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

## RECOMMENDATION

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

## BACKGROUND INFORMATION

### Site location and description

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

### The surrounding area

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

## **Details of proposal**

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

## **Planning history**

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

## **Key issues for consideration**

### **Summary of main issues**

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

## **Legal context**

10. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the Southwark Plan 2022 and the London Plan 2021.
11. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

## **Planning policy**

### **National Planning Policy Framework (the Framework)**

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

### **The London Plan 2021**

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

### **Southwark Plan 2022**

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

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

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

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

### **Assessment**

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

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

#### **Fire safety regulations**

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

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

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

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

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

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

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

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

### **Design & Layout**

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

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

### **Heritage assets**

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

### **Borough & London views**

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

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

## **Privacy**

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

## **Sunlight/daylight**

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

## **Openness/outlook**

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

## **Noise and vibration**

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

## **Water resources and flood risk**

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

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

34. Scheme is not CIL liable.

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

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

35. Summarised below are the material planning considerations raised by

members of the public.

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

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

### **Consultation responses from consultees**

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

38. Environmental Protection Team:

- "Approval with [compliance] condition:  
Plant Noise - The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels shall be calculated in full accordance with the methodology of BS4142:2014 +A1:2019  
Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021."

Officer Comment: Noted – condition imposed.

39. Design and Conservation Team:

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

Officer Comment: Noted.

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

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

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



42. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
- The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
  - The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
43. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

44. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
45. This application has the legitimate aim of providing planning permission for an extension to a school building. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### **Carbon concurrent**

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

## Positive and proactive statement

47. The council has published its development plan on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
48. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

49. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	No
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	Yes
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	N/A

## Site visits

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

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

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

Yes, using Google earth and provided drawings to assess.

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

Yes, using Google earth and provided drawings to assess.

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

Yes, using Google earth and provided drawings to assess.

## Conclusion

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

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Environment Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

## APPENDICES

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

## AUDIT TRAIL

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

**RECOMMENDATION  
(draft decision notice)**

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

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

**Draft of Decision Notice**

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

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

Dulwich College, College Road London Southwark

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

Proposed Plans:

PROPOSED PLANS- 002 received 03/01/2023

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

**Time limit for implementing this permission and the approved plans**

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

Reason:

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

**Permission is subject to the following Compliance Condition(s)**

**3. MATERIALS TO BE AS SPECIFIED**

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

Reason:

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

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

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

Reason:

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

**5. PLANT NOISE**

The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the plant Specific sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific sound levels

shall be calculated in full accordance with the methodology of BS4142:2014 +A1:2019

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2021.

### Relevant planning policy

#### National Planning Policy Framework (2021):

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

#### London Plan (2021):

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

#### Southwark Plan (2022):

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



## **APPENDIX 3**

### **Planning history of the site and nearby sites**

No relevant planning history.

**Consultation undertaken**

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

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

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

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

**Internal services consulted**

Design and Conservation Team [Surgery]

Environmental Protection

No external consultees required.

**Consultation responses received**

**Internal services**

Design and Conservation Team [Surgery]

Environmental Protection

No external consultees required.