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Item No. 8.2	Classification: Open	Date: 5 December 2022	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 22/AP/2598 for: Full Planning Application Address: 12 Dulwich Village, Southwark, London, SE21 7AL Proposal: Replacement of bowling green area with construction of 10-bay cricket cage facility.		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning and Growth		
Application Start Date: 09/08/2022		PPA Expiry Date: 31/12/2022	
Earliest Decision Date: 02/11/2022			

RECOMMENDATION

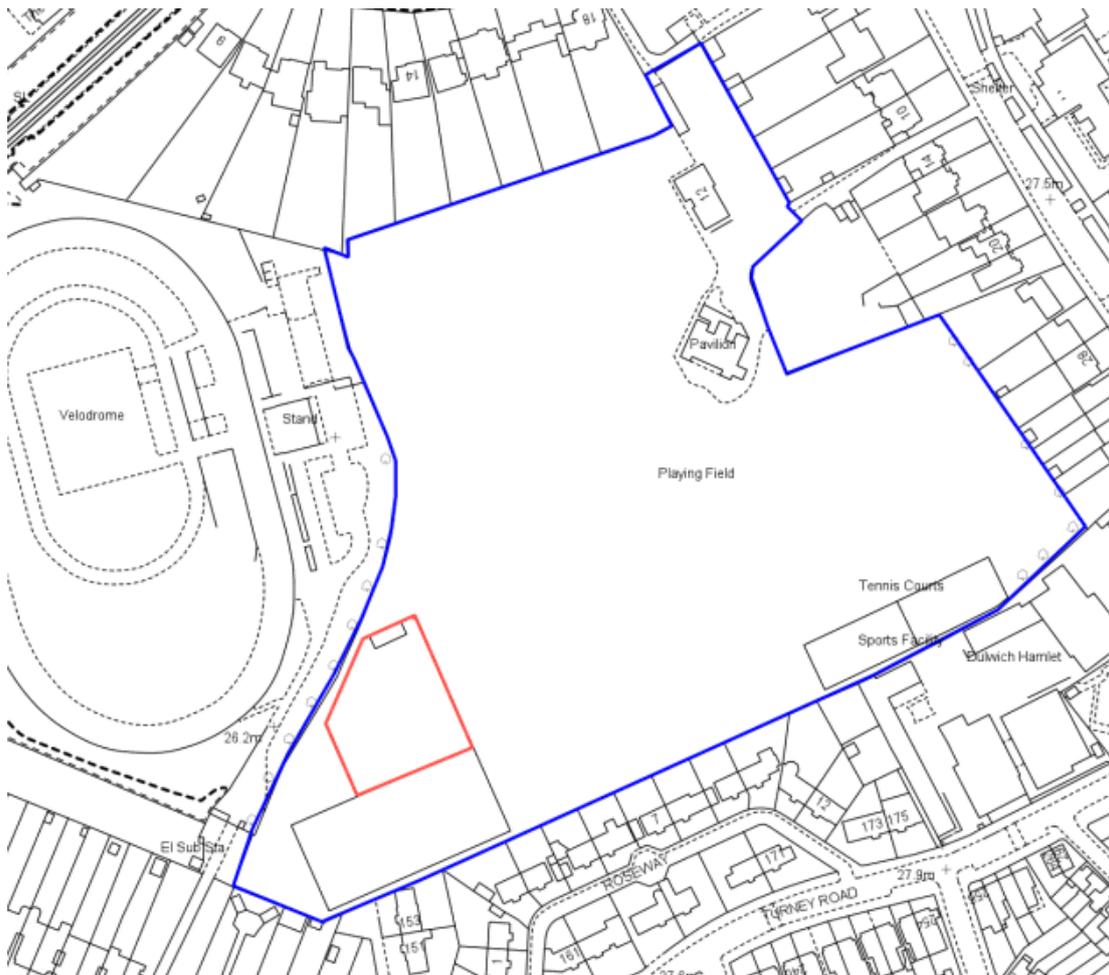
1. That planning permission be granted subject to conditions set out in the report.

BACKGROUND INFORMATION

Site location and description

2. The application site is located within the south-western area of Griffin Sports Club playing fields, an area of approximately 1850sqm (170sqm perimeter). The existing site is designated as Metropolitan Open Land (MOL), which is a clear open space and is identified as a Site of Importance for Nature Conservation. Whilst the club has various sports facilities, the specific site relates to the replacement of the bowling green.

3. Site Location Plan



4. Other site designations include

- Air Quality Management Area (AQMA)
- Area Vision AV07 Dulwich Village
- Metropolitan Open Land (MOL)
- Conservation Area – Dulwich Village
- Dulwich Estate Management Area
- Herne Hill Stadium – Site of Important Nature Conservation
- Smoke Control Zone

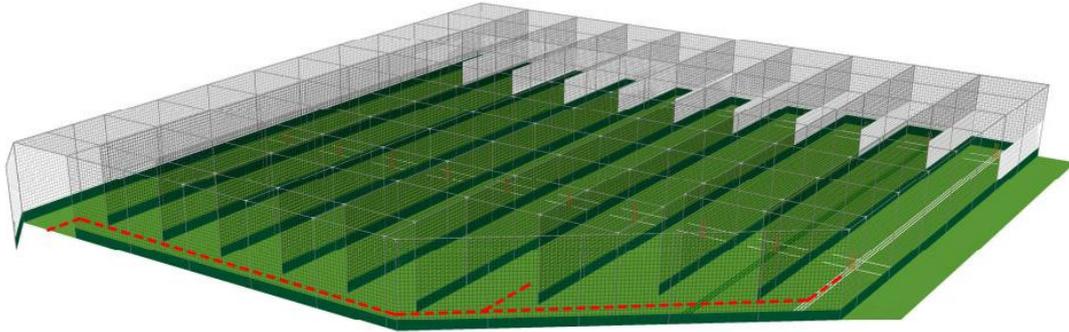
Details of proposal

5. Replacement of bowling green area with construction of 10-bay cricket cage facility.

Other important features

- Maximum height: 4m
- Maximum length: 39m
- Footprint: 170sqm
- Other land owned by applicant, wider site (blue): 42,400 sqm

6. Proposed cricket cages



Consultation responses from members of the public and local groups

7. 2 contributions were received, 1 objection and 1 neutral comment. Summarised below are the material planning considerations raised by members of the public.
8. Objection (1)
 - 10 cricket lane is considered large and excessive
 - Unclear access arrangements
9. Neutral (1)
 - Noise generated has not been assessed
 - Insufficient detail regarding the overall proposal

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

10. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. This site history is found in Appendix 3.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

11. 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 the Dulwich Village conservation area
 - Impact of the proposed development on amenity of adjoining occupiers
 - Transport and highways
 - Ecology, biodiversity and landscaping
 - Mayoral and Borough Community Infrastructure Levy
 - Consultation responses and community engagement
 - Equalities impact and human rights

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

Legal context

13. 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.
14. 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

15. The statutory development plans for the Borough comprise the London Plan (2021), the Southwark Plan (2022). The National Planning Policy Framework (2021). 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.

ASSESSMENT

Principle of development on Metropolitan Open Land

16. The London Plan (2021) Policy G4 (Open Space) affords Metropolitan Open Land protection from inappropriate development. Furthermore, Policy P57 (Open Space) of the Southwark Plan (2022) states that:

“Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL) 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”.*

17. Development for the provision of healthy sports facilities would also be supported by policy P45 (Healthy Developments) of the Southwark Plan (2022). The cricket facilities will increase opportunities for healthy sports activities outdoors and promote an active lifestyle for users.

Impact upon openness of MOL

18. The area of existing bowling green would be replaced by cricket lane-cage facilities of the same footprint (1850sqm). The area takes up 4.4% as a percentage of the overall wider MOL which forms part of the Griffin Sports Club. The cricket cages are ancillary equipment required for the outdoor sports and recreation at the sports club, thereby meeting the exceptional circumstance (1) outlined in P57 (Open Spaces) whilst also providing provision for enhanced sports facilities and social–leisure benefits as stipulated in parts (1.3 and 2.0) in policy P45 (Healthy developments) of the Southwark Plan (2022). The development will serve a recreational use for outdoor sports, and would not detract from the openness of the MOL as a significant open space. It is therefore considered that the development meets the requirement of exceptional circumstances and is in principle acceptable.

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

19. The modest size and scale of the cricket cage facility, with it replacing the existing bowling green area of would be considered a discreet addition. The cages would be made of galvanised steel framework with mesh wiring which ensures a strong and durable structure. The large playing field ensures the openness of the Metropolitan Open Land is not impacted harmfully. The location and positioning of houses, due to screening along Burbage Road, Roseway, Turney Road and Dulwich Village, along with the railway viaduct ensures that the installation/construction of the cricket cages would not affect the character and appearance of the Dulwich Village conservation area. The sports facilities are considered to be an acceptable construction in design terms, ensuring no harm to the wider heritage of the area.

Impact of the proposed development on amenity of adjoining occupiers

Sense of enclosure

20. The size and scale of the cricket cage facility and separation distances of 35m to the rear gardens along Roseway and 45m to the rear gardens along Burbage Road, ensures that the facility would not impact neighbours in terms of sense of enclosure.

Noise

21. The cricket cage facility would increase the capacity of players who can use the field during hours of operation and could generate noise pollution that could

detrimentally affect neighbours. To ensure protection of amenity for residents along Roseway and Burbage Road, the Environmental Protection Team have recommended an hours of use condition for the facilities which will be attached to any such permission.

Transport and highways

22. The application site has a PTAL score of 2, which demonstrates below average connectivity to TfL transport services. The proposed cricket facility is unlikely to generate a significant uplift in trip generation. Construction works associated with the cricket cage facility should seek to mitigate the impact on the local highway and wider community by avoiding works movements in the high peak period (08:00-09:00 and 17:00-18:00 and at school drop-off/pick-up times 08:00-09:00 and 15:00-16:00). Given the scale of the development, it is not considered necessary to attach a condition for construction logistics. However an informative is attached stating the aforementioned will be applied to ensure minimum disturbance to local residents.

Ecology, biodiversity and landscaping

23. The application site is located within a Local Site of Importance for Nature Conservation. The existing bowling green has been left to develop into grassland and the proposal incorporates the whole site right up to the grown hedges. This may impact on the flora and fauna using the hedges, and it is recommended these be replanted (translocated) around the perimeter of the facility with a buffer zone of 2m to ensure birds do not get trapped in the nets. Details of this planting is requested through an above grade landscaping condition.

Mayoral and Borough community infrastructure levy (CIL)

24. This is not a CIL liable development.

Community impact and equalities assessment

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

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

26. 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.
27. 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

28. 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.
29. This application has the legitimate aim of development. 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

30. 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.
31. 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

32. It is therefore recommended that planning permission be granted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents TP/2292-12	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	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	Zaib Khan, Senior Planner	
Version	Final	
Dated	16 November 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		21 November 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	Mr Sean Keaton London Youth Sports Trust	Reg. Number	22/AP/2598
Application Type	Minor application		
Recommendation	GRANT permission	Case Number	2292-12

Draft of Decision Notice

Planning permission is **GRANTED** for the following development:

Replacement of bowling green area with construction of 10-bay cricket cage facility.

12 Dulwich Village London Southwark SE21 7AL

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

Proposed Plans

Plans - Proposed Standard Cricket Layout NSGSG001 Rev-A received 20/07/2022

Plans - Proposed Cage Elevations and Cross Sections NSGSG002 Rev-A received 20/07/2022

Plans - Proposed Three Dimensional Views NSGSG003 received 20/07/2022

Other Documents

Site location plan Site Location Plan received 15/11/2022

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 Grade Condition(s)

3. LANDSCAPING

Before any above grade work hereby authorised begins, detailed drawings of the soft landscaping scheme which shall include the translocation of existing bushes around the bowling green to be replanted around the perimeter of the cricket cages (including a 2m buffer), shall be submitted to and approved in writing by the Local Planning Authority. Should it be demonstrated that translocation of existing bushes is not possible, alternative substitute planting /landscaping is required.

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 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

4. Hours of use

The use of the cricket cage facility shall not be carried out, outside the hours of:

- 21:00 to 09:00 Monday to Saturday or
- 21:00 to 10:00 on Sunday and Bank/Public Holidays.

Reason:

To safeguard the amenity of neighbouring residential properties in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

Informatives

- 1 Construction works associated with the cricket cage facility should seek to mitigate the impact on the local highway and wider community by avoiding works movements in the high peak period (08:00-09:00 and 17:00-18:00 and at school drop-off/pick-up times 08:00-09:00 and 15:00-16:00)

Relevant Planning Policy

National Planning Policy Framework (NPPF, 2021)

- 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 16 Conserving and enhancing the historic environment

The London Plan (2021)

- 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 S5 Sports and recreation facilities
- Policy HC1 Heritage conservation and growth
- Policy G4 Open Space
- Policy T7 Deliveries, servicing and construction
- Policy DF1 Delivery of the Plan and Planning Obligations

Southwark Plan (2022)

- Policy P13 Design of places
- Policy P14 Design quality
- Policy P18 Efficient use of land
- Policy P20 Conservation areas
- Policy P21 Conservation of the historic environment and natural heritage
- Policy P45 Healthy developments
- Policy P56 Protection of amenity
- Policy P57 Open Space
- Policy P66 Reducing noise pollution and enhancing soundscapes
- Policy IP3 Community Infrastructure Levy (CIL) and Section 106 planning obligations

Relevant Planning History

No relevant planning history.

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: 17/08/2022

Internal services consulted

Transport Policy

Design and Conservation Team [Formal]

Ecology

Environmental Protection

Flood Risk Management & Urban Drainage

Community Infrastructure Levy Team

Statutory and non-statutory organisations

n/a

Neighbour and local groups consulted:

10 Roseway London Southwark

155 Turney Road London Southwark

2 Roseway London Southwark

159 Turney Road London Southwark

151 Turney Road London Southwark

108 Burbage Road London Southwark

5 Roseway London Southwark

1 Roseway London Southwark

9 Roseway London Southwark

157 Turney Road London Southwark

153 Turney Road London Southwark
8 Roseway London Southwark
7 Roseway London Southwark
6 Roseway London Southwark
4 Roseway London Southwark
3 Roseway London Southwark
11 Roseway London Southwark
102B Burbage Road London Southwark
102A Burbage Road London Southwark
112 Burbage Road London Southwark
110 Burbage Road London Southwark
106 Burbage Road London Southwark
100 Burbage Road London Southwark
116 Burbage Road London Southwark
114 Burbage Road London Southwark

Consultation responses received

Internal services

Transport Policy

Design and Conservation Team [Formal]

Ecology

Environmental Protection

Community Infrastructure Levy Team

Statutory and non-statutory organisations

Neighbour and local groups consulted:

6 Roseway Dulwich Dulwich London

4 Roseway LONDON SE21