples should be submitted
106. Ecologist:
- Bat survey and PEA acceptable
 - Advise conditions for swift nesting bricks, bat tubes and a green roof for biodiversity
107. Transport Planning Policy:
- Proposal would not generate a significant transport impact
 - Advise that further details of cycle parking and a Construction

Environmental Management Plan (CEMP) are required

108. Urban Forester:
- Advise Arboricultural Method Statement and hard and soft landscaping conditions
109. Flood Risk Management:
- Requested further information to confirm compliance with the drainage hierarchy which has been provided and found acceptable

Consultation responses from external consultees

110. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.
111. Thames Water:
- Advise a condition for details of any piling works to be submitted.

Community impact and equalities assessment

112. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
113. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
114. 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.
115. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
 116. This proposal would provide 13 new social rented homes, 3 x 1 bedroom dwellings, 3 x 2 bedroom dwellings and 7 x 3 bedroom dwellings. Local households in housing need would be able to bid for the proposed new housing at Abbeyfield Road through the Local Lettings initiative and as such, the proposal would result in a significant community benefit.

Human rights implications

117. 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.
118. This application has the legitimate aim of providing social rented housing. 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

119. 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.
120. 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?	YES
If the pre-application service was used for this application, was the advice given followed?	YES
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?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	NO

CONCLUSION

121. The proposed development would make an efficient use of an existing vacant site to provide 13 social rented residential dwellings. The proposed dwellings would be of a high quality, both internally and externally. The height, scale, massing and detailed design of the proposed building is considered acceptable and would not adversely impact on the amenity of neighbouring occupiers.
122. It is therefore recommended that the application is approved, subject to conditions and completion of a legal agreement.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file 187-161 Application file 21/AP/3577 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	Recommendation (draft decision notice)
Appendix 2	Consultation undertaken
Appendix 3	Relevant planning policy
Appendix 4	Planning history of the site and nearby sites

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Abbie McGovern, Planning Officer	
Version	Final	
Dated	27 May 2022	
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
Date final report sent to Constitutional Team		30 May 2022

APPENDIX 1**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	MS DEMMI RUSSELL	Reg. Number	21/AP/3577
Application Type	Local Authority Development	Case Number	187-161
Recommendation	GRANT permission		

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

Demolition of 2 storey former council office building and temporary structure to rear and erection of part 3, part 6 storey residential building containing 13 no. social rented affordable homes with associated landscaping works

153-159 Abbeyfield Road London Southwark SE16 2BS

In accordance with application received on 13 October 2021 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

Plans - Proposed Proposed Site Elevation 0548-BPA-AB-DR-A-P0200 received 05/11/2021

Plans - Proposed Proposed Landscape Plan 0548-BPA-ZZ-DR-A-P7000 received 05/11/2021

Plans - Proposed Duplex Type 1 - Lower 0548-BPA-P0121 received 13/10/2021

Plans - Proposed Duplex Type 1 - Upper 0548-BPA-P0122 received 13/10/2021

Plans - Proposed Duplex Type 2 - Lower 0548-BPA-P0123 received 13/10/2021

Plans - Proposed Duplex Type 2 - Upper 0548-BPA-P0125 received 13/10/2021

Plans - Proposed Flat Type 2 0548-BPA-P0129 received 13/10/2021

Plans - Proposed Proposed First Floor Plan 0548-BPA-AB-DR-A-P0111 received 13/10/2021

Plans - Proposed Proposed Fifth Floor Plan 0548-BPA-AB-DR-A-P0115 received 13/10/2021

Plans - Proposed Proposed Sections 0548-BPA-P0300 received 13/10/2021

Plans - Proposed Duplex Type 3 - Upper 0548-BPA-P0127 received 13/10/2021
 Plans - Proposed Flat Type 1 0548-BPA-P0128 received 13/10/2021
 Plans - Proposed Proposed West Elevation 0548-BPA-AB-DR-A-P0211 received 13/10/2021
 Plans - Proposed Proposed North Elevation 0548-BPA-AB-DR-A-P0212 received 13/10/2021
 Plans - Proposed Communal Residential Entrance 0548-BPA-P0500 received 13/10/2021
 Plans - Proposed Duplex Type 3 - Lower 0548-BPA-P0126 received 13/10/2021
 Plans - Proposed Flat Type 3 0548-BPA-P0130 received 13/10/2021
 Plans - Proposed Proposed Third Floor Plan 0548-BPA-AB-DR-A-P0113 received 13/10/2021
 Plans - Proposed Proposed Fourth Floor Plan 0548-BPA-AB-DR-A-P0114 received 13/10/2021
 Plans - Proposed Proposed Ground Floor Plan 0548-BPA-AB-DR-A-P0110 received 13/10/2021
 Plans - Proposed Proposed Second Floor Plan 0548-BPA-AB-DR-A-P0112 received 13/10/2021
 Plans - Proposed Proposed Roof Plan 0548-BPA-AB-DR-A-P0116 received 13/10/2021
 Plans - Proposed Proposed Site Elevation 0548-BPA-AB-DR-A-P0200 received 13/10/2021
 Plans - Proposed Proposed East Elevation 0548-BPA-AB-DR-A-P0213 received 13/10/2021

Other Documents

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 Pre-Commencements Condition(s)

3. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:

- o A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
 - o Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
 - o Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
- o A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
 - o Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
 - o A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the National Planning Policy Framework 2021; Policy T7 (Deliveries, servicing and construction) of the London Plan 2021; and, Policies P50 (Highways impacts) and P56 (Protection of amenity) of the Southwark Plan 2022.

4. Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.
 - a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
 - b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
 - c) Cross sections shall be provided to show surface and other changes to

levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021; Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan 2021; and, Policies P59 (Green infrastructure), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

Permission is subject to the following Grade Condition(s)

5. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme including two trees at grade, and showing the treatment of all parts of the site not covered by buildings (including cross sections, available rooting space, tree pits, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other

than amenity turf).

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021, and; Policies P59 (Green infrastructure), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

6. Prior to any above grade works details of the materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing 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; and, Policy P13 (Design of Places) and Policy P14 (Design Quality) of the Southwark Plan 2022.

7. Part 1: Before any above grade work hereby authorised begins, details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity green roof shall be
 :* biodiversity based with extensive substrate base (depth 80-150mm);
 * laid out in accordance with agreed plans; and* planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).
 The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Part 2: Full Discharge of this condition will be granted once the green roof are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban greening) of the London Plan 2021; Policy P59 (Green Infrastructure) and Policy P60

Permission is subject to the following Pre-Occupation Condition(s)

8. Before the first occupation of the building hereby permitted, the cycle storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings. The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason: In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework 2021; Policy T5 (Cycling) of the London Plan 2021; and, Policy P53 (Cycling) of the Southwark Plan 2022.

9. Prior to occupation of the development hereby permitted, details of 6 bat tubes and 12 Swifit bricks shall be submitted to and approved in writing by the Local Planning Authority.. The details shall include the exact location, specification and design of the habitats. The tubes and bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting tubes and bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework 2021; Policy G6 (Biodiversity and access to nature) of the London Plan 2021; P56 Protection of amenity, P57 Open space, P58 Open Water space, P59 Green infrastructure, P60 Bioiversity, P66 Reducing noise pollution and enhancing soundscapes and P69 Sustainable standards of the Southwark Plan 2022.

10. Prior to the occupation of the development hereby permitted, a Lighting Plan shall be submitted to and approved by the Local Planning Authority. The recommended lighting specification using LED's (at 3 lux) because they have little UV. The spectrum recommended is 80% amber and 20% white with a clear view, no UV, horizontal light spread ideally less that 70°½ and a timer.

Reason: To ensure compliance with the Habitats Regulations and the Wildlife

& Countryside Act 1981 (as amended), the National Planning Policy Framework 2021; Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan 2021; and, Policies P59 (Green infrastructure), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

Permission is subject to the following Compliance Condition(s)

11. Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings. The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the National Planning Policy Framework 2021; Policy D4 (Delivering good design) of the London Plan 2021; and, Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

12. The recommendations and mitigation detailed in the submitted acoustic report (KP Acoustics report 18480.NVA.01 Rev. A dated 21/5/2021) shall be implemented in full and permanently maintained thereafter to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T_i½, 30 dB LAeq T*, 45dB LAFmax T *

Living and Dining rooms- 35dB LAeq T_i½

* - Night-time 8 hours between 23:00-07:00

i½ - Daytime 16 hours between 07:00-23:00.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the National Planning Policy Framework 2021; Policies D6 (Housing quality and standards) and D14 (Noise) of the London Plan 2021; and, Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

Permission is subject to the following Special Condition(s)

13. a) A detailed remediation and/or mitigation strategy shall be prepared and

submitted to the Local Planning Authority for approval in writing. The strategy shall detail all proposed actions to be taken to bring the site to a condition suitable for the intended use together with any monitoring or maintenance requirements. The scheme shall also ensure that as a minimum, the site should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out and implemented as part of the development.

b) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed, together with any future monitoring or maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority.

c) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-b above.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework 2021; and, Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan 2022.

14. Part 1: All Arboricultural Supervisory elements to be undertaken in accordance with the approved Arboricultural Method Statement for this site, as evidenced through signed sheets and photographs.

Part 2: The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority within 28 days of completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by the retained or pre-appointed tree specialist.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021 Parts, 8, 11, 12, 15 and 16; Policies G5 (Urban greening)

and G7 (Trees and woodland) of the London Plan 2021; and, Policies P59 (Green infrastructure), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

Informatives

Consultation undertaken

Site notice date: 27/10/2021

Press notice date: 13/01/2022

Case officer site visit date: 27/10/2021

Neighbour consultation letters sent: 22/10/2021

Statutory and non-statutory organisations

Thames Water

Neighbour and local groups consulted:

8 Cape Apartments 130 Rotherhithe New Road London
 Flat 37 Addy House Silwood Estate Rotherhithe New Road
 33 Westlake Rotherhithe New Road London
 Flat 13 97 Abbeyfield Road London
 79 Westlake Rotherhithe New Road London
 71 Westlake Rotherhithe New Road London
 Flat 96 Addy House Silwood Estate Rotherhithe New Road
 Flat 92 Addy House Silwood Estate Rotherhithe New Road
 36 Westlake Rotherhithe New Road London
 Flat 9 97 Abbeyfield Road London
 Flat 6 97 Abbeyfield Road London
 24 George Walter Court Millender Walk London
 Flat D 161 Abbeyfield Road London
 Flat 2 163 Abbeyfield Road London
 1 Cape Apartments 130 Rotherhithe New Road London
 14 Westlake Rotherhithe New Road London
 10 George Walter Court Millender Walk London
 Flat 2 Addy House Silwood Estate Rotherhithe New Road
 Flat 17 Addy House Silwood Estate Rotherhithe New Road
 Flat 2 Mcintosh House Silverlock Estate Millender Walk
 31 Westlake Rotherhithe New Road London
 73 Westlake Rotherhithe New Road London
 126 Westlake Rotherhithe New Road London
 Flat 3 97 Abbeyfield Road London
 98 Abbeyfield Road London Southwark
 94 Abbeyfield Road London Southwark
 Flat 16 Addy House Silwood Estate Rotherhithe New Road
 Flat 15 Addy House Silwood Estate Rotherhithe New Road
 Flat 1 Addy House Silwood Estate Rotherhithe New Road
 Flat 13 Addy House Silwood Estate Rotherhithe New Road
 96 Abbeyfield Road London Southwark
 Flat 18 Addy House Silwood Estate Rotherhithe New Road
 19 Westlake Rotherhithe New Road London

Flat 2 97 Abbeyfield Road London
 Flat 28 97 Abbeyfield Road London
 Flat 15 97 Abbeyfield Road London
 42 Westlake Rotherhithe New Road London
 Flat 90 Addy House Silwood Estate Rotherhithe New Road
 43 George Walter Court Millender Walk London
 Sheltered Unit 99 Abbeyfield Road London
 Flat 84 Addy House Silwood Estate Rotherhithe New Road
 Flat A 161 Abbeyfield Road London
 107 Abbeyfield Road London Southwark
 Flat 20 Mcintosh House Silverlock Estate Millender Walk
 68 Westlake Rotherhithe New Road London
 81 Westlake Rotherhithe New Road London
 76 Westlake Rotherhithe New Road London
 65 Westlake Rotherhithe New Road London
 63 Westlake Rotherhithe New Road London
 100 Westlake Rotherhithe New Road London
 102 Westlake Rotherhithe New Road London
 104 Westlake Rotherhithe New Road London
 The Southwark Park Athletics Track And Gym Hawkstone Road London
 Flat 1 163 Abbeyfield Road London
 3 Cape Apartments 130 Rotherhithe New Road London
 9 Cape Apartments 130 Rotherhithe New Road London
 6 Cape Apartments 130 Rotherhithe New Road London
 4 Cape Apartments 130 Rotherhithe New Road London
 2 Cape Apartments 130 Rotherhithe New Road London
 122 Westlake Rotherhithe New Road London
 82 Westlake Rotherhithe New Road London
 103 Westlake Rotherhithe New Road London
 129 Westlake Rotherhithe New Road London
 Flat 44 Addy House Silwood Estate Rotherhithe New Road
 Flat 69 Addy House Silwood Estate Rotherhithe New Road
 Flat 62 Addy House Silwood Estate Rotherhithe New Road
 21 George Walter Court Millender Walk London
 14 George Walter Court Millender Walk London
 12 George Walter Court Millender Walk London
 19 George Walter Court Millender Walk London
 Flat 72 Addy House Silwood Estate Rotherhithe New Road
 Flat 65 Addy House Silwood Estate Rotherhithe New Road
 Flat 55 Addy House Silwood Estate Rotherhithe New Road
 Flat 67 Addy House Silwood Estate Rotherhithe New Road
 7 Cape Apartments 130 Rotherhithe New Road London
 5 Cape Apartments 130 Rotherhithe New Road London
 101 Abbeyfield Road London Southwark
 100 Abbeyfield Road London Southwark
 113 Abbeyfield Road London Southwark
 105 Abbeyfield Road London Southwark
 13 Westlake Rotherhithe New Road London
 111 Abbeyfield Road London Southwark

12 Westlake Rotherhithe New Road London
6 Westlake Rotherhithe New Road London
140 Rotherhithe New Road London Southwark
Flat 56 Addy House Silwood Estate Rotherhithe New Road
Flat 60 Addy House Silwood Estate Rotherhithe New Road
Flat 19 97 Abbeyfield Road London
Flat 14 97 Abbeyfield Road London
Flat 50 Addy House Silwood Estate Rotherhithe New Road
Flat 36 Addy House Silwood Estate Rotherhithe New Road
Flat 23 Addy House Silwood Estate Rotherhithe New Road
Flat 93 Addy House Silwood Estate Rotherhithe New Road
Flat 77 Addy House Silwood Estate Rotherhithe New Road
Flat 68 Addy House Silwood Estate Rotherhithe New Road
Flat 46 Addy House Silwood Estate Rotherhithe New Road
150 Rotherhithe New Road London Southwark
Flat 4 Mcintosh House Silverlock Estate Millender Walk
11 George Walter Court Millender Walk London
125 Westlake Rotherhithe New Road London
119 Westlake Rotherhithe New Road London
114 Westlake Rotherhithe New Road London
111 Westlake Rotherhithe New Road London
106 Westlake Rotherhithe New Road London
96 Westlake Rotherhithe New Road London
89 Westlake Rotherhithe New Road London
86 Westlake Rotherhithe New Road London
80 Westlake Rotherhithe New Road London
72 Westlake Rotherhithe New Road London
Flat 11 97 Abbeyfield Road London
69 Westlake Rotherhithe New Road London
62 Westlake Rotherhithe New Road London
55 Westlake Rotherhithe New Road London
43 Westlake Rotherhithe New Road London
Flat C 161 Abbeyfield Road London
154 Rotherhithe New Road London Southwark
Flat 19 Mcintosh House Silverlock Estate Millender Walk
Flat 7 Adron House Silverlock Estate Millender Walk
103 Abbeyfield Road London Southwark
142 Rotherhithe New Road London Southwark
16 Westlake Rotherhithe New Road London
39 Westlake Rotherhithe New Road London
Flat 78 Addy House Silwood Estate Rotherhithe New Road
121 Westlake Rotherhithe New Road London
Flat 38 Addy House Silwood Estate Rotherhithe New Road
Flat 91 Addy House Silwood Estate Rotherhithe New Road
Flat 83 Addy House Silwood Estate Rotherhithe New Road
Flat 81 Addy House Silwood Estate Rotherhithe New Road
Flat 6 Addy House Silwood Estate Rotherhithe New Road
Flat 41 Addy House Silwood Estate Rotherhithe New Road
Flat 4 Addy House Silwood Estate Rotherhithe New Road

144 Rotherhithe New Road London Southwark
Flat 6 Mcintosh House Silverlock Estate Millender Walk
Flat 22 Mcintosh House Silverlock Estate Millender Walk
13 George Walter Court Millender Walk London
116 Westlake Rotherhithe New Road London
99 Westlake Rotherhithe New Road London
61 Westlake Rotherhithe New Road London
57 Westlake Rotherhithe New Road London
17 Westlake Rotherhithe New Road London
Flat 75 Addy House Silwood Estate Rotherhithe New Road
94 Westlake Rotherhithe New Road London
66 Westlake Rotherhithe New Road London
148 Rotherhithe New Road London Southwark
34 Westlake Rotherhithe New Road London
Flat 53 Addy House Silwood Estate Rotherhithe New Road
118 Westlake Rotherhithe New Road London
Flat 22 97 Abbeyfield Road London
Flat 7 Addy House Silwood Estate Rotherhithe New Road
Flat 47 Addy House Silwood Estate Rotherhithe New Road
Flat 28 Addy House Silwood Estate Rotherhithe New Road
Flat 10 Addy House Silwood Estate Rotherhithe New Road
95 Westlake Rotherhithe New Road London
92 Westlake Rotherhithe New Road London
Flat 86 Addy House Silwood Estate Rotherhithe New Road
Flat 73 Addy House Silwood Estate Rotherhithe New Road
Flat 51 Addy House Silwood Estate Rotherhithe New Road
Flat 48 Addy House Silwood Estate Rotherhithe New Road
Flat 45 Addy House Silwood Estate Rotherhithe New Road
Flat 43 Addy House Silwood Estate Rotherhithe New Road
Flat 31 Addy House Silwood Estate Rotherhithe New Road
Flat 29 Addy House Silwood Estate Rotherhithe New Road
Flat 19 Addy House Silwood Estate Rotherhithe New Road
Flat 1 Mcintosh House Silverlock Estate Millender Walk
44 George Walter Court Millender Walk London
22 George Walter Court Millender Walk London
Flat 16 97 Abbeyfield Road London
128 Westlake Rotherhithe New Road London
91 Westlake Rotherhithe New Road London
70 Westlake Rotherhithe New Road London
64 Westlake Rotherhithe New Road London
9 Westlake Rotherhithe New Road London
8 Westlake Rotherhithe New Road London
58 Westlake Rotherhithe New Road London
32 Westlake Rotherhithe New Road London
Flat 33 Addy House Silwood Estate Rotherhithe New Road
75 Westlake Rotherhithe New Road London
Flat 18 97 Abbeyfield Road London
Flat 94 Addy House Silwood Estate Rotherhithe New Road
Flat 10 Adron House Silverlock Estate Millender Walk

54 Westlake Rotherhithe New Road London
115 Westlake Rotherhithe New Road London
Flat 17 97 Abbeyfield Road London
Flat 26 Addy House Silwood Estate Rotherhithe New Road
87 Westlake Rotherhithe New Road London
Flat 70 Addy House Silwood Estate Rotherhithe New Road
Flat 8 Addy House Silwood Estate Rotherhithe New Road
Flat 35 Addy House Silwood Estate Rotherhithe New Road
Flat 27 97 Abbeyfield Road London
Flat 26 97 Abbeyfield Road London
Flat 24 97 Abbeyfield Road London
123 Westlake Rotherhithe New Road London
93 Westlake Rotherhithe New Road London
77 Westlake Rotherhithe New Road London
74 Westlake Rotherhithe New Road London
67 Westlake Rotherhithe New Road London
18 Westlake Rotherhithe New Road London
46 George Walter Court Millender Walk London
Flat 5 Mcintosh House Silverlock Estate Millender Walk
Flat 23 Mcintosh House Silverlock Estate Millender Walk
Flat 80 Addy House Silwood Estate Rotherhithe New Road
Flat 34 Addy House Silwood Estate Rotherhithe New Road
Flat 12 Addy House Silwood Estate Rotherhithe New Road
Flat 21 Addy House Silwood Estate Rotherhithe New Road
98 Westlake Rotherhithe New Road London
Flat 79 Addy House Silwood Estate Rotherhithe New Road
Flat 59 Addy House Silwood Estate Rotherhithe New Road
Flat 30 Addy House Silwood Estate Rotherhithe New Road
Flat 27 Addy House Silwood Estate Rotherhithe New Road
Flat 22 Addy House Silwood Estate Rotherhithe New Road
152 Rotherhithe New Road London Southwark
138 Rotherhithe New Road London Southwark
Flat 21 97 Abbeyfield Road London
Flat 20 97 Abbeyfield Road London
105 Westlake Rotherhithe New Road London
97 Westlake Rotherhithe New Road London
85 Westlake Rotherhithe New Road London
78 Westlake Rotherhithe New Road London
38 Westlake Rotherhithe New Road London
Flat 11 Addy House Silwood Estate Rotherhithe New Road
Flat 85 Addy House Silwood Estate Rotherhithe New Road
84 Westlake Rotherhithe New Road London
Flat 89 Addy House Silwood Estate Rotherhithe New Road
Flat 82 Addy House Silwood Estate Rotherhithe New Road
Flat 76 Addy House Silwood Estate Rotherhithe New Road
124 Westlake Rotherhithe New Road London
110 Westlake Rotherhithe New Road London
107 Westlake Rotherhithe New Road London
Flat 66 Addy House Silwood Estate Rotherhithe New Road

Flat 64 Addy House Silwood Estate Rotherhithe New Road
Flat 63 Addy House Silwood Estate Rotherhithe New Road
Flat 57 Addy House Silwood Estate Rotherhithe New Road
Flat 5 Addy House Silwood Estate Rotherhithe New Road
Flat 20 Addy House Silwood Estate Rotherhithe New Road
164 Rotherhithe New Road London Southwark
Flat 8 97 Abbeyfield Road London
Flat 23 97 Abbeyfield Road London
Flat 1 97 Abbeyfield Road London
130 Westlake Rotherhithe New Road London
127 Westlake Rotherhithe New Road London
120 Westlake Rotherhithe New Road London
117 Westlake Rotherhithe New Road London
108 Westlake Rotherhithe New Road London
Flat 12 97 Abbeyfield Road London
40 Westlake Rotherhithe New Road London
35 Westlake Rotherhithe New Road London
30 Westlake Rotherhithe New Road London
56 Westlake Rotherhithe New Road London
Flat 3 Mcintosh House Silverlock Estate Millender Walk
Flat 9 Adron House Silverlock Estate Millender Walk
109 Abbeyfield Road London Southwark
136 Rotherhithe New Road London Southwark
Flat 74 Addy House Silwood Estate Rotherhithe New Road
Flat 9 Addy House Silwood Estate Rotherhithe New Road
Flat 49 Addy House Silwood Estate Rotherhithe New Road
Flat 40 Addy House Silwood Estate Rotherhithe New Road
Flat 3 Addy House Silwood Estate Rotherhithe New Road
Flat 88 Addy House Silwood Estate Rotherhithe New Road
Flat 61 Addy House Silwood Estate Rotherhithe New Road
Flat 54 Addy House Silwood Estate Rotherhithe New Road
Flat 39 Addy House Silwood Estate Rotherhithe New Road
Flat 24 Addy House Silwood Estate Rotherhithe New Road
134 Rotherhithe New Road London Southwark
47 George Walter Court Millender Walk London
Flat 7 97 Abbeyfield Road London
109 Westlake Rotherhithe New Road London
88 Westlake Rotherhithe New Road London
83 Westlake Rotherhithe New Road London
60 Westlake Rotherhithe New Road London
Flat 3 163 Abbeyfield Road London
Flat 52 Addy House Silwood Estate Rotherhithe New Road
112 Westlake Rotherhithe New Road London
Flat 58 Addy House Silwood Estate Rotherhithe New Road
Flat 42 Addy House Silwood Estate Rotherhithe New Road
10 Westlake Rotherhithe New Road London
15 Westlake Rotherhithe New Road London
Flat 5 97 Abbeyfield Road London
Flat 21 Mcintosh House Silverlock Estate Millender Walk

11 Westlake Rotherhithe New Road London
 7 Westlake Rotherhithe New Road London
 59 Westlake Rotherhithe New Road London
 41 Westlake Rotherhithe New Road London
 Flat 87 Addy House Silwood Estate Rotherhithe New Road
 113 Westlake Rotherhithe New Road London
 Flat 25 97 Abbeyfield Road London
 Flat 32 Addy House Silwood Estate Rotherhithe New Road
 Flat 14 Addy House Silwood Estate Rotherhithe New Road
 Park Lodge Hawkstone Road London
 90 Westlake Rotherhithe New Road London
 Rear Of 101 To 130 Westlake Rotherhithe New Road
 Flat B 161 Abbeyfield Road London
 Lady Gomm House 58 Hawkstone Road London
 Flat 95 Addy House Silwood Estate Rotherhithe New Road
 Flat 71 Addy House Silwood Estate Rotherhithe New Road
 Flat 25 Addy House Silwood Estate Rotherhithe New Road
 146 Rotherhithe New Road London Southwark
 Flat 24 Mcintosh House Silverlock Estate Millender Walk
 Flat 8 Adron House Silverlock Estate Millender Walk
 45 George Walter Court Millender Walk London
 23 George Walter Court Millender Walk London
 20 George Walter Court Millender Walk London
 Flat 4 97 Abbeyfield Road London
 Flat 30 97 Abbeyfield Road London
 Flat 29 97 Abbeyfield Road London
 101 Westlake Rotherhithe New Road London
 Flat 10 97 Abbeyfield Road London
 37 Westlake Rotherhithe New Road London

Consultation responses received

Statutory and non-statutory organisations

Thames Water

Neighbour and local groups consulted:

113 Abbeyfield Road London Southwark
 161a Abbeyfield Road London SE162BS
 101 Abbeyfield Road Rotherhithe
 London
 163A Abbeyfield Road London SE16
 2BS
 161 Abbeyfield Road London SE16 2BS

Planning Policies

National Planning Policy Framework (the framework)

The revised National Planning Policy Framework ('NPPF') was published on 20 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. Paragraph 218 states that the policies in the Framework are material considerations, which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- 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

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 D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D8 Public realm
- Policy D12 Fire safety
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy G1 Green infrastructure
- Policy G4 Open space
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling

- Policy T7 Deliveries, servicing and construction
- Policy DF1 Delivery of the plan and planning obligations

Southwark Plan 2022

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:

- Policy P1 Social rented and intermediate housing
- Policy P2 New family homes
- Policy P13 Design of places
- Policy P14 Design quality
- Policy P15 Residential design
- Policy P18 Efficient use of land
- Policy P50 Highways impacts
- Policy P53 Cycling
- Policy P56 Protection of amenity
- Policy P59 Green infrastructure
- Policy P60 Biodiversity
- Policy P61 Trees
- Policy P65 Improving air quality
- Policy P66 Reducing noise pollution and enhancing soundscapes
- Policy P68 Reducing flood risk
- Policy P69 Sustainability standards
- Policy P70 Energy

SPDs

Of relevance in the consideration of this application are:

- Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD (2015)
- Sustainable Design and Construction SPD (2008)

Relevant planning history

Reference and Proposal	Status
21/EQ/0015 - Demolition of former council area housing office and construction of 6 storey building to provide 14 homes for social rent	Closed 06.07.2021



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Item No. 7.2	Classification: Open	Date: 14 June 2022	Meeting Name: Planning Sub Committee B
Report title:	Development Management planning application: Application 22/AP/0966 for: Full Planning Application Address: MARLBOROUGH CRICKET CLUB, DULWICH COMMON, LONDON S21 7EX Proposal: Replacement of existing nets and erection of a new three lane cricket net facility located approximately 30 metres to the south of the existing nets		
Ward(s) or groups affected:	Dulwich Wood		
From:	Director of Planning and Growth		
Application Start Date: 24/03/2022		PPA Expiry Date: 17/06/2022	
Earliest Decision Date 16/05/2022			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

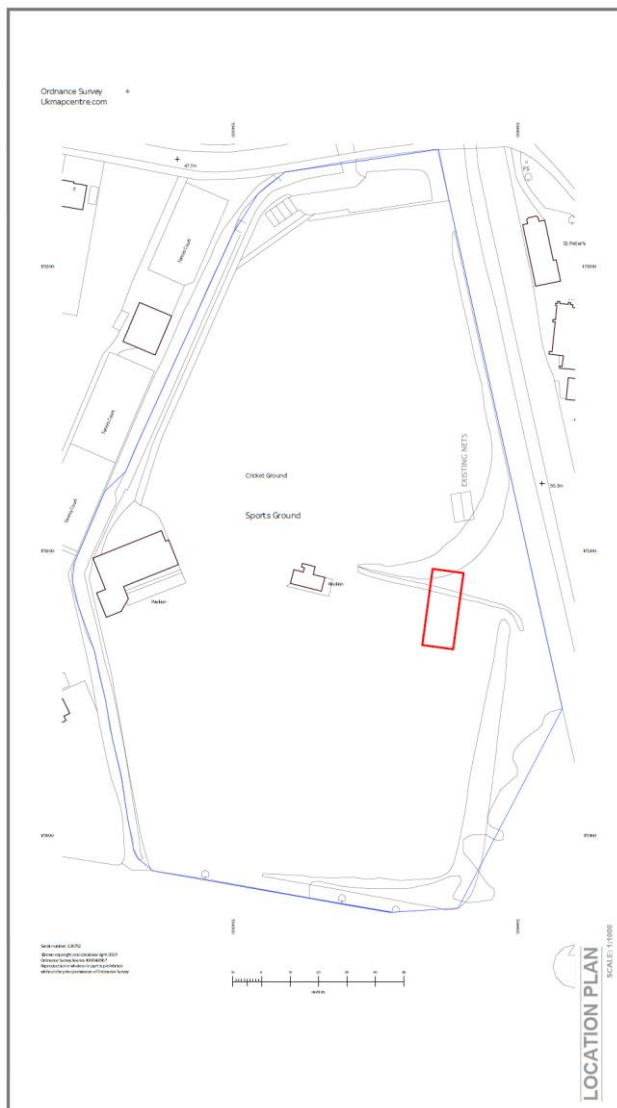
EXECUTIVE SUMMARY

2. The application is to replace the existing cricket nets and erect a new three-lane cricket net approximately 30m to the south of the existing nets. The site is in the Dulwich Common Sports Ground and Cricket Club Metropolitan Open Land (MOL). The proposal meets national and local planning policy tests for appropriate development within MOL so the principle of the proposed land use is acceptable.
3. Overall, the proposed design and positioning of the new cricket nets would have no significant impact on the setting of the MOL and would not affect its openness or detract from its character.
4. The use of the site would not be intensified and the location of the proposed nets is further away from the nearest residential property than the existing nets. Therefore, it is not expected that there will be any significant adverse impacts on the amenity of the neighbouring properties as a result of the development. It is therefore recommended that planning permission is granted subject to planning conditions.

BACKGROUND INFORMATION

Site location and description

5. The site is on the eastern part of Marlborough Cricket Club on Dulwich Common Sports Ground and Cricket Club Metropolitan Open Land (MOL). The site is also in the Dulwich Wood Conservation Area. To the north-east of the cricket club are the Grade II listed buildings of the Church of St Peter and St Peter's parish hall; they are over 70m away and the site is not within their setting. Residential properties are located on Dulwich Common approximately 150m north west of the site and on Lordship lane, about 145m to the east. The nearest residential properties are approximately 44m to the east of the site.. Dulwich and Sydenham Hill Golf Club which is a designated Site of Importance for Nature Conservation (SINC) located to the south of the cricket ground. To the west of the site, is a tennis club with allotment gardens further west of this. The site is accessed via Dulwich Common (A205) to the north of the site.



Site location plan

Details of proposal

6. The application proposes to replace the existing cricket nets with a new three lane cricket net facility. The location of the proposed nets would be approximately 30m to the south of the existing nets.



Existing location of cricket nets



Proposed located of cricket nets

7. The new nets would measure 18.3m in length 10.7m in width and 4m in height representing a minor area of the open space. The new nets will be longer than the existing nets which are currently 11.5m. This is because the new nets must meet updated safety standards. The existing nets are approximately 34.5m from the nearest residential property. The proposed new location would be approximately 44m from the nearest residential property.
8. The nets are to be replaced as the existing nets have come to the end of their functional life. The location is proposed to be moved as the current location encroaches onto the lower pitch and the proposed location does not impact on the playing area. In addition, the existing location often becomes waterlogged and the proposed location has better soil drainage.

Consultation responses from members of the public and local groups

9. The application has received 19 public comments including 3 comments of objection and 16 comments of support. Summarised below are the material planning considerations raised by members of the public. These matters are addressed in the subsequent parts of this report.

10. Support:

- The current practice facility is poorly located and dangerous. Currently balls may fly out of the net into neighbouring Cox's Walk, the new design and location almost eliminates that risk.
- The current nets are in a bad location, encroaching on the current playing area and posing a hazard to those who use them due to their poor condition. The current location is also dangerous due to the amount of debris that falls from overhead trees. The new site for these nets will make use of unused, dead space, allowing the playing area to be used to its full extent, and for members of the club to use the nets safely.
- The current net facility is at the end of its useable life and new nets will make maintenance easier. The new nets will have the same capacity as the old nets with no expected rise in volume.
- Approval is also required to make use of grants from ECB and Sport England.
- This is a massively needed new facility for a thriving, local, community orientated club that is providing much needed sport, and associated physical and mental health benefits for a wide range of the local population.
- The proposal is important to improve these facilities to grow the game, the club and enable local members to practice their game at the ground rather than travelling to facilities on Burbage Road and beyond.
- Allowing better nets to be constructed will allow for a greater sense of community rather than needing to train all around London.

Objections:

11. Impact on neighbouring amenity

- The facility is objected to unless it is only used during normal daylight hours and/or the facility is not brightly lit at night which would be a source of light pollution out of keeping with the area, and encourage its use - and associated noise - during quiet hours.
- There is already significant noise generated by the club. The proposed nets would be much closer to Ashdown Court and the noise would increase. The club has a history of Noise Abatement Notices. The nets should be located on the opposite side of the grounds away from the properties of local residents

Ecology and impact on trees

- Too near to ancient woodland. This will affect plants and local wildlife.

Officer response:

With regards to the potential for light pollution, the proposal is not seeking to introduce any new lighting and will only be used during daylight hours. There is no expected increase in noise from the new nets as the use will not be intensified. In addition, the location of the new nets is approximately 44m away from the nearest home which is an increase in the current distance of 34.5m. A condition will be included to ensure the nets are not used after a certain hour. In relation to possible impacts on ecology, the council ecologist has reviewed the proposal and does not expect the development to raise any concerns relating to ecology.

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

12. 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 3.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

13. The main issues to be considered in respect of this application are:
- Principle of the proposed development on MOL in terms of land use;
 - Design and layout including impact on heritage assets
 - Transport and highways
 - Open space, landscaping and trees
 - Ecology and biodiversity
 - Impact on amenity including noise and light
 - Other matters
 - Mayoral and borough community infrastructure levy (CIL)
 - Consultation responses
 - Community impact, equalities assessment and human rights
14. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

15. 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 2021 and the Southwark Plan 2022. 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.

16. 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

17. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) 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 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.
18. The site is located within:
- Dulwich Common Sports ground and Cricket Club Metropolitan Open Land (MOL)
 - Dulwich Wood Conservation Area

ASSESSMENT

Principle of the proposed development in terms of land use

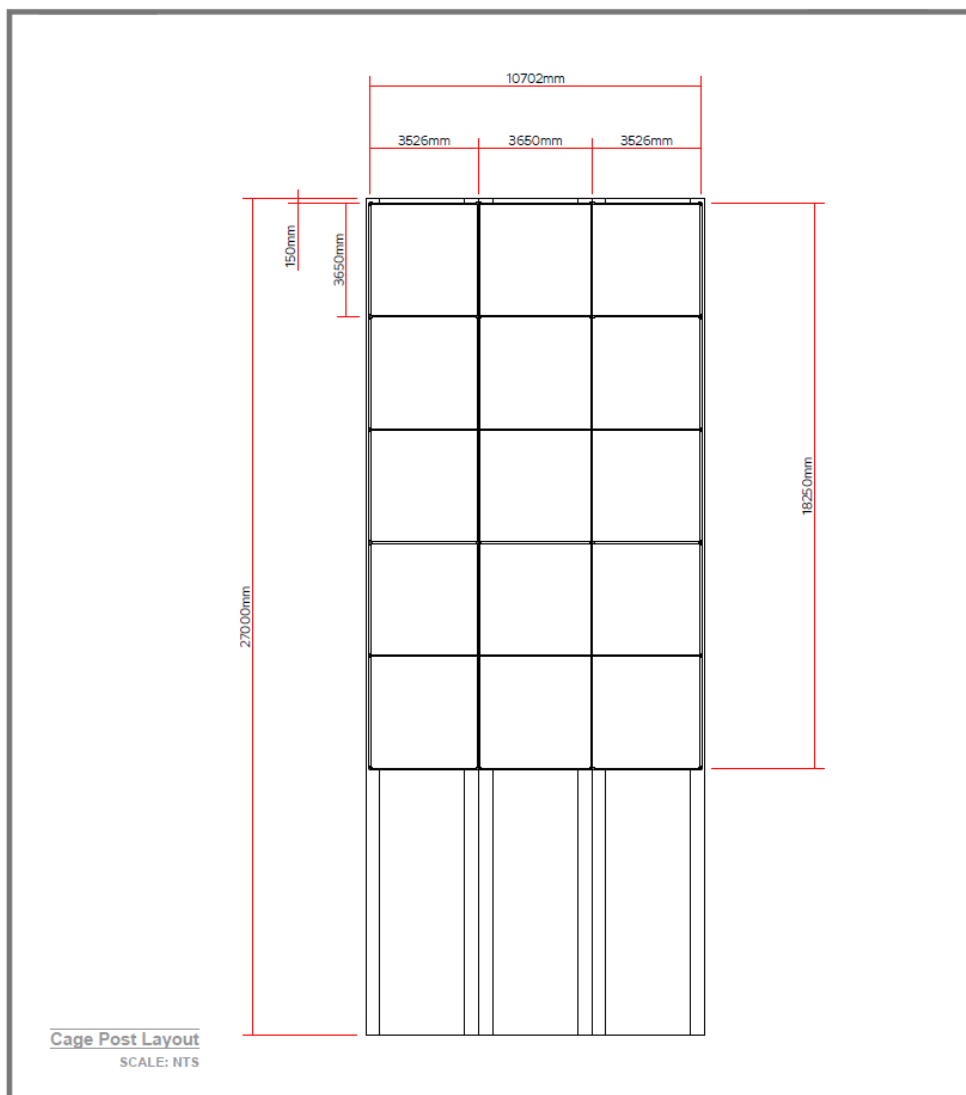
19. The application proposes to replace the existing cricket nets and construct a new three-lane cricket net within Dulwich Common Sports Ground and Cricket Club MOL. The London Plan Policy G3 affords MOL the same level of protection as Green Belt. Areas of MOL must be protected from inappropriate development, in accordance with national planning policy tests. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 149 of the NPPF (2021) and the Southwark Plan Policy P57. This includes the provision of appropriate facilities which are deemed essential for outdoor sport or recreation. Therefore, the proposal meets the policy test for appropriate development in MOL.
20. The Southwark Plan Policy P45 supports the development of new sport facilities, recognising that this type of development will maximise healthy and active life choices in the Borough and reduce social isolation, poor mental health, obesity and inactivity. The new replacement of the cricket nets would improve the existing community led sports facility.
21. Therefore, the principle of proposed development in terms of land use is acceptable, subject to the new facility positively contributing to the setting, accessibility and quality of the MOL and without affecting its openness or detracting from its character.

Impact on openness of MOL

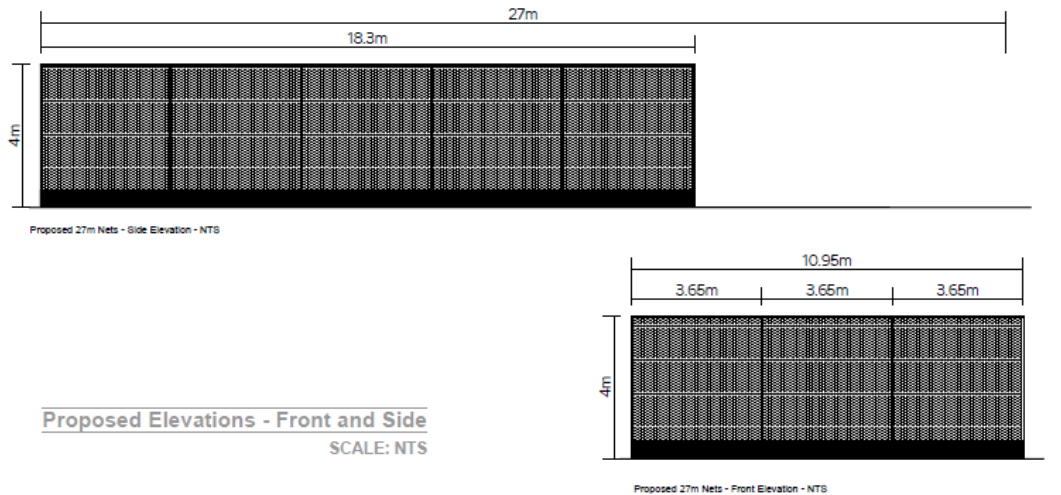
22. The cricket ground is already in use for outdoor sports, which includes an existing three-lane cricket net. The proposed location of the replacement cricket nets is approximately 30m to the south of the existing. The proposal would not result in the intensification of the use.
23. The proposed footprint of the cricket nets would be 18.3m in length and 10.7m in width representing a minor area of the open space. The proposal does not remove any significant amount of green space from the sports ground. Therefore, the impact of a cricket net in this location is not harmful to the openness of the MOL.

Design and layout

24. The application site is located along the eastern side of the cricket grounds. The proposal would provide a cricket net measuring 18.3m in length and 10.7m in width. The new location of the nets is approximately 30m to the south of the existing nets. The distance between the nets and the nearest residential properties will decrease from 34.5m (existing) to 44m (proposed).



Proposed layout of new nets



Proposed front and side elevations

Impact on heritage assets

25. The site is located in the Dulwich Wood Conservation Area and to the north-east of the site are the Grade II listed Church of St Peter and St Peter's parish hall. The new nets are well set back within in the sports ground. In addition, the new nets are moving further away from the listed buildings to the north-east of the cricket ground.
26. Overall it is considered that the proposal for an additional court in this location will have no impact on the setting of the nearby conservation area or the listed buildings to the north-east of the site. The type of development proposed is in keeping with the characteristic of this area of the park and will be used for active recreation.

Transport and Highways

27. There is no proposed change to the access of the site and it is not expected that the replacement and relocation of the nets will result in any transport impacts. The nets are not intended to intensify the use of the cricket ground and therefore there are no impacts from a transport perspective.

Landscaping and trees

28. The application does not propose the loss of any trees. In addition, the Urban Forester is satisfied that the materials used and the means of construction are acceptable in proximity to the trees.

Ecology and biodiversity

29. The proposed development would not have a negative impact on biodiversity. The council Ecologist is satisfied that there will be no impacts in relation to ecology or

biodiversity as a result of the development.

Impact on amenity

Noise and light

30. There is already an established sport use within the site boundary. The location of the nets is moving further south within the site. The existing location of the nets is approximately 34.5m from the nearest residential property with the proposed location increasing this distance to 44m from the nearest residential property. The proposal will not intensify the use of the cricket club and therefore there is not expected to be an increase in noise levels.
31. The proposal does not include any additional floodlights or any other lighting. Therefore, it is expected that the nets will only be used during daylight hours and there will not be an adverse impact on neighbouring properties by way of light pollution.

Other issues

32. There are no other potential concerns relating to the amenity of the neighbouring properties identified

Mayoral and borough community infrastructure levy (CIL)

33. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance, the development does not constitute CIL liable development.

Consultation responses from external and statutory consultees

34. Sport England:
- Sport England is satisfied that the proposed development meets exception 2 of their playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'
 - No objection to the application

Consultation responses from internal consultees

35. Environmental Protection Team:

- Original comments from EPT raised concerns of amenity on neighbouring properties as a result of noise. Requested further information as to why the location of the nets is being moved and hours of operation
- Following the applicant clarifying the above concerns, EPT removed their objection and recommended a condition to limit the use of the nets within certain hours

Officer response:

The applicant clarifies that the main reasons for moving the nets to the new location is that the current location encroaches onto the lower pitch whereas the proposed location does not impact on either playing area and the proposed location has better soil drainage whereas the existing location often becomes waterlogged. In addition, the proposed nets are a further distance from the nearest residential property. The existing nets are approx. 34.5m away and the new nets are approx. 44m from the nearest residential property.

36. Ecology:

- No ecological concerns or comments.

37. Urban Forester:

- The materials and means of construction are acceptable in proximity to trees with the use of a geocell sub-base. Conditions should relate to plans and materials as specified.

Community impact and equalities assessment

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

39. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The development would have a significant benefit for wheelchair users as it would provide a facility designed for a particular need but accessible for other users too.

40. 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.

41. 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

42. 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.
43. This application has the legitimate aim of replacing cricket nets for an existing sports facility. 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

44. 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.
45. 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?	NO
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date	YES

CONCLUSION

46. The application proposed to replace the existing cricket nets with a cricket net facility on MOL. The location would move approximately 30m south of the existing location. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). Therefore, the principle of the proposed land use is acceptable.
47. The use of the site is not to be intensified and the location of the proposed nets is further away from the nearest residential property than the existing nets. Therefore, it is not expected that there will be any significant adverse impacts on the amenity of the neighbouring properties as a result of the development. It is therefore recommended that planning permission is granted subject to planning conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Application file 22/AP/0966 TP- 2082-R 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	Recommendation (draft decision notice)
Appendix 2	Consultation undertaken
Appendix 3	Relevant planning policy
Appendix 4	Planning history of the site and nearby sites

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Ciara Lester, Planning Officer	
Version	Final	
Dated	27 June 2022	
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
Date final report sent to Constitutional Team		30 May 2022

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.

Applicant	Streatham and Marlborough Cricket Club	Reg. Number	22/AP/0966
Application Type	Minor application		
Recommendation	To Grant	Case Number	2082-R

Draft of Decision Notice

For the following development:

Replacement of existing nets and erection of a new three lane cricket net facility located approximately 30 metres to the south of the existing nets.

At

Marlborough Cricket Club Dulwich Common London Southwark

In accordance with the valid application received on 14 March 2022 and supporting documents submitted which can be viewed on our Planning Register.

For the reasons outlined in the case officer's report, which is also available on the Planning Register.

The Planning Register can be viewed at: <https://planning.southwark.gov.uk/online-applications/>

Conditions

Permission is subject to the following Approved Plans Condition:

1. The development shall be carried out in accordance with the following approved plans:

Location Plan 1:1000
 Proposed Block Plan
 Pr. 27m Net Location
 Construction Design Detail

Existing Location Plan
Proposed Front and Side Elevations

Reason:

For the avoidance of doubt and in the interests of proper planning.

Permission is subject to the following Time Limit:

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 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).

Consultation undertaken

Site notice date: 25/03/2022

Press notice date: 31/03/2022

Case officer site visit date: n/a

Neighbour consultation letters sent: 31/03/2022

Internal services consulted

Ecology

Environmental Protection

Urban Forester

External services consulted

Sport England

Neighbour and local groups consulted:

Highwood Close London Southwark

11 Caledonian Court Highwood Close London

1 Savernake Court Highwood Close London

11 Ashdown Court Highwood Close London

8 Ashdown Court Highwood Close London

2 Ashdown Court Highwood Close London

11 St Peters Vicarage 522A Lordship Lane London

Flat 7 524 Lordship Lane London

Flat 4 524 Lordship Lane London

8 Dulwich Common London Southwark

14 Dulwich Common London Southwark

59 North Crofts Sydenham Hill Estate Sydenham Hill London

56 North Crofts Sydenham Hill Estate Sydenham Hill London

17 St Peters Vicarage 522A Lordship Lane London

15 St Peters Vicarage 522A Lordship Lane London

12 St Peters Vicarage 522A Lordship Lane London

9 St Peters Vicarage 522A Lordship Lane London

14 Epping Court Highwood Close London

5 Epping Court Highwood Close London

3 Epping Court Highwood Close London

4 Highwood Close London Southwark

10 Caledonian Court Highwood Close London

1 Stoke Court Highwood Close London

15 Sherwood Court Highwood Close London

13 Sherwood Court Highwood Close London

10 St Peters Vicarage 522A Lordship Lane London

4 Sherwood Court Highwood Close London

Flat 13 524 Lordship Lane London

30 Dulwich Common London Southwark
 Grove House Dulwich Common London
 55 North Crofts Sydenham Hill Estate Sydenham Hill London
 Flat 3 524 Lordship Lane London
 Grove Tavern 520 Lordship Lane London
 5 Stoke Court Highwood Close London
 24 Mercia Court Highwood Close London
 21 Mercia Court Highwood Close London
 Flat 1 524 Lordship Lane London
 Flat 14 524 Lordship Lane London
 4 Dulwich Common London Southwark
 61 North Crofts Sydenham Hill Estate Sydenham Hill London
 16 Epping Court Highwood Close London
 7 Savernake Court Highwood Close London
 5 Savernake Court Highwood Close London
 9 Mercia Court Highwood Close London
 3 Mercia Court Highwood Close London
 6 Sherwood Court Highwood Close London
 2 Sherwood Court Highwood Close London
 Flat 10 526-532 Lordship Lane London
 24 Dulwich Common London Southwark
 1 Sherwood Court Highwood Close London
 2 Highwood Close London Southwark
 8 Mercia Court Highwood Close London
 14 Ashdown Court Highwood Close London
 5 Ashdown Court Highwood Close London
 14 St Peters Vicarage 522A Lordship Lane London
 Flat 2 524 Lordship Lane London
 22 Dulwich Common London Southwark
 20 Dulwich Common London Southwark
 Camber Lawn Tennis Club Dulwich Common London
 66 North Crofts Sydenham Hill Estate Sydenham Hill London
 7 St Peters Vicarage 522A Lordship Lane London
 9 Epping Court Highwood Close London
 12 Caledonian Court Highwood Close London
 12 Ashdown Court Highwood Close London
 7 Ashdown Court Highwood Close London
 16 Mercia Court Highwood Close London
 Dulwich Common Allotments Dulwich Common London
 68 North Crofts Sydenham Hill Estate Sydenham Hill London
 6 Highwood Close London Southwark
 14 Mercia Court Highwood Close London
 10 Dulwich Common London Southwark
 4 Caledonian Court Highwood Close London
 4 Ashdown Court Highwood Close London
 6 Dulwich Common London Southwark
 15 Epping Court Highwood Close London
 7 Epping Court Highwood Close London
 11 Mercia Court Highwood Close London

5 Mercia Court Highwood Close London
8 Sherwood Court Highwood Close London
1 Caledonian Court Highwood Close London
63 North Crofts Sydenham Hill Estate Sydenham Hill London
52 North Crofts Sydenham Hill Estate Sydenham Hill London
11 Sherwood Court Highwood Close London
St Peters Vicarage 522A Lordship Lane London
3 Caledonian Court Highwood Close London
8 St Peters Vicarage 522A Lordship Lane London
Flat 5 524 Lordship Lane London
28 Dulwich Common London Southwark
16 Dulwich Common London Southwark
18 St Peters Vicarage 522A Lordship Lane London
11 Epping Court Highwood Close London
8 Epping Court Highwood Close London
2 Savernake Court Highwood Close London
1 Ashdown Court Highwood Close London
1 Mercia Court Highwood Close London
Flat 8 524 Lordship Lane London
10 Sherwood Court Highwood Close London
2 St Peters Vicarage 522A Lordship Lane London
3 Sherwood Court Highwood Close London
6 Epping Court Highwood Close London
1 Highwood Close London Southwark
3 Stoke Court Highwood Close London
3 Savernake Court Highwood Close London
13 Ashdown Court Highwood Close London
9 Ashdown Court Highwood Close London
7 Mercia Court Highwood Close London
12 Sherwood Court Highwood Close London
17 Mercia Court Highwood Close London
2 Stoke Court Highwood Close London
12 Epping Court Highwood Close London
8 Highwood Close London Southwark
Staff Flat Grove Tavern 520 Lordship Lane
67 North Crofts Sydenham Hill Estate Sydenham Hill London
6 Caledonian Court Highwood Close London
4 Savernake Court Highwood Close London
Flat 12 524 Lordship Lane London
Flat 9 524 Lordship Lane London
54 North Crofts Sydenham Hill Estate Sydenham Hill London
13 St Peters Vicarage 522A Lordship Lane London
4 St Peters Vicarage 522A Lordship Lane London
8 Caledonian Court Highwood Close London
6 Stoke Court Highwood Close London
8 Savernake Court Highwood Close London
6 Ashdown Court Highwood Close London
3 Ashdown Court Highwood Close London
18 Mercia Court Highwood Close London

Flat 11 524 Lordship Lane London
 57 North Crofts Sydenham Hill Estate Sydenham Hill London
 62 North Crofts Sydenham Hill Estate Sydenham Hill London
 60 North Crofts Sydenham Hill Estate Sydenham Hill London
 2 Mercia Court Highwood Close London
 16 Sherwood Court Highwood Close London
 26 Dulwich Common London Southwark
 13 Mercia Court Highwood Close London
 5 St Peters Vicarage 522A Lordship Lane London
 1 Epping Court Highwood Close London
 22 Mercia Court Highwood Close London
 4 Mercia Court Highwood Close London
 Acf And Atc Centre Lordship Lane London
 13 Epping Court Highwood Close London
 6 Savernake Court Highwood Close London
 20 Mercia Court Highwood Close London
 58 North Crofts Sydenham Hill Estate Sydenham Hill London
 53 North Crofts Sydenham Hill Estate Sydenham Hill London
 69 North Crofts Sydenham Hill Estate Sydenham Hill London
 Flat 6 524 Lordship Lane London
 18 Dulwich Common London Southwark
 10 Epping Court Highwood Close London
 14 Sherwood Court Highwood Close London
 19 Mercia Court Highwood Close London
 Flat 10 524 Lordship Lane London
 6 St Peters Vicarage 522A Lordship Lane London
 3 St Peters Vicarage 522A Lordship Lane London
 Flat 16 524 Lordship Lane London
 2 Dulwich Common London Southwark
 2 Epping Court Highwood Close London
 4 Stoke Court Highwood Close London
 15 Mercia Court Highwood Close London
 6 Mercia Court Highwood Close London
 9 Sherwood Court Highwood Close London
 7 Sherwood Court Highwood Close London
 23 Mercia Court Highwood Close London
 5 Caledonian Court Highwood Close London
 5 Sherwood Court Highwood Close London
 65 North Crofts Sydenham Hill Estate Sydenham Hill London
 Flat 15 524 Lordship Lane London
 12 Dulwich Common London Southwark
 4 Epping Court Highwood Close London
 9 Caledonian Court Highwood Close London
 9 Savernake Court Highwood Close London
 16 St Peters Vicarage 522A Lordship Lane London
 1 St Peters Vicarage 522A Lordship Lane London
 Managers Flat Grove Tavern 520 Lordship Lane
 32 Dulwich Common London Southwark
 64 North Crofts Sydenham Hill Estate Sydenham Hill London

10 Highwood Close London Southwark
 7 Highwood Close London Southwark
 5 Highwood Close London Southwark
 3 Highwood Close London Southwark
 7 Caledonian Court Highwood Close London
 2 Caledonian Court Highwood Close London
 10 Ashdown Court Highwood Close London
 12 Mercia Court Highwood Close London
 10 Mercia Court Highwood Close London

Consultation responses received

Internal services

Ecology
 Environmental Protection
 Urban Forester

External services

Sport England

Neighbour and local groups:

Astbury Road 75 LONDON
 16 Lapse Wood Walk Forest Hill SE233PR
 13 Wroxton Road London SE15 2BN
 7 Ashbourne Grove, LONDON SE22 8RN
 Flat 105 Apt Living Brentford
 29 Crystal Palace Road London Se22 9ex
 6 Mundania Road London SE22 0NG
 128 Crystal Palace road London Se229er
 1 Highwood Close Dulwich SE22 8NH LONDON
 Flat 25 1 Elmfield Road LONDON
 6 Greendale Close London SE22 8TG
 21 Champion Grove London SE58BN
 8 Dulwich Common LONDON SE21 7EX
 110 Cooperative House 263 Rye Lane London
 Flat 22 Mandara Place Yeoman Street London
 99 Camberwell Grove London SE5 8JH
 11 Ashdown Court Highwood Close London
 Flat 4 112 Thurlow Park Road London
 21 Arodene Road London SW2 2Bq

Relevant planning policy

National Planning Policy Framework (the Framework) 2021

Chapter 2 Achieving sustainable development
Chapter 8 Promoting healthy and safe communities
Chapter 13 Protecting Green Belt land
Chapter 15 Conserving and enhancing the natural environment
Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

Policy S5 Sports and recreation facilities
Policy G3 Metropolitan Open Land
Policy HC1 Heritage conservation and growth
Policy G6 Biodiversity and access to nature

Southwark Plan 2022

Policy P13 Design of places
Policy P14 Design quality
P20 Conservation Areas
Policy P45 Healthy developments
Policy P47 Community uses
Policy P56 Protection of amenity
Policy P57 Open Space
Policy P60 Biodiversity

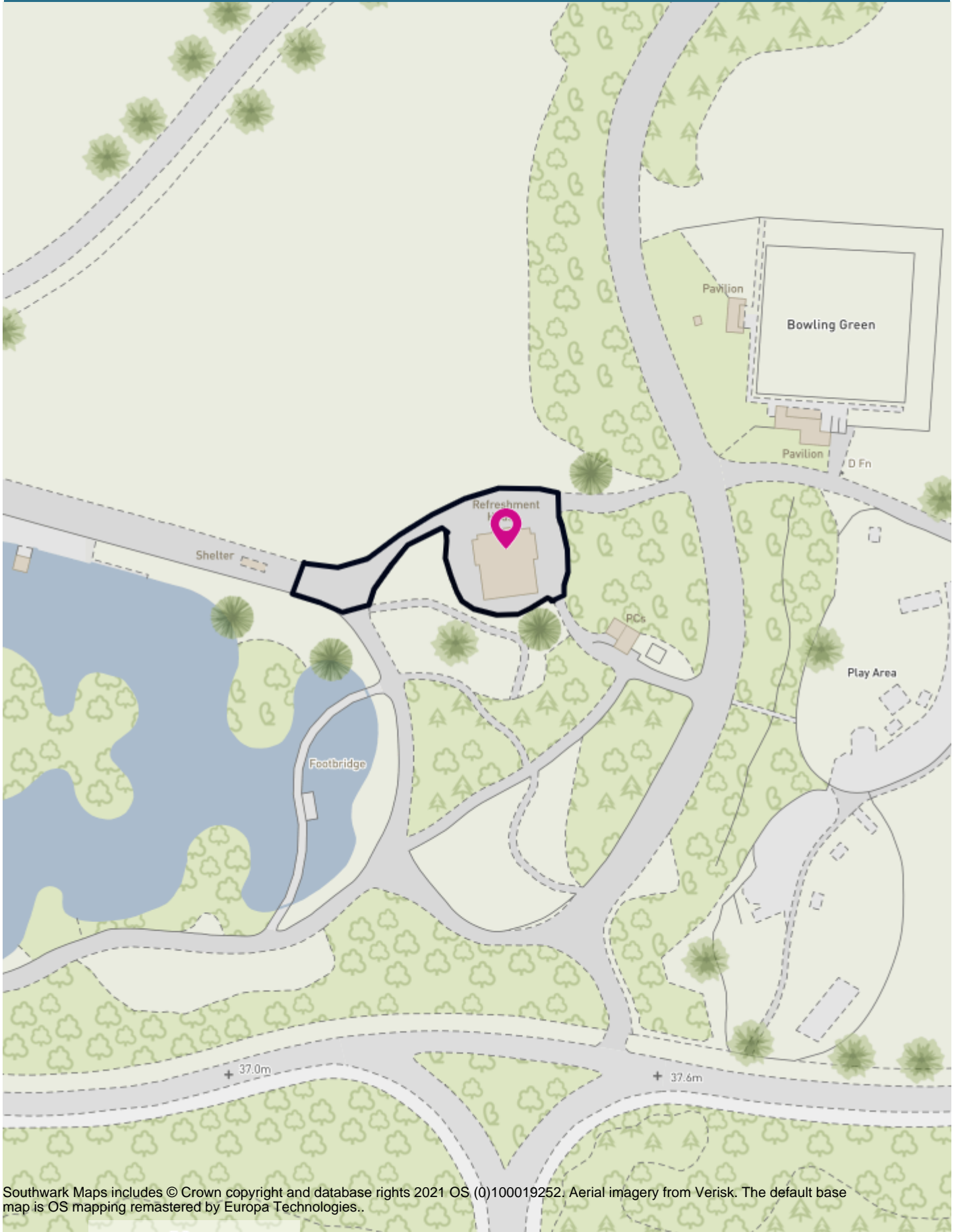
Planning history of the site and nearby sites

Reference and Proposal: 17/AP/3720 Demolition of existing cricket pavilion and replacement with new pavilion GRANT - 28/03/2018

Reference and Proposal: 17/AP/2515 Retention of a demountable 6.9m high netting along boundary between Streatham and Marlborough Cricket Club and Camber Lawn Tennis club. GRANT - 28/03/2018.

Reference and Proposal: 13/AP/1451 Demolition of existing Cricket Pavilion and removal of three trees and the erection of a new pavilion in connection with Streatham and Marlborough Cricket Club GRANT - 27/02/2014.

Agenda Item 7.3



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Item No. 7.3	Classification: Open	Date: 14 June 2022	Meeting Name: Planning Sub Committee B
Report title:	Development Management planning application: Application 22/AP/1227 for: Full Planning Application Address: DULWICH PARK CAFÉ, DULWICH PARK, COLLEGE ROAD LONDON SE21 7BQ Proposal: Installation of a pre-fabricated single storey retail kiosk unit in association with existing cafe.		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning and Growth		
Application Start Date: 27/04/2022		PPA Expiry Date: 21/06/2022	
Earliest Decision Date 08/06/2022			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

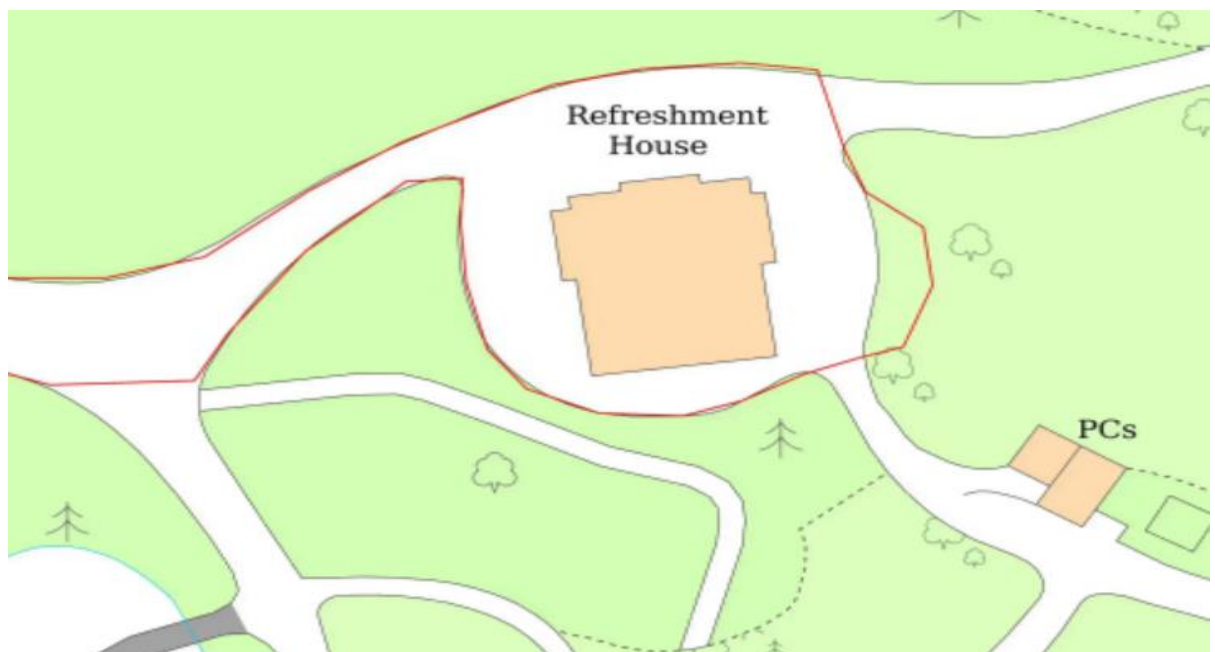
2. The application proposes to construct a new refreshment kiosk in Dulwich Park. It will sell food items such as drinks and ice creams and will help to alleviate congestion within the existing café at busy times. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). Therefore, the principle of the proposed land use is acceptable.
3. The small scale of the proposal and the proposed design and positioning of the new kiosk would have little impact on the setting, accessibility, and quality of the MOL, and would not affect its openness or detract from its character. The proposal will provide facilities that can be used by visitors to the park. The proposal will also preserve the appearance and character of this Grade II Listed Park and the Dulwich Wood Conservation Area.

BACKGROUND INFORMATION

4. The application site is close to the Dulwich Clock Café. The café is surrounded by a significant area of hardstanding, including outdoor seating and cycle parking which lie to the east of the site. The café structure, which was constructed in the 1890's, is a single storey building with a tiled pitched roof. Dulwich Park is Grade II listed, and also lies within the Dulwich Wood Conservation Area. The Park is also designated Metropolitan Open Land and an Area of Nature Importance.

Site location and description

5. The application site is located centrally within the Grade II listed registered Dulwich Park. The café itself is a single storey building featuring a tiled, pitched roof at the front and a flat roof to the rear. The café is surrounded by an area of hardstanding which is used for the placing of external tables and chairs overlooking the West Lawns.
6. This proposal specifically relates to a small area of hardstanding located to the north-east of the café building which is currently used as a cycle parking area of Sheffield stands. The land immediately surrounding the site comprises a number of trees and shrubs of various sizes and ages, as well as parcels of open green space and pathways. A small boating lake is also located to the south-west of the café. Whilst the application site itself is neither statutorily nor locally listed, the wider Dulwich Park is a Grade II listed park and also lies within the Dulwich Wood Conservation Area and is designated as Metropolitan Open Land.



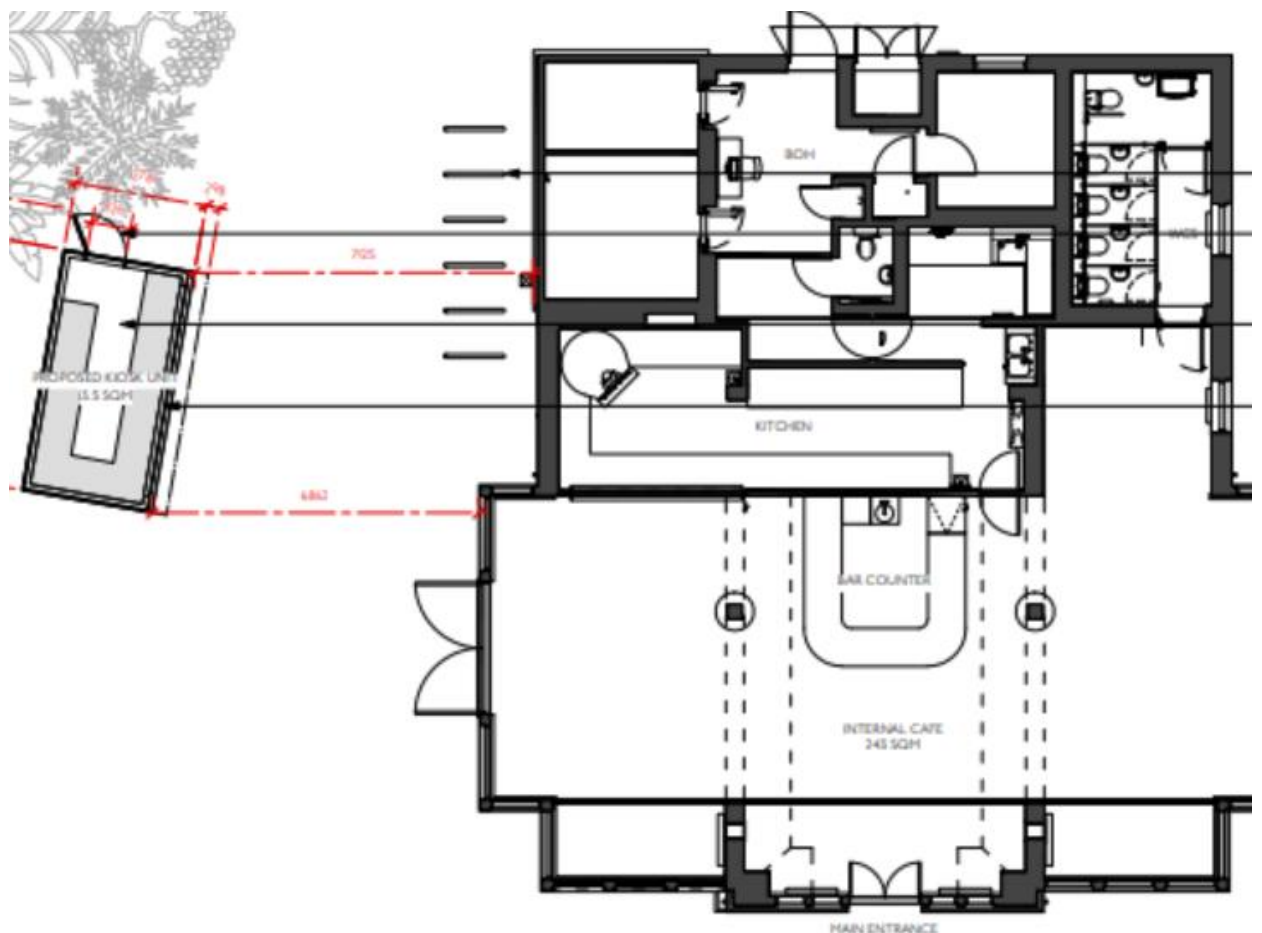
Site location plan

Details of proposal

7. This application seeks planning permission for the installation of a kiosk unit immediately adjacent to the existing café building. The kiosk use will remain to be ancillary to the main existing café use and will serve refreshments such as coffees and ice creams. The kiosk will measure 2.7m in height, 5.1m in width and 2.7m in depth and will be installed upon an existing area of hardstanding which is currently used as a cycle parking area. The hours of operation are proposed to be 11.00 to 20.00 Mondays to Saturdays and 12 noon to 20.00 on Sundays. The design is a simple rectangular form, with a flat roof, and would be clad in timber shiplap panelling painted white to match the extended elements of the main café. There are also metal shutters proposed painted white, Encaustic tiled front, felt roof, external grade linen awning and painted solid timber access door.
8. This application seeks planning permission for the installation of a kiosk unit immediately

adjacent to the existing café building. The kiosk use will remain to be ancillary to the main existing café use and will serve refreshments such as coffees and ice creams. The kiosk will measure 2.7m in height, 5.1m in width and 2.7m in depth and will be installed upon an existing area of hardstanding which is currently used as a cycle parking area. The hours of operation are proposed to be 11.00 to 20.00 Mondays to Saturdays and 12 noon to 20.00 on Sundays. The design is a simple rectangular form, with a flat roof, and would be clad in timber shiplap panelling painted white to match the extended elements of the main café. There are also metal shutters proposed painted white, Encaustic tiled front, felt roof, external grade linen awning and painted solid timber access door.

9. The kiosk will only be used during certain periods of the year, specifically 1 April to 30 September. The provision of an independent kiosk separated from the main building is designed to improve the overall functionality and operation of the café use, which does experience significant queues internally during busy periods. The proposed kiosk will assist in reducing the congregation of customers within the internal envelope of the building, whilst also remaining entirely accessible for all users.



Proposed site plan

Consultation responses from members of the public and local

groups

10. To date there has been no responses from members of the public or local groups. Any responses will be reported in the addendum or verbally at the planning sub-committee.

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

11. Planning permission was granted on 8 July 2002 (ref. 02/AP/0938) for: ‘Refurbishment and single storey extensions to the front and rear of the cafe together with provision of terrace area.’
12. Planning permission was granted on 24 April 2017 (ref. 17/AP/0331) for: ‘Construction of single storey side extensions on both sides of rear projection, installation of new window in the rear elevation and the replacement of two windows on the front elevation of the cafe.’

KEY ISSUES FOR CONSIDERATION

Summary of main issues

13. The main issues to be considered in respect of this application are:
- Principle of the proposed development on MOL in terms of land use
 - Design and layout including impact on heritage assets
 - Transport and highways including access arrangements, cycle and car parking
 - Open space, landscaping and trees
 - Ecology and biodiversity
 - Environmental matters including noise, light, contamination, air quality and flood risk
 - Other matters
 - Mayoral and borough community infrastructure levy (CIL)
 - Consultation responses
 - Community impact, equalities assessment and human rights
14. These matters are discussed in detail in the ‘Assessment’ section of this report.

Legal context

15. 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 2021 and the Southwark Plan 2022. 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.
16. 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

17. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) 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 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.
18. The site is located within the:
 - Air Quality Management Area
 - Site of Importance for Nature Conservation
 - Metropolitan Open Land
 - Dulwich Wood Conservation Area
 - Grade II Listed Park

ASSESSMENT

Principle of the proposed development in terms of land use

19. The application proposes a new retail kiosk for the existing café within Dulwich Park MOL. The London Plan Policy G3 affords MOL the same level of protection as Green Belt. Areas of MOL must be protected from inappropriate development, in accordance with national planning policy tests. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 149 of the NPPF (2021) and the Southwark Plan Policy P57. This includes the provision of appropriate facilities which are deemed essential for outdoor recreation. Therefore, the proposal meets the policy test for appropriate development in MOL.
20. In respect to the London Plan Policies Policy GG2 'Making the Best Use of Land' highlights that development must protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening. Policy G3 'Metropolitan Open Land' sets out that MOL should be protection from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Policy G4 'Open Space' highlights that development proposals should not result in the loss of protected open space.
21. In terms of the Southwark Plan 2022 the relevant policy is Policy P57 Open Space which states '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 ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function.'

22. The kiosk would serve visitors to the park and given the small scale nature of the building it will not detract from the openness of the park. It provides ancillary facilities for the users of the park and is located on an existing hard surface. As such the proposal is considered compliant with the NPPF, London Plan 2021 and the Southwark Plan 2022.

Impact on openness of MOL

23. An existing café is already located within this area of the park with ancillary seating and tables on a hardstanding. The footprint of the kiosk is 14 square metres which is limited in scale. The kiosk would provide a public benefit in that the café can get very congested with long queues and this will enable park visitors to purchase items without needing to queue up in the café. It is considered that the impact of the kiosk in this location is not harmful to the openness of the MOL due to its small scale and location near the existing café building and the outdoor seating.

Design and layout

24. The kiosk is located near to the existing café towards the east side of the park.
25. The proposal sits on an area of hardstanding and therefore will have no impact on biodiversity. Six cycle stands are to be relocated nearer to the café.
26. Overall, the proposed design and positioning of the new kiosk will not impact on the wider setting of the open park, and would improve facilities for visitors.

Impact on heritage assets

27. The kiosk would be relatively modest in size at 2.7m in height, 5.1m in width and 2.7m in depth. It would be positioned in close proximity to the main café, but would not be attached to the café or read as an extension. It would take a simple rectangular form, have a flat roof, and would be mainly clad in timber shiplap panelling painted white to match the extended elements of the main café. There would be no non-traditional materials used.
28. The original layout of the park remains largely intact, and it is the retention of this original layout which comprises the park's historical significance which underpinned the reasons for its Grade II listed status. The proposed kiosk would be placed on an area of pre-existing hard standing, and would therefore not result in any further alteration to the layout of the park. The proposed kiosk is therefore not found to result in harm to the special character or significance of the listed park and will preserve the character and appearance of the conservation area, subject to conditions.

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

29. The kiosk would not adjoin any occupiers other than the existing cafe. Therefore, there will be no loss of light to any property or any privacy issues.

Transport and Highways

Access arrangements

30. Visitors will use existing paths to access the kiosk which will have step free access.

Cycle and car parking arrangements

31. Six cycle stands are to be relocated adjoining the café. No new car parking spaces are being provided.

Landscaping and trees

32. The application does not propose the loss of any trees.

Ecology and biodiversity

33. The proposed development would be unlikely to have a negative impact on biodiversity. The proposed external lighting has been removed from the proposal to ensure that there is no impact on bats or other wildlife.

Environmental matters

Noise and light

34. The proposal will only be used between the hours of 11.00 to 20.00 Mondays to Saturdays and 12 noon to 20.00 on Sundays and not in the winter months. Therefore there is unlikely to be an impact from noise or light within the park.

Land contamination

35. No issues, kiosk to be placed on an existing hardstanding.

Air quality

36. The site is within an Air Quality Management Area. The proposed development should achieve at least air quality neutral standards and reduce exposure to and mitigate the effects of poor air quality. The provision of the kiosk are not likely to noticeably increase transport emissions generated, greater than that generated by the existing café.

Flood Risk

37. The site is not located within a Flood Risk Zone.

Mayoral and borough community infrastructure levy (CIL)

38. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in

planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance, the development does not constitute CIL liable development.

Consultation responses from external and statutory consultees

39. The Gardens Trust and London Historic Parks and Garden Trust:

Raises concerns if it were to be a permanent structure but acknowledges the proposal has come about as a result of community consultation and the popularity of the existing café and problems with queues and the functionality of the space which can to be problematic during busy times. The Trust accept that the existing benches, bollards and bike stands etc which currently appear to surround the site already have a negative impact upon the Grade II registered park and garden, but that the addition of a new permanent kiosk would increase the cumulative negative impact. They ask that if granted it should not be granted for more than two years so that the kiosk can be reassessed.

40. Officer response to issue(s) raised: The proposal is recommended for a limited period of three years and not two years as requested by The Parks Trust as it is considered that the proposed materials are of a good quality and are unlikely to deteriorate during this period.

Consultation responses from internal consultees

41. Parks and Leisure: No objections to the temporary installation of a cafe kiosk for a maximum period of 5 years and subject to relocation of existing bike racks in agreement with park manager.
42. Ecology: No response at the time of writing.

Community impact and equalities assessment

43. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
44. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The development would have a significant benefit for wheelchair users as it would provide a facility designed for a particular need but accessible for other users too.
45. 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.

46. 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

47. 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.

48. This application has the legitimate aim of constructing a new ball court for wheelchair sports and basketball. 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

49. 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.

50. 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.

51. **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?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	YES

CONCLUSION

52. The application proposes to construct a new retail kiosk, ancillary to the existing café and will provide facilities for visitors to the park. There is no loss to the openness of the Park. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL). Therefore, the principle of the proposed land use is acceptable.
53. The proposal will preserve the appearance and character of the conservation area and the Grade II Listed Park. There are no adjoining occupiers in this area of the park. It is therefore recommended that planning permission is granted, subject to planning conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file M2022 Application file 21/AP/3625 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	Recommendation (draft decision notice)
Appendix 2	Consultation undertaken
Appendix 3	Relevant planning policy
Appendix 4	Planning history of the site and nearby sites

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Michele Sterry, Planning Team Leader Officer	
Version	Final	
Dated	30 May 2022	
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		30 May 2022

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.

Applicant	Mr Rob Colicci	Reg. Number	22/AP/1227
Application Type	Minor application	Case Number	2082-Z
Recommendation	GRANT permission		

Draft of Decision Notice

Planning permission is GRANTED for the following development:

Installation of a pre-fabricated single storey retail kiosk unit in association with existing cafe.

Dulwich Park, Dulwich Park Cafe College Road London Southwark

In accordance with application received on 4 April 2022 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

Plans - Proposed 20220524_COL-MISC-DUL-PLN 002 Relocation of cycle stands received 25/05/2022

Plans - Proposed COL-MISC-DUL-PLN04 Floor Plans Rev C received 04/04/2022

Plans - Proposed COL-MISC-DUL-PLN05_C Elevation plans Rev C received 16/04/2022

Other Documents

Time limit for implementing this permission and the approved plans

The building hereby permitted shall not be retained after 15 June 2025 on or before which date the building shall be removed from the site.

Reason

The type of building is not such as the Local Planning Authority is prepared to approve other than for a limited period, having regard to the materials and the of structure proposed amenity in accordance with the National Planning Policy Framework (2021) and P14 Design quality, P13 Design of places, P15 Residential design, P19 Listed buildings and structures, P20 Conservation areas, P21 Conservation of the historic environment and natural heritage, P23: Archaeology and P24 World heritage sites of the Southwark Plan (2022).

Informatives

APPENDIX 2**Consultation undertaken**

Site notice date: 09.05.2022
 Press notice date: 14.04.2022.
 Case officer site visit date: 09.05.2022
 Neighbour consultation letters sent: N/A

Internal services consulted

Ecology
 Parks and Leisure

External services consulted

The Gardens Trust and London Historic Parks and Gardens Trust

Neighbour and local groups consulted:

None, site notices displayed on the café and around the site

Consultation responses received

Internal services

Ecology – Not at the time of writing
 Parks – No objection subject to temporary 5 year period

External services

The Gardens Trust and London Historic Parks and Gardens Trust

Raises concerns if it were to be a permanent structure but acknowledges the proposal has come about as a result of community consultation and the popularity of the existing café and problems with queues and the functionality of the space which we understand to be problematic during busy times. The Trust accept that the existing benches, bollards and bike stands etc which currently appear to surround the site already have a negative impact upon the Grade II registered park and garden, but that the addition of a new permanent kiosk would increase the cumulative negative impact. They ask that if granted it should not be granted for more than two years so that the kiosk can be reassessed.

Neighbour and local groups:

None at the time of writing

Planning Policies

National Planning Policy Framework (the Framework) 2021

Chapter 2 Achieving sustainable development

Chapter 8 Promoting healthy and safe communities

Chapter 13 Protecting Green Belt land

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving the historic environment

The London Plan 2021

Policy D12 Fire safety

Policy G3 Metropolitan Open Land

Policy G6 Biodiversity and access to nature

Policy HC1 Heritage conservation and growth

Policy SI 1 Improving air quality

Policy SI 13 Sustainable drainage

Southwark Plan 2022

Policy P13 Design of places

Policy P14 Design quality

Policy P16 Designing out crime

Policy P19 Listed buildings and structures

Policy P20 Conservation Areas

Policy P21 Conservation of the historic environment and natural heritage

Policy P45 Healthy developments

Policy P53 Cycling

Policy P56 Protection of amenity

Policy P57 Open Space

Policy P60 Biodiversity

APPENDIX 4**Relevant planning history of the site and nearby sites**

Reference and Proposal: 02/AP/0938 'Refurbishment and single storey extensions to the front and rear of the cafe together with provision of terrace area.'

Reference and Proposal: 17/AP/0331 'Construction of single storey side extensions on both sides of rear projection, installation of new window in the rear elevation and the replacement of two windows on the front elevation of the cafe.'

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

NOTE: Original held by Constitutional Team all amendments/queries to Beverley Olamijulo: Email Beverley.olamijulo@southwark.gov.uk

Name	No of copies	Name	No of copies
To all Members of the sub-committee			
Councillor Cleo Soanes (Chair)	1	Environmental Protection Team	By email
Councillor Emily Tester (Vice-chair)	1		
Councillor Esme Hicks	1		
Councillor Emily Hickson	1	Communications	By email
Councillor Adam Hood	1	Louise Neilan, media manager	
Councillor Richard Livingstone	1		
Councillor Sandra Rhule	1		16
		Total:	
(Reserves to receive electronic versions only)			
Councillor Sam Dalton		Dated: 23 May 2022	
Councillor Sabina Emmanuel			
Councillor Victoria Mills			
Councillor Charlie Smith			
Councillor Irina von Wiese			
Officers			
Beverley Olamijulo (spare copies)	8		
Constitutional Officer, Hub 2 (Second Floor), Tooley Street			
			By email
Philippa Brown / Affie Demetriou			
			1
Alex Gillott /Sadia Hussain, Legal Services, Hub 2 (Second Floor), Tooley Street			