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<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 14 November 2023	<b>Meeting Name:</b> Planning Committee (Smaller Applications)
<b>Report title:</b>	<b>Development Management planning application:</b> Application 23/AP/1792 for: Planning Permission  <b>Address:</b> Alleyns School, Townley Road, London SE22 8SU  <b>Proposal:</b> Retention of an engineering operation for temporary use of amenity grassland as a staff parking area by installation of tarmac drive and unbound gravel over permeable membrane until 31 August 2025.		
<b>Ward(s) or groups affected:</b>	Goose Green		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b>	30/06/2023	<b>Application Expiry Date</b>	04/12/2023
<b>Earliest Decision Date</b>	24/08/2023		

## RECOMMENDATION

1. That the development which is located on Metropolitan Open Land (MOL) be granted temporary permission subject to conditions.

## EXECUTIVE SUMMARY

2. This is a retrospective planning application to carry out engineering operations: to enable the temporary use of amenity grassland area as a staff parking area by installation of a tarmac drive and unbound gravel over a permeable membrane. It would be retained until 31 August 2025. The use of the site for permanent car parking facilities would be unacceptable due to the impact on MOL. Temporary car parking for a fixed time period is considered acceptable, and justified, to allow works to be completed elsewhere within the school. The applicant would be expected to return the land to its previous use and quality upon the cessation of the temporary use.
3. The retrospective proposal originally sought to provide 29 car parking spaces with a larger area of unbound gravel cover over a permeable membrane. Taking into account the comments from Transport Policy Team regarding the overprovision of car parking spaces, the proposal was revised to include only 15 car parking spaces and the remaining area provided with a wild flower meadow planting along with provision for temporary storage bays to the northern part of the site.
4. Public comments have been raised citing the impact of the proposal on MOL

land, local ecology, noise and increasing air pollution.

5. Under the revised layout, only a small area of MOL remains covered with a tarmac drive and unbound gravel over a permeable membrane. Thus, considering the requirement of temporary parking space to compensate for loss of permanent parking spaces due to construction of Wellness center (approved planning application 22/AP/0184) and the damage that has already been caused from engineering operations on land, the continued use of land as a parking space for a temporary period is expected to cause only minimal further impact on the setting and quality of the MOL, and would not affect its openness.
6. A remediation strategy for the site is subject to recommended conditions to ensure that land contamination to the future users of the land and neighboring land are minimized, together with those to controlled waters, property and ecological systems.

## BACKGROUND INFORMATION

### Site Location and Description

7. The works that are the subject of this planning application are located adjoining the boundary of the School on Townley Road. They are located neighbouring to two of the School's sports courts.



**Figure 1:** Site location plan (outlined in red)



**Figure 2:** Ariel view of site

8. The subject site is roughly triangular in shape with access from Townley Road. This access has long been used for maintenance purposes of the playing fields. The said access forms part of the proposed site. The proposed engineering operations have already been implemented at site.
9. The MOL land currently provides parking for 29 vehicles, but was implemented with the intention of providing parking for 33 vehicles. The application site has historically been used to park school vehicles on an informal basis, and has only recently been used for staff parking.



**Figure:3** Layout plan before the engineering works were undertaken

indicating 33 parking spaces

10. An application for the use of the land as a temporary car park during construction of the Junior School extension was submitted in April 2021 (21/AP/1435). The application was withdrawn after the case Officer advised that no planning permission was required. The Officer's decision was based on the fact that no hardstanding area has been proposed or installed, and no physical measures were put in place besides painted lines on grass. The Officer's comment clearly communicated the reason that no planning permission was required.
11. A similar comment from an LBS Officer regarding the need for planning permission was made on planning application 22/AP/0184, which sought permission for the use of the temporary car park for five years due to a loss of permanent parking spaces after the installation of a Wellness Centre. The parking area was removed from the application's site area, as the Officer determined and communicated that no planning permission was required for this aspect of the proposal, again based on the fact that no hardstanding area or physical measures were put in place.
12. Subsequently, the applicant undertook a series of works on the land used as car park. The works included removing the grass and installing a membrane with a layer of gravel on top. The access path was also tarmacked over and a border (kerb) to distinguish the tarmac from the gravel was installed. The current application (23/AP/1792) was submitted retrospectively after enforcement officers determined that these works constituted an engineering operation for which planning permission was required.



**Figure 5:** Parking area



**Figure 6:** View of site from access gate



**Figure 7:** View of site entry



**Figure 8:** View of site from Townley Road

13. The application site is bounded by:
  - To the north: Alleyns School playing fields
  - To the east and west: Alleyns school playing courts
  - To the south: Townley Road and across the street are semi-detached houses 19-24 Townley Road
  
14. The application site borders Dulwich Village conservation area, and there are no listed buildings in close proximity to the application site. The western part of the site is a TPO zone with a number of TPO trees. It is subject to the following policy designations and spatial constraints:
  - Critical Drainage Area
  - Air Quality Management Area
  - Hot food takeaway exclusion zone
  - Site of Importance of Nature
  - Metropolitan Open Land

### **Details of proposal**

15. Retrospective planning permission is sought to carry out engineering operation for temporary use of amenity grassland as a staff parking area by installation of tarmac drive and unbound gravel over permeable membrane until 31 August 2025.
  
16. The initial proposal description sought permission for a period of 3 academic years (until summer 2026) for the works that have already been undertaken on site and are as follows:

- Removal of a previous rubber membrane placed on parts of the land and removal of poor quality hard surfacing on the entrance drive
- Laying of a permeable membrane on the existing ground surface
- Laying of gravel over this membrane
- Tarmacadam surfacing of the existing access track, approximately 50m x 3.5m with kerbs to each side. This replaced and improved a previous hard surfaced track.



**Figure:4**

Existing condition after the engineering works have been undertaken indicating parking spaces for 28 cars.

17. Following comments from transport policy officer and receipt of public comments, a revised layout plan has been provided, which reduces the area of gravel, reduces the number of parking spaces to 15 and moves them further away from the boundary of the site on Townley Road. A low wooden 'knee rail' will be installed to prevent parking elsewhere on the land and the remainder of the land shall be reinstated to a grass and wildflower meadow. The time period of permission have also been reduced to 2 academic years.
18. The area of MOL that has been affected due to engineering works – 1547.00m<sup>2</sup>



The area of MOL that will remain affected under the revised scheme – 1050.00 m<sup>2</sup>

19. The proposal also includes 5 temporary storage bays to the northern part of the property used for storing materials required for maintenance of sports fields and retention of existing sheds.
20. The fence line has been revised to achieve visibility splays and the existing shall be replaced with a sliding gate arrangement.



**Figure 8:** Proposed layout plan indicating parking for 15 cars and wild flower meadow planted outside of gravel boundary.

### **Consultation responses from members of the public and local groups**

21. Site notices were displayed outside the site along Townley Road on 06.07.2023. A total of six notification letters were sent to residential properties along Townley Road opposite to the proposal site.
22. A total of two objections, one support comment and one neutral comment was received for the initial proposal. For the revised proposal, four objections have been received.
23. The material considerations raised by the members of the public in the objections letters are summarised as below:
  - Proposal will promote usage of cars
  - Increase in pollution and carbon emissions

- Increase in traffic
- Increase noise
- Inaccuracies in the information provided, supporting the application
- Impacts on MOL land
- Visual impact on streetscene
- Impact on nearby trees
- Light pollution due to night usage of the site
- Contrary to Southwark's transport policy
- Impact on designated Safe Route to school
- Failure to control access and abuse by non-authorized users
- Impact on LTN.

Officer response: these matters will be addressed in the 'assessment' section of the report.

### **Planning history of the site, and adjoining or nearby sites**

24. See Appendix 2 for the full planning history relevant to the site. Of particular reference to this application are the previous permissions as follows:

21/AP/1435 - Temporary parking of staff cars in school grounds from existing access off Townley Road during construction of Junior School extension (until 31st March 2022)

The application was withdrawn on 27 July 2021 at the request of the applicant, following the case officer determining the proposal did not constitute development for the following reasons:

- No hardstanding has been proposed, or been installed. Based on the Officer's site visit carried out on the 5 May, no physical measures have been put in place beyond a few lines of paint indicating parking spaces. The existing vehicular access date pre-dates in the current application and has been in place for over 10 years based on Google Street view photography from 2008.
- The use of the site as teacher and student parking is small in scale, and ancillary to the main use of the school grounds as an educational facility and does not constitute a change of use, thus planning permission is not required and cannot be granted or refused.
- Officers had initially requested an application be submitted following the pre-application enquiry in order to fully assess the scheme. Now that more complete details have been submitted, and a site visit has been conducted, Officers are of the view no development has been proposed in line with the comments above, and that an application is not required.

22/AP/0184\_- Construction of a single storey Wellbeing Centre. Planning permission was granted on 19.05.2022

21/EN/0104 - Use of land opposite 19-24 Townley Road as car park during construction works. The enforcement case is open.

15/AP/0926 – Planning permission granted for demolition of existing Lower School building and construction of new lower School building and associated landscaping works.

19/AP/5616 – Planning permission granted for refurbishment and erection of a single storey extension of the existing junior School building.

20/AP/0720- Planning permission granted for the installation of a temporary three storey Portakabin building to be used class rooms, office accommodation and toilet facilities. To be in place between 5 April 2021 and 3 October 2021.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

25. The main issues to be considered in respect of this application are:
- Principle of development in terms of land use, specifically the designation of the development site as Metropolitan Open Land
  - Impact on the amenity of neighbouring occupiers
  - Good design and heritage
  - Transport
  - Flood Risk
  - Ecology
  - Trees
  - Fire safety regulations
  - Energy
  - Mayoral and borough community infrastructure levy (CIL)
  - Any other planning material considerations
  - Carbon concurrent
  - Community impact and equalities assessment
  - Human rights implications, and;
  - Positive and proactive statement.
26. These matters are discussed in detail in the ‘Assessment’ section of this report.

### **Legal context**

27. 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 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.

28. 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 (NPPF)**

29. The revised National Planning Policy Framework ('NPPF') was published in September 2023 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.
30. Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
- 31.
- Chapter 8 Promoting Healthy and Safe Communities - note paragraph 103 states that policies for managing development within a Local Green Space (such as MOL) should be consistent with those for Green Belts
  - Chapter 9 Promoting Sustainable Transport
  - Chapter 11 Making Effective Use of Land
  - Chapter 12 Achieving well-designed places
  - Chapter 13 Protecting Green Belt Land
  - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 Conservation and Enhancement of the Natural Environment
  - Chapter 16 Conserving and Enhancing the Historic Environment.

### **The London Plan 2021**

32. 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:
- D4 - Delivering good design
  - D12 - Fire safety
  - G1 - Green Infrastructure
  - G3 - Metropolitan Open Land
  - G6 - Biodiversity and access to nature
  - G7 - Trees and Woodland
  - HC1 – Heritage Conservation and Growth
  - S1 12 - Flood risk management

### **Southwark Plan 2022**

33. 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
- P56 - Protection of amenity
- P47 – Community Uses
- P57 - Open Space
- P60 - Biodiversity
- P61 - Trees

## **ASSESSMENT**

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

#### P57 Open Space

34. MOL is given the highest protection from inappropriate development in the NPPF, the London Plan 2021 and the Southwark Plan 2022. The NPPF makes it clear that MOL should be treated in the same way as designated Green Belt Land.

The London Plan states that Metropolitan Open Land is strategic open land within the urban area. MOL plays an important role in London's green infrastructure – the network of green spaces, features and places around and within urban areas.

35. Policy P57 of Southwark Plan 2022 states that development may be permitted on Metropolitan Open Land in exceptional circumstances when:
- i. 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; or
  - ii. 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
  - iii. It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.

#### *Retrospective Change of use*

36. The use of the site as car parking on a permanent basis would fail to meet any of the tests set out above. Thus the use of the site for permanent car parking facilities would be unacceptable based on the impact on MOL. Temporary car parking would be more acceptable, and justifiable on a limited basis to allow works to be completed elsewhere within the school and applicant would be expected to return the land to its previous use and quality upon the cessation of the temporary use.
37. Here, for the site under discussion, it is acknowledged that engineering operations have been carried out on MOL land affecting its character by converting the area into a permanent car parking fixture. Thus it is a development requiring planning permission.
38. Temporary use of the site for parking purposes is supported in principle under a very special circumstances justification. Public consultations responses have raised concerns over the impact of works already carried out on the quality of MOL. However, the temporary car parking for a period of 2 years is considered on balance acceptable to give time to replan for the loss of 15 car parking spaces due to construction of New Wellness center under application 22/AP/0184. The reduction in permanent car parking spaces from construction of Wellness Centre is an approach that is welcome by the council and the time required for modal shift to take place is recognized. This establishes the need for 15 parking spaces for a period until Summer 2025.
39. The continued use of the already damaged land as a parking space for a temporary period of 2 years is expected to cause only minimal further impact on the setting and quality of the MOL, and would not affect its openness. The revised scheme has brought about a considerable reduction in land area allocated for parking purpose and the proposal to plant wild flower meadow in the remaining area is expected to reduce the impacts on MOL land. Conditions requiring a remediation strategy and tree planting are recommended to ensure that the land shall be returned to its previous use and quality upon the cessation of the temporary use.

### **Impact on the amenity of neighbouring occupiers**

40. The proposal would be small in scale, and no permanent fixture is proposed. Further to this, the site is at a reasonable distance from nearby occupiers across Townley Road. The proposal is therefore considered to pose only a minimal risk to neighboring amenity. However, concerns regarding noise and light pollution from the car parking area have been raised by the neighbors, especially during night hours disrupting the sleep and wellbeing.
41. Responding to the above, the agent has confirmed that the School site remains closed at 22:00 each evening, with the majority of staff leaving before 19:00 (as the majority of staff with allocated spaces are teachers). On occasions where school performances might happen that there may be later access. If there are disturbances beyond this, it would very much be the exception, not the norm.
42. It is acknowledged that there have been attempts to ensure that the impact

was minimized through hedge planting and willow screening along the boundary. Also, the revised proposal reduces the number of cars in this space to 15, reduces the time period of permission to two years and sets them further back from the boundary, which is expected to mitigate any disturbance further.

## **Good design and heritage**

### *Impact on the character of the open space and setting of the conservation area*

43. Complaints have been raised that temporary car park, the tarmac road and the rubbish dumping ground next to the carpark are a visual eyesore to neighbours and visitors to the local area. It is recognized that gravel is not as visually appealing as grass and the engineering works have impacted the quality of MOL land, depriving it of the green cover.
44. The applicant justifies the work undertaken by stating that, given the nature of the drainage of the site and state of the ground, the installation of tarmac drive and unbound gravel over permeable membrane were considered the safest temporary measure. The membrane beneath could be removed easily, and the grass underneath could be reseeded with ease.
45. The area of MOL that has been affected due to engineering works – 1547.00m<sup>2</sup> and the area of MOL that will remain affected under the revised scheme – 1050.00 m<sup>2</sup> with the rest rewilded. This is expected to bring about considerable reduction in detrimental impact caused on the character of MOL. Also, the condition on remediation strategy upon completion of 2 year temporary permission period shall ensure that the MOL will be returned in its original state. The agent has also confirmed that the applicant's intention for the site as a whole is to increase biodiversity and planting and area to be rewilded for educational and biodiverse purposes, rather than a 'cricket oval.'
46. Regarding the 5 storage bays proposed to the northern part of site, the agent has confirmed that the school has had storage bays in this location for a long time. They include storage for top sand (which is delivered in bulk and would otherwise be an unsightly mound on site). Storing these materials in bays shall ensure that the landscape and MOL remains unaffected of the blight of these material heaps. It is recognized that Sports Fields need maintaining, which will require piles of soil, sand and machinery.
47. The proposed changes to fence line and the new gate raise no concerns.

## **Trees**

48. The urban forest officer has reviewed the Arboricultural Impact Assessment and the existing conditions of the site and has noted that the area to the east is subject to a TPO zone, for which one tree has already shown a demise, potentially given the current use, through compaction.
49. Considering the fact that the installation of tarmac and unbound gravel is directly related the permissibility of this amount of parking, the officer

preferred to see a much reduced scheme which is located either elsewhere on site OR is restricted to a smaller area and so much smaller car parking provision.

50. The objections raise concerns over loss of trees, shrubs and hedges in the space and the impacts on the local environment, in terms of much needed vegetation, also negative impacts on the birds, animals and insects that relied on that vegetation for their survival.
51. Responding to the revised scheme, which is reduced in area, the Urban Forest officer supports the proposal and has recommended inclusion of a remediation strategy and verification report (if required) which should be submitted to the Local Planning Authority, within 28 days prior to completion of use, or 1st August 2025, whichever is soonest, for approval in writing. This should include details of all tree planting to include 3 x Ulmus 'New Horizon' with a stem girth totalling 54cm within the application site plus ground and shrub layer planting, re-turfing and any soil amelioration, including decompaction, where needed.
52. As stated before, the applicant's intention for the site as a whole is to increase biodiversity and planting and area to be rewilded for educational and biodiverse purposes. The remediation condition shall be implemented at the end of 2 year temporary permission period and the current scheme includes a proposal for the remaining land outside of 15 parking spaces to be reinstated to grass and wildflower meadow. Taking all these measures into account, it is expected that the loss/damage to trees and vegetation shall be remedied.

### **Transport policy**

53. The objections received for the application raises concerns about increasing traffic and resulting air pollution and carbon emissions; and the impact on a Safe Route to School and the impact on LTN have also been pointed out. These matters have been taken into account in the assessment of proposal by the Transport policy officer.
54. The officer's initial concerns regarding the excess parking provided, threat to pedestrian safety due to lack of visibility splays, lack of convincing evidence that the school is working towards a more sustainable modal share and the goals set, and the discrepancies in the technical note have been detailed in the Transport policy officer's comments section of the report.
55. The officer had advised that the applicant may continue to use only 15 car parking spaces (to replace spaces lost with the Wellness Centre) for the 2023/24 and 2024/25 school years. Any open areas within the car park that could provide additional parking spaces must be blocked off. Pedestrian sightlines of 1.5m x 1.5m + no object, planting, tree or wall higher than 0.6m on either side of the vehicle crossover must also be provided and clearly indicated on plans.
56. These comments were given due consideration and a revised scheme was submitted seeking parking permission for 15 cars. Low-level railings and a



wildflower meadow shall be installed prevent parking outside the 15 spaces, which measure 2.4m x 4.8m each. Drawings indicating changes to the access gate to achieve 1.5m x 1.5m x 0.6m pedestrian visibility splays have been submitted and a condition shall be attached to ensure that it shall be installed in place.

57. The agent has confirmed that this access has long been used for maintenance purposes of playing fields. The gate in question is directly opposite the gate to Top Field which is used by grounds machinery (tractors etc) to move between sites to maintain those pitches. Any change to this would disrupt Townley Road residents further, and also require the School to move heavy machinery around site and along Townley Road. Thus, keeping the intended use of gate in future, concerns of the transport policy officer over the continued use of the gate past Summer 2025 for parking purposes shall be regulated through a condition that restricts the use of gate for maintenance purposes of sports courts.
58. The transport policy officer is not convinced by the school's approach to reducing the mode share of private cars, or their commitment to removing the car park even if modal share targets are not met and have sought details of specific actions that will be taken to increase travel by public transport, walking or cycling. The applicant has responded to the request by stating that the school has agreed for removal of the surface by August 2025 and any application to extend this period could be refused by the council. The CPZ will be arriving soon to the area, which will be a major catalyst for modal change. The school is developing an active travel incentives program which is multi-faceted. This includes building more showers and storage on site for staff to use, an e-bikes incentive scheme and transport hub strategy alongside our already existing initiatives. Thus, recognizing the fact that this planning application is for an engineering operation, not the parking *per se*, it is not considered that further details would be required at this stage in the planning process. In the event that the applicant seeks a further period of retention of the car parking spaces, it is open to the council to refuse, and to take enforcement action if necessary, which is considered to be a sufficient level of control.

### **Flood Risk**

59. The site is not located in Flood Zone 2 or 3, also the proposed temporary use is not considered to result in any increase in risks of flooding to the area.

### **Ecology and trees**

60. The ecological assessment submitted along with the application have been reviewed by the Ecology officer and has raised no concerns.

### **Any other matter**

61. Concerns have been raised over errors in the details furnished supporting the planning application. Responding to this, the applicant says the school is not trying to mislead the council, nor is it trying to be disingenuous in its efforts to work with local residents to ensure we remain good neighbours.

62. The main point of concern is the statement that ‘application site has been used for some 20 years for informal car parking of school vehicles’. The officer has checked the planning history of the school and has found evidences that land has been in use for parking purposes on a temporary basis since the construction of Lower School in 2015 under application 15/AP/0926. Other details and clarifications related to the proposal as requested by officers have been furnished by the applicant.

### **Policy D12 (A) of the London Plan (2021) - Fire Safety**

63. 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.
64. 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.
65. The statement confirms that the proposals have brought about very limited physical change, and are proposed within an existing school site in an area previously used for parking. It will make no difference to the existing standards of fire safety that the school already has in place.
66. The school already has appropriate fire measures in place including fire appliances, evacuation assembly points, fire alarm systems and strategy for evacuation at the school and grounds.
67. A reasonable exemption statement is considered acceptable as the application as the proposal creates no additional dwellings or commercial units and does not change external materials and does not change internal or external communal areas that support the evacuation strategy for the property.

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

68. 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.

69. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy.
70. The application is for the temporary change of use as such the proposal is not liable for the levy.

### **Summary of consultation responses from external, internal and divisional consultees**

#### Urban Forester initial comments:

71. The area to the east is subject to a TPO zone, for which one tree has already shown a demise, potentially given the current use, through compaction.
72. The installation of tarmac and unbound gravel is directly related the permissibility of this amount of parking. Officers would prefer to see a much reduced scheme which is located either elsewhere on site OR is restricted to a smaller area and so much smaller car parking provision.  
Officer comment: The comments passed to agent.

#### Urban Forester (Tree Officer) comments on revised scheme:

Summary- Supports subject to condition.

### **Remediation Strategy condition**

73. A remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority, within 28 days prior to completion of use, or 1 August 2025, whichever is soonest, for approval in writing. This should include details of all tree planting to include 3 x Ulmus 'New Horizon' with a stem girth totalling 54cm within the application site plus ground and shrub layer planting, re-turfing and any soil amelioration, including decompaction, where needed.
74. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the local planning authority, and a scheme of investigation and risk assessment, and verification report (if required) shall be submitted to the local planning authority for approval in writing.

Reason

75. 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 offsite receptors in accordance with the National Planning Policy Framework (2021); P67 Reducing water use, P68 Reducing flood risk, P63 Land for waste management, P64 Contaminated land and hazardous substances of the Southwark Plan (2022). And that the nature of the site which represents an important visual amenity in the area

is preserved, or otherwise enhanced, in accordance with The National Planning Policy Framework 2021 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and the following policies of The Soutwark Plan (2022): P56 Protection of Amenity, P21 Conservation of the Historic Environment and Natural Heritage, P60 Biodiversity, and P61, Trees.

Officer response: noted

Transport policy initial comments:

Summary: Objects

Outline:

76. Transport Policy does not feel planning permission should be granted for use of the car park until 2026. Please see below for reasons and related policies.
1. The applicant says that the introduction of the Wellness Centre resulted in the loss of 22 spaces (para 2.26). However, 22/AP/0184 states that only 15 spaces would be lost, as 7 of 22 spaces would still be accessible (para 1.5.1). Regardless, the temporary car park provided 33 spaces, more than what would be lost due to the Wellness Centre in either case. The applicant states the introduction of a CPZ and School Street also affected parking availability, however this is not considered a valid reason, as the school would have had adequate time to prepare for these changes. CPZs are a method of reducing car travel in the borough, therefore it is expected that staff would make changes to travel habits before their introduction.
  2. The applicant states that 29 parking spaces are currently available. However, spaces are not marked, and there are significant amounts of open space in the car park for additional vehicles. The applicant has not addressed how they will prevent extra vehicles from parking in this open area, especially during arrival and departure times where the access gate is left open.
  3. The applicant states 33 spaces were provided in the temporary car park out of necessity, and the need for 29 spaces remains. However, the applicant also states that only 20 spaces are regularly occupied. There should be no overprovision of car parking spaces (as per Soutwark Plan Policy P54 which states that parking for educational uses is limited to operational needs).
  4. The existing access to the car park does not accord to Soutwark Plan policy and may pose a threat to pedestrian safety due to the lack of 1.5m x 1.5m x 0.6m sightlines. The applicant has proposed to adjust the fence to provide the required sightlines, however these changes need to be shown on plans and elevations at application stage. Existing vegetation will also need to be trimmed to provide the sightlines.

5. The applicant has not provided convincing evidence that the school is working towards a more sustainable modal share. By removing barriers to private vehicle use, the formalisation of the car park makes the use of cars more desirable and contradicts London Plan Policy T6, Southwark Plan Policy P54, Southwark Air Quality Action Plan Action 7.5 and Southwark Movement Plan Actions 7 and 9.
6. Transport Policy are not convinced that formalisation of the car park was the only way to address the 'significant health and safety issues' staff experienced due to the state of the land in the temporary car park.
7. The applicant states that the modal share for cars and car share was 30% in November 2022, and is now less than 27% in June 2023. According to the same document, the modal share that would allow the temporary car park to be removed without adverse effects is 26.4% cars and 5.9% car share (pp 2.34). The applicant should explain why the car park is still needed if modal share goals have already been achieved.
8. If the above point is based on a calculation error or typo, Transport Policy is not convinced that the applicant has intentions to reduce the number of staff who require parking spaces by 29 in three years. Over a period of 10 years (2012/13 - 2022/23), the school was only able to reduce the number of staff allocated car spaces by 17. Additionally, it appears the school was unable to reduce car use before the East Dulwich CPZ was implemented, despite having a consultation period to prepare. A breakdown of yearly targets and specific new actions that will be used to reduce parking needs by 2026 has not been included.
9. The applicant has not detailed how the car park will be removed without issues even if modal share targets are not met by 2026.
10. A survey revealed that the highest proportion of car use came from staff who live closest to the school. This is a direct contradiction of London Plan Policy T6, Southwark Plan Policy P54, Southwark Air Quality Action Plan Action 7.5 and Southwark Movement Plan Actions 7 and 9. The Mayor of London's goals for active travel also place emphasis on reducing short car journeys which could easily be walked, cycled or done on public transport. Further, this demonstrates that the school has not taken suitable action to reduce car use thus far. The technical note submitted with this application stresses that the school is in a highly accessible area, therefore the existing public transport network could easily replace short car journeys.
77. Considering the above points, the applicant must return the car park back to the state it was in before formalization of the car park occurred. To address health and safety concerns related to mud, the applicant may provide a gravel path along the access route only.
78. The applicant may continue to use only 15 car parking spaces (to replace spaces lost with the Wellness Centre) for the 2023/24 and 2024/25 school years. Any open areas within the car park that could provide additional

parking spaces must be blocked off.

Pedestrian sightlines of 1.5 x 1.5 + no object, planting, tree or wall higher than 0.6m on either side of the vehicle crossover must also be provided and clearly indicated on plans.

79. Transport Policy will need to review plans of the new arrangement prior to approval.
80. Officer response: The comments have been conveyed to agent and advised to revise the scheme in order to address the comments.

Transport policy officer comments on revised scheme:

81. The applicant has submitted an updated proposal, which improves upon the existing situation but does not fully address Transport Policy's concerns. The applicant has proposed the following measures:
1. Reducing the number of car parking spaces from 29 to 15. We consider this acceptable, provided that Urban Forestry does not have objections to this arrangement.
  2. Introducing low-level railings and a wildflower meadow to prevent parking outside the 15 spaces, which measure 2.4m x 4.8m each. We consider this acceptable, provided that Urban Forestry does not have objections to this arrangement.
  3. Changes to the access gate to achieve 1.5m x 1.5m x 0.6m pedestrian visibility splays. This is acceptable in principle, however we will need more details prior to determination. The applicant needs to show that the splays can be accommodated without affecting the existing tree, which appears to be within the 1.5m x 1.5m splay. We will need to approve updated plans and elevations with dimensioned visibility splays and existing trees clearly indicated.
  4. Re-tarmacking the access route. We will object to the applicant re-tarmacking or retaining the existing tarmac surface, as this formalises car parking arrangements. Please refer to Urban Forestry's comments on an acceptable surface for the access route.
  5. Reducing gravel area so it is limited to areas where vehicles are permitted to access. While the reduction of parking spaces is a positive change, we will object to any graveled area as it formalises parking arrangements. We are not convinced that the issues with mud in the parking area constitute a major health and safety concern, but would reconsider this position if the applicant provided suitable evidence. Please refer to Urban Forestry's comments on an acceptable surface for the parking area.

We have also identified the following issues in the updated proposal:

6. We will require details of the temporary storage in the 5 bays to the north west of the site. What will be stored here and for how long? How will the

applicant prevent parking here when bays are not being used as storage?

7. The applicant has confirmed that the gate will remain locked once the car park is taken out of use in Summer 2025, and only used for maintenance access. Any use of this gate past Summer 2025 must be agreed with LBS in advance. This should be conditioned.
8. We are still not convinced by the school's approach to reducing the mode share of private cars, or their commitment to removing the car park even if modal share targets are not met. We understand that an average of two staff leave each year, however it is not guaranteed that these staff are currently occupying a parking spot, as 31% travel by car. If 4 staff leave by Summer 2025, we can assume a maximum of 2 staff would have had parking spots. Given that the school was only able to reduce parking by 17 spaces from 2012/13 - 2022/23, we do not feel that circulating travel information will be sufficient to reduce the number of staff who drive by a further 13 in 2 years. Therefore, to ensure the school does not apply for extended use of the car park past Summer 2025, we would like to see details of specific actions that will be taken to increase travel by public transport, walking or cycling. This may include: subsidised season ticket arrangements, rewards for staff who travel actively/sustainably, or a more attractive/enhanced cycle loan scheme.
82. Officer response: Drawings indicating changes to the access gate to achieve 1.5m x 1.5m x 0.6m pedestrian visibility splays have been submitted by the agent and clarifications on other concerns raised have been provided.
83. Urban Forest officer has not raised concerns regarding the existing ground cover and introducing low-level railings and a wildflower meadow to prevent parking outside the 15 spaces. But remediation strategy condition has been recommended by the Urban Forest officer which is detailed in the comments from the officer.
84. A condition restricting the use of access gate for maintenance purposes only past Summer 2025 shall be attached to the decision notice in order to ensure that the MOL land shall not be used for parking purposes.
85. Details of specific actions that will be taken to increase travel by public transport, walking or cycling have not been provided. It is not considered necessary for this application seeking a temporary permission.
86. Ecology officer:
  - The ecological survey is fine. No further surveys are required. No other ecological concerns or comments.

Officer response: noted.

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

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

88. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
89. 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 minimize 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, and;
  - 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.
90. 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.
91. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

## **Carbon concurrent**

### Achieving net carbon zero development in Southwark

92. All development is required to take measures to reduce carbon emissions on site with the aim of contributing to net carbon zero by 2050 in accordance with the adopted development plan.
93. The measures identified for this minor development are summarised in the table below:

<b>Net carbon zero: summary table</b>	
Be Lean measures (energy efficient design and construction)	Not applicable due to the minor scale and change of use.



Be Clean measures (low carbon energy supply)	
Be Green measures (on site renewable energy generation and storage)	
Any other comments	

94. Meeting Southwark’s Climate Change Strategy and Action Plan

95. In July 2021, the Council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal.

96. The Strategy sets out 148 Action Points that the council will undertake to achieve its ambition to do all it can to achieve a net zero carbon borough by 2030 across five key priority areas:

- Greener Buildings: these actions relate to Southwark’s built environment and new developments e.g., emissions from privately rented homes, commercial offices and private property development. They cover scope one and two emissions.
- Active and Sustainable Travel: these actions relate to surface transport across the borough, e.g., emissions from private car travel. They cover scope one, two and three emissions.
- A Thriving Natural Environment: these actions relate to the maintenance and security of the borough’s natural environment e.g., increasing tree canopy coverage.
- A Circular Economy with Green Jobs: these actions relate to waste within the borough e.g., emissions from non-recyclable waste disposal. They cover scope one and two emissions.
- Renewable Energy: these actions relate to the provision of more renewable energy within the borough i.e., local installation of technologies such as solar PV.

97. The following action points have identified as relevant to this planning application:

Priority Area:	<b>Active and Sustainable Travel</b>
Theme	Make cycling and walking easier
Officer commentary	The proposal supports reduction of permanent parking spaces in the school by allowing time for modal shift

**Positive and proactive statement**

98. The council has published its Plan 2022 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.
99. 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.

## Conclusion

100. The proposal demonstrates conformity with the principles of sustainable development. The retrospective proposal to carry out engineering operation for temporary use of amenity grassland for two years' time period as a staff parking area is not expected to result in further detrimental impacts on the quality and openness of MOL. Additionally, it would respect the amenity of neighboring properties and does not involve additional detrimental changes in the external appearance. Accordingly, it is recommended that planning permission be granted subject to conditions.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2300-A Application file: 23/AP/1792 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries: 020 7525 0254 planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 0254 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Recommendation
Appendix 2	Consultation undertaken
Appendix 3	Consultation responses received
Appendix 4	Planning Policies
Appendix 5	Relevant planning history

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Anna Poulouse Planning Apprentice	
<b>Version</b>	Final	
<b>Dated</b>	30 October 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	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>		30 October 2023

**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.

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<b>Applicant</b>	Mr Guy Collins-Down Alley's School	<b>Reg. Number</b>	23/AP/1792
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<b>Application Type</b>	Minor application
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<b>Recommendation</b>	GRANT permission	<b>Case Number</b>	2300-A
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**Draft of Decision Notice**

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

Retention of an engineering operation for temporary use of amenity grassland as a staff parking area by installation of tarmac drive and unbound gravel over permeable membrane; retained until 31th August 2025.

Alley's School Townley Road London Southwark, SE22 8SU

**In accordance with application received on 29 June 2023 and Applicant's Drawing Nos.:**

BLOCK LOCATION PLAN E000 received 29/06/2023

Existing Plans

Proposed Plans

Other Documents

CAR PARKING LOCATIONS PLAN E004 received 29/06/2023

PROPOSED PARKING PLAN E003 REV B received 27/10/2023

INDICATIVE CAR PARK LAYOUT 23-143-T-001 REV F received 27/10/2023

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

2. The proposed development hereby approved shall be retained for a period of time until 31st August 2025. On or before this date, the uses shall cease and the site shall be reverted back to its former use.

Notwithstanding the educational use of the wider planning unit the ancillary use of land on the approved plan (23-143-T-001 rev F) as staff parking shall cease permanently from 31/8/25.

Reason:

The use of the site for parking is inappropriate development on Metropolitan Open Land, in accordance with Policy P57 Open Space of Southwark Plan 2022, Policy G3 Metropolitan Open Land of London Plan 2021, and Chapter 8 Promoting Healthy and Safe Communities of NPPF 2021.

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

- 3 The pedestrian 1.5M X 1.5M visibility splays at the vehicular entrances for the development shall be maintained as approved, clear of obstructions and any landscaping or vegetation within the visibility splays shall be maintained so that it does not exceed 0.6m in height.

Reason: In the interests of pedestrian, cyclist and highway safety in accordance with the National Planning Policy Framework (2023) and Policies P50 (Highway impacts), P51 (Walking) and P53 (Cycling) of the Southwark Plan (2022).

4. A landscape remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority, within 28 days prior to completion of use, or 1st August 2025, whichever is soonest, for approval in writing. This should include details of all tree planting to include 3 x Ulmus 'New Horizon' with a stem girth totalling 54cm within the application site plus ground and shrub layer planting, re-turfing and any soil amelioration, including decompaction, where needed.

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing.

## Reason

To ensure that the site is restored and 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 offsite receptors in accordance with the National Planning Policy Framework (2021); P67 Reducing water use, P68 Reducing flood risk, P63 Land for waste management, P64 Contaminated land and hazardous substances of the Southwark Plan (2022). And that the nature of the site which represents an important visual amenity in the area is preserved, or otherwise enhanced, in accordance with The National Planning Policy Framework 2021 Parts 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and the following policies of The Southwark Plan (2022): P56 Protection of Amenity, P21 Conservation of the Historic Environment and Natural Heritage, P60 Biodiversity, and P61, Trees.

5. The access gate to the land shall be used only for maintenance purposes of the sports fields after 31st August 2025.

## Reason:

In order to ensure that the site is not put to uses inappropriate to the MOL designation, in accordance with Policy P57 Open Space of Southwark Plan 2022, Policy G3 Metropolitan Open Land of London Plan 2021, and Chapter 8 Promoting Healthy and Safe Communities of NPPF 2021.

## **Informatives**

### Consultation undertaken

**Site notice date:** 06/07/2023

**Press notice date:** n/a.

**Case officer site visit date:** 06/07/2023

**Neighbour consultation letters sent:** 27/09/2023

**Internal services consulted**

Transport Policy

Urban Forester

Ecology

**Statutory and non-statutory organisations**

**Neighbour and local groups consulted:**

19 Townley road London

21 Townley road London

22 Townley road London

9 Beauval road London

**Re-consultation:**

19 Townley road London

21 Townley road London

22 Townley road London

9 Beauval road London

## APPENDIX 3

### Consultation responses received

#### Internal services

Transport Policy

Urban Forester

Urban Forester

Ecology

Transport Policy

#### Statutory and non-statutory organisations

##### Neighbour and local groups consulted:

19 TOWNLEY ROAD LONDON SE22 8SR

21 Townley Road London SE22 8SR

22 Townley Road London Southwark

9 Beauval road London SE22 8UG

21 Townley Road Townley Road London

19 Townley Road London SE22 8SR



## Relevant Planning Policy

### National Planning Policy Framework

The revised National Planning Policy Framework ('NPPF') was published in September 2023 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.

The relevant chapters from the Framework are:

- 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 13 Protecting Green Belt Land
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conservation and Enhancement of 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 chapters from the Plan are:

- D4 - Delivering good design
- D12 - Fire safety
- G1 - Green Infrastructure
- G3 - Metropolitan Open Land
- G6 - Biodiversity and access to nature
- G7 - Trees and Woodland
- HC1 – Heritage Conservation and Growth
- S1 12 - Flood risk management

### 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
- P56 - Protection of amenity
- P47 – Community Uses
- P57 - Open Space
- P60 - Biodiversity
- P61 - Trees

### Relevant planning history

19/AP/5616 – Planning permission granted on 15.07.2020

Refurbishment and erection of a single storey extension of the existing Junior School building.

20/AP/0720 – Planning permission granted on 25.09.2020

The installation of a temporary three storey Portakabin building to be used class rooms, office accommodation and toilet facilities. To be in place between April 5th 2021 and October 3rd 2021.

21/AP/1435 Application withdrawn on 29.07.2021

Temporary parking of staff cars in school grounds from existing access off Townley Road during construction of Junior School extension (until 31st March 2022)

22/AP/0184 - Planning permission granted on 19.05.2022

Construction of a single storey Wellbeing Centre.

15/AP/0926- Planning permission granted on 12.05.2015

Demolition of existing Lower School building & Construction of new Lower School building and associated landscaping works