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Item No. 7.3	Classification: Open	Date: 15 November 2022	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 22/AP/2595 for: Full Planning Application Address: CAMBER LAWN TENNIS CLUB, DULWICH COMMON, LONDON, SOUTHWARK SE21 7EX Proposal: Replace the existing floodlighting system for new LED equivalents including columns and lights		
Ward(s) or groups affected:	Dulwich Wood		
From:	Director of Planning and Growth		
Application Start Date 23/09/2022		PPA Expiry Date 09/12/2022	
Earliest Decision Date 17/11/2022			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

EXECUTIVE SUMMARY

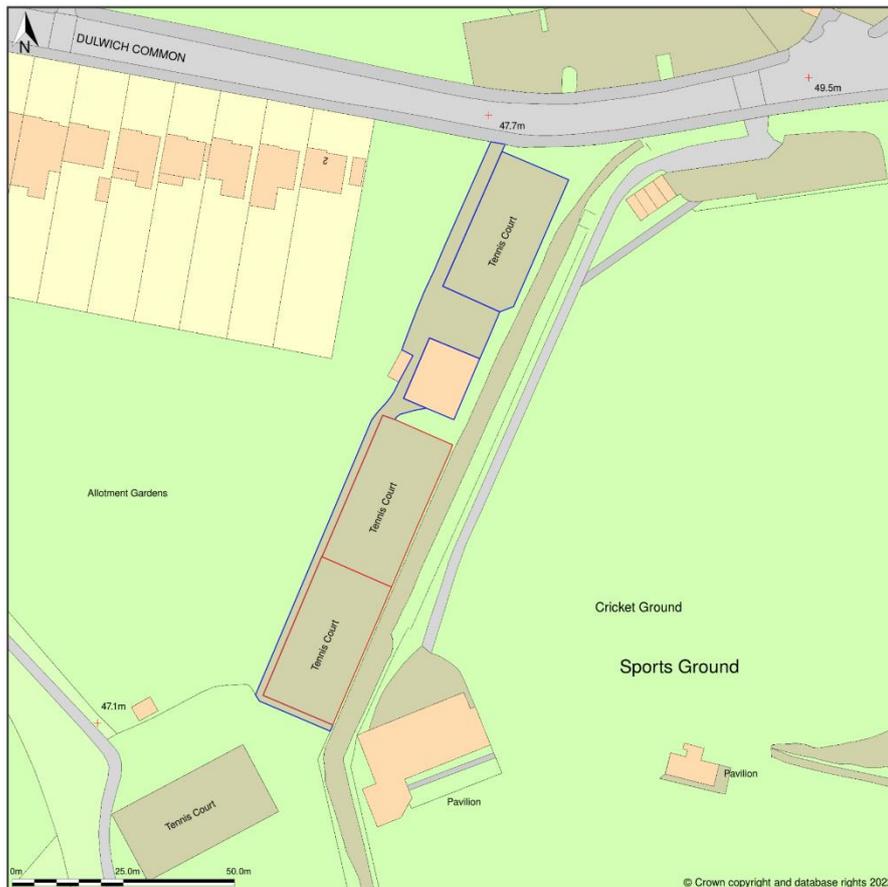
2. The application proposes to replace the existing floodlighting system for new LED equivalents including columns and lights, to the two existing tennis courts located to the southern part of the Camber Lawn Tennis Club.
3. The proposal meets the requirement of local and national policy tests and is considered appropriate development within the Metropolitan Open Land.

BACKGROUND INFORMATION

Site location and description

4. The application site is Camber Lawn Tennis Club, located on the southern side of Dulwich Common Road. The club provides outdoor sport facilities and other recreational uses for member functions. It comprises three tennis courts and one clubhouse.
5. The two tennis courts, being the subject of this application, are set back from the main road and bounded by Dulwich Common Allotment to the west and the cricket ground of Streatham & Marlborough Cricket Club to the east.

Figure 1: Site Location Plan



6. The application site is located in Dulwich Wood Conservation Area and designated as Metropolitan Open Land (MOL - Dulwich Common Allotments and Tennis Club).

Details of proposal

7. Replacement of the four existing floodlights with six LED equivalents including columns and lights at each of the two tennis courts.
8. As compared to the existing columns of 8m mounting height, the replacement measures 6m tall with the base diameter of 168mm and top diameter of 89mm. It would be finished in green with asymmetrical LED floodlights. Three floodlights would be equidistant on each side of the tennis court.



9. The proposal is essential to upgrade the existing floodlights to a modern specification. The current floodlights, date from the 1970s, are aging and provide deteriorating level of lighting by modern standards and require more electricity, frequent and costly maintenance

Consultation responses from members of the public and local groups

10. No representation has been received from the members of the public.

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

11. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
 - Principle of development on Metropolitan Open Land
 - Design and impact upon the character and appearance of Dulwich Wood conservation area
 - Noise and vibration
 - Impact of the proposed development on amenity of adjoining occupiers, neighbours and surrounding area
 - Trees and ecology
 - Mayoral and borough community infrastructure levy (CIL)
 - Community involvement and engagement

- Community impact and equalities assessment
- Human rights
- Carbon concurrent and
- Positive and proactive statement.

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

Legal context

14. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
15. 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

16. The statutory development plans for the borough comprise the London Plan (2021), Southwark Plan (2022). The National Planning Policy Framework (2021) constitute material considerations in planning decisions. A list of policies relevant to this application is provided at Appendix 2.

ASSESSMENT

Principle of the proposed development in terms of land use

17. The London Plan Policy G3 (Metropolitan Open Land) affords MOL the same level of protection as Green Belt and areas of MOL should be protected from inappropriate development. Para 8.3.4 states proposals to enhance access to MOL that are appropriate within MOL will be encouraged.
18. Policy P56 (Open Space) of the Southwark Plan (2022) states that development upon Metropolitan Open Land (MOL) will not be permitted unless in exceptional circumstances when:
- 1) 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 sports or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or

- 2) It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or
 - 3) It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.
19. The proposal refers to improvements to the existing floodlight systems, which provide an essential function to the use of the sports facilities already in existence. The replacement columns, although introducing two more columns than existing to each tennis court, are modest in scale with a very limited footprint. The proposal therefore represents an appropriate development by not compromising the openness of MOL and. As a result, the development meets the requirement of exceptional circumstances and is in principle acceptable.

Fire safety

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

20. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
21. A Reasonable Exemption Statement has been provided for this proposal. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

Design and impact upon the character and appearance of Dulwich Wood conservation area

22. The replacement floodlighting columns are largely similar to the existing structures in terms of both materiality and colour finish. Whilst each court would see an increase in the number of floodlights from four to six, the new structures remain slim in appearance with a limited footprint and a slightly lower mounting height at 6m. The floodlights would be evenly sited along the outskirts of the sports court and would not be materially different from the existing in terms of appearance and scale. Consequently, the proposal preserves the openness of the MOL and the character of the conservation area.

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

Noise

23. There is already an established sport and recreational use on the application site and the replacement of the existing floodlights system would not represent changes to the operation of the sport facilities. Accordingly it would not produce greater harm to the amenity of the surrounding residents in terms of noise nuisance.

Light

24. The proposal totals x12 replacement floodlight columns with x6 in each of the tennis courts in subject. To support the application, ISO contour overspill diagrams (figures 2 and 3) has been provided to demonstrate the light spill to the surrounding area in accordance with Institute of Lighting Professionals (ILP) guidance.

Figure 2 – ISO contour spill diagram

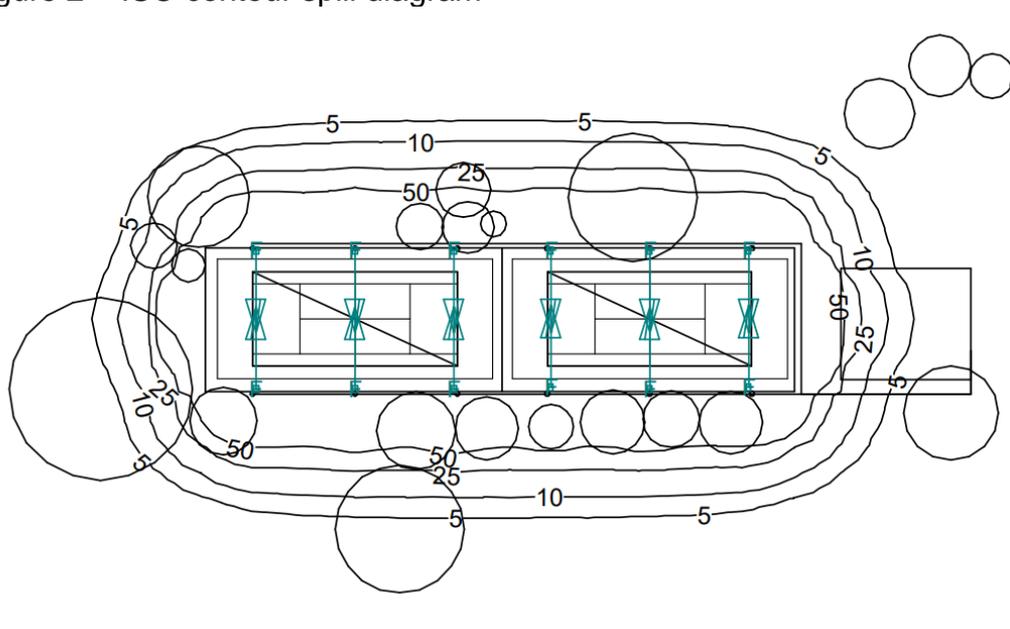
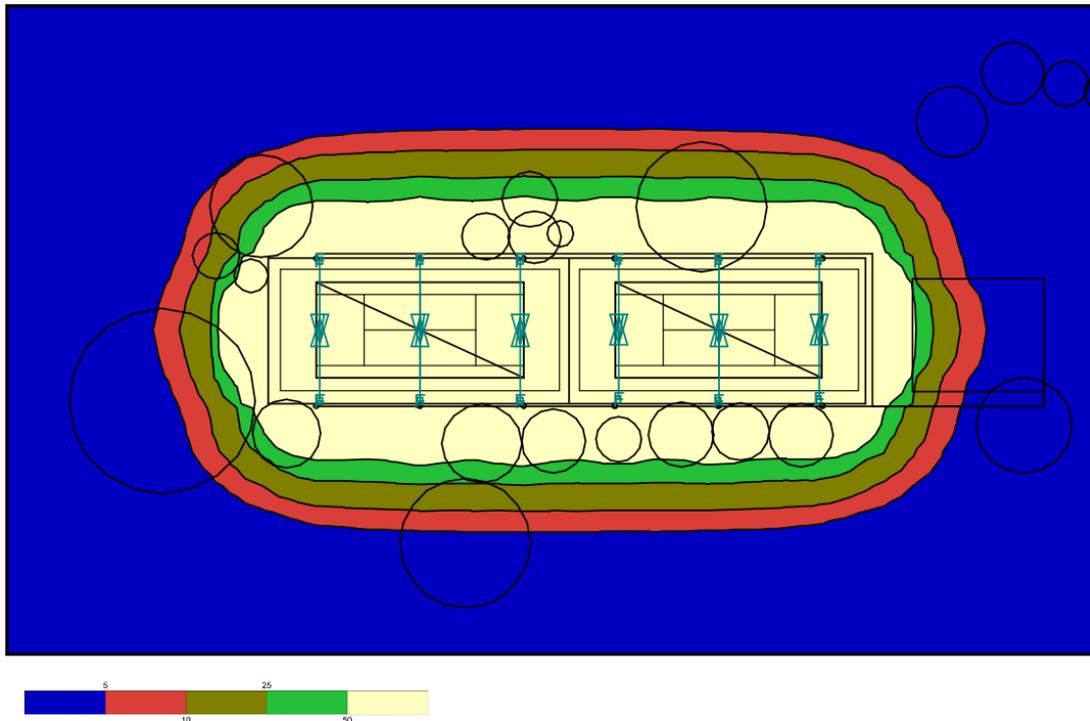


Figure 3 – filled ISO contour overspill diagram (showing lighting levels by colour)



25. The ILP Guidance Notes for the Reduction of Obtrusive Light (2021) sets a limit of 25 Lux light spillage in Urban areas (E4 Zone), 10 Lux in suburban areas (E3 Zone) or 5 Lux in rural areas (E2 Zone) for exterior lighting control.
26. The nearest dwellinghouse to the application site would be 2 Dulwich Common, being 23.5m away from its garden and 60m away from the house. According to the concentric circles of the overspill diagrams shown above, it would be subject to obstructive light with a measure of 2 lux, which is below the maximum limit of 5.0 Lux for rural areas by the ILP. Accordingly, this would ensure neighbours' amenity would not be adversely impacted by way of obtrusive light resulting from the light overspill.

Ecology and biodiversity

27. The immediate area comprises a number of sports facilities with the support of floodlights to provide a lit environment after dusk. As this proposal involves replacement of the existing floodlights, it is not considered to cause greater harm to ecology in the context of the ambient lighting levels.
28. Despite the established prevalence of the floodlights, ecology and environmental protection team are aware of the great number of wildlife corridors in the area, therefore expecting from the replacement proposal an improvement in the light pollution impacts on the local wildlife.

29. At the consultees' advice, the applicant agrees that by condition, that the new lighting to these two courts would be switched off at dusk during certain periods of summer, which would be an active season for bats. To ensure effective implementation of this condition, automatic timers would be installed to switch off the lights as scheduled. This would contribute to lessening the cumulative impacts of lighting on emerging bats and benefit the ecological value resulting from the proposal.

Energy efficiency

30. The proposal would replace an existing discharge lighting system of each light consuming 1500 watts, with the new system using 530 Watt LED lights and therefore achieving 50% in energy saving.

Mayoral and borough community infrastructure levy (CIL)

31. The proposal involves replacement of floodlights only, therefore it is not CIL liable.

Community involvement and engagement

Consultation responses from internal consultees

32. Ecology:
- As this application is to replace existing lighting, the condition of bat light curfew for sport grounds is advised
33. Environmental Protection Team:
- Satisfied with the application reports
 - The area has many wildlife corridors, therefore improvement is expected in limiting the light spill beyond the tennis court.
 - Recommend advice is sought from ecology officer for advice on lighting pollution impacts on the local wildlife

Community impact and equalities assessment

34. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
35. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
36. 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.

37. 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

38. 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.

39. This application has the legitimate aim of *replacing the floodlight system*. 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

40. 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.

41. 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.

42. 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 agreed Planning Performance Agreement date?	YES

CONCLUSION

43. It is therefore recommended that planning permission be granted, subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents TP- 2082-L	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: 020 7525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Winnie Wing Lam Tse, Planning Officer	
Version	Final	
Dated	28 October 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		2 November 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 Chris Smith Camber Lawn Tennis Club	Reg. Number	22/AP/2595
Application Type	Minor application		
Recommendation	Planning permission granted, subject to conditions	Case Number	2082-L

Draft of Decision Notice

for the following development:

Replace the existing floodlighting system for new LED equivalents including columns and lights

Camber Lawn Tennis Club Dulwich Common London Southwark

In accordance with application received on 20 July 2022 and Applicant's Drawing Nos.:

Proposed Plans

PROPOSED COLUMN ELEVATION (FRONT) MLS/6.0M/CFL SINGLE - proposed column elevation (front) REV A received 20/07/2022

FLOODLIGHT LED CONVERSION AND POSITION CHANGE OF COLUMNS PLANNING DRAWING MLS763/CAMBER/EXTLIGHT/001 - floodlight LED conversion and position change of columns REV B received 04/10/2022

Other Documents

LIGHTING ASSESSMENT courts 1-3 floodlighting LED conversion (lighting assessment) dated (07.01.22) received 20/07/2022

Time limit for implementing this permission and the approved plans

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

Permission is subject to the following Compliance Condition(s)

3. The flood lights hereby granted permission must be switched off from 08:00-21:00 Monday to Saturday and 08:00-20:30 on Sundays and Bank Holidays between the dates of 11th May to 8th June and between the dates of 11th July to 17th August.

Reason: To reduce the impact of lighting on emerging bats. To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended).

4. MATERIALS TO BE AS SPECIFIED

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design Quality) of the Southwark Plan (2022).

Relevant planning policy

National Planning Policy Framework (2021)

The revised National Planning Policy Framework ('NPPF') was published in July 2021 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental. Paragraph 212 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 6 Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- 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

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 chapters from the Plan are:

- Policy D1 London's form, character and capacity for growth
- Policy D3 Optimising site capacity through the design led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D14 Noise
- Policy HC1 Heritage conservation and growth
- Policy G3 Metropolitan Open Land
- Policy G5 Urban greening
- Policy SI1 Improving air quality
- Policy SI12 Flood risk management
- Policy SI13 Sustainable drainage

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:

- P13 Design of places
- P14 Design quality
- P18 Efficient use of land
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P45 Healthy developments
- P46 Leisure, arts and culture
- P47 Community uses
- P56 Protection of amenity
- P57 Open space
- P60 Biodiversity

Planning history of the site

Reference and Proposal	Status
<p>72/AP/8476 The erection of an extension to the club house at Camber Lawn Tennis Club, Dulwich Common, S.E.22.</p>	GRANTED-Minor Application 03/10/1972
<p>11/AP/0106 Installation of floodlighting to the north tennis court (6 columns of 6.7m high).</p>	GRANTED-Minor Application 14/04/2011
<p>13/AP/3010 T1: 1 x Mature Oak - crown thin by 20%, remove deadwood and epicormic growth and necessary re-shape T2: 1 x Mature Ash - fell and grind stump out</p>	18/10/2013
<p>13/AP/3002 Erection of a new clubhouse on former site</p>	GRANTED-Minor Application 13/12/2013
<p>20/AP/3528 T1 - Multi stem Elderflower tree. Heavily leaning towards tennis court. Coppice to ground level and allow it to regenerate T2 - Large Ash tree. Remove 2 lower branches growing over tennis court. T3 - XL Oak tree. Remove dead wood and reduce canopy from over tennis court to give 1m clearance. G1 - 6 Norway Maple trees. Reduce back from tennis courts to give a 2m clearance. Remove larger lateral branches growing towards the courts. T4 - Bird willow tree. Remove stem over tennis court and reduce and reshape canopy over tennis court to give 2m clearance. T5 - XL Ash tree. Reduce canopy over tennis court to give a 2m clearance. T6 - XL Oak tree. Reduce lower canopy over tennis by 2m to suitable growth points.</p>	Granted TCA 17/12/2020

Consultation undertaken

Site notice date: 11/10/2022

Press notice date: 18/08/2022

Case officer site visit date: n/a

Neighbour consultation letters sent: 04/10/2022

Internal services consulted

Ecology

Environmental Protection

Statutory and non-statutory organisations

Neighbour and local groups consulted:

10 Dulwich Common London Southwark

6 Dulwich Common London Southwark

8 Dulwich Common London Southwark

4 Dulwich Common London Southwark

2 Dulwich Common London Southwark

Grove House Dulwich Common London

Marlborough Cricket Club Dulwich
Common London

Re-consultation:

Consultation responses received

Internal services

Ecology

Environmental Protection

Statutory and non-statutory organisations

Neighbour and local groups consulted:

98 Delawyk Crescent London SE24 9JD