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Item No. 6.1	Classification: Open	Date: 13 Marcl	n 2024	Meeting Name: Planning Committee (Smaller Applications)
Report title:	 Development Management planning application: Application 23/AP/2915 for: Full Planning Application Address: St Olaves and St Saviours Sports Ground ,Green Dale, London Southwark, SE22 8TX Proposal: Removal of existing chain link fence; installation of a palisade fence inclusive of 1 no. double leaf gate to the side of the path that divides the sports field. 			
Ward(s) or groups affected:	Champions Hill			
From:	Director of Planning and Growth			
Application Start Date: 30.10.2023		Expiry Date: 20.03.2024		

RECOMMENDATIONS

1. That planning permission be granted subject to conditions.

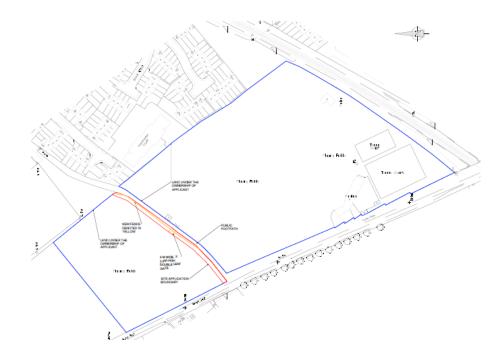
EXECUTIVE SUMMARY

- 2. The application site is St Olaves and St Saviours Sports Ground, serving the school. The proposal is to provide new palisade fencing along the adjacent pathway between Abbotswood Road and Green Dale to secure the existing site. The proposal meets national and local planning policy tests for appropriate development within Metropolitan Open Land (MOL) and is therefore acceptable in principle. As this development is located within MOL, it requires determination at committee.
- 3. The modestly sized replacement palisade fencing would have little impact on the setting, accessibility, and quality of the MOL, and would not affect its openness or detract from its character. The proposal would enhance the safety of the existing school sports ground site. The proposal will not harm the amenity of neighbouring occupiers.

BACKGROUND INFORMATION

Site location and description

4. The property is not a listed building, nor is it located within a conservation area, it is designated as Metropolitan Open Land (MOL).

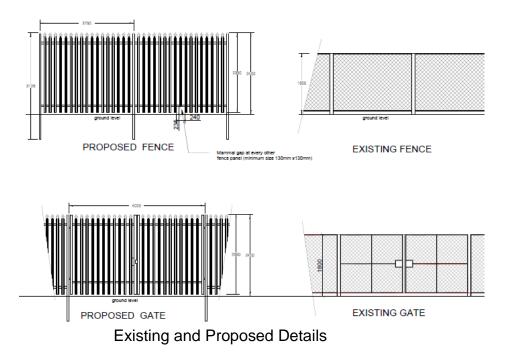


Site location plan

5. The application site is a school playing field situated between Dulwich Hamlet Sports Facilities and Green Dale.

Details of proposal

- 6. The proposed development involves the installation of a 2.4m high boundary fence around the perimeter of the site to replace the existing 1.8m dilapidated high chain link fence. The fence is situated adjacent to the pedestrian pathway between Abbotswood Road and Green Dale.
- 7. The proposal will have a length of approximately 106m and shall comprise of a black powder coated aluminium palisade fence. This includes one 4m wide double leaf gate to provide access to the playing fields and is a replacement for the existing gated entrance.
- 8. In 2015, planning permission was granted for a similar replacement palisade fence at the same location. However, this permission was not implemented and lapsed.



Consultation responses from members of the public and local groups

9. The application has been advertised through site notices and neighbour letters.

40 letters of objection were received from members of the public, issues raised were regarding:

- Development too high
- Not enough info given on application
- Out of keeping with character of area
- Reduced visibility
- Reduced sense of openness
- Contrary to Metropolitan Open Land policy
- Loss of privacy
- Conflict with local plan
- Affect on local ecology
- Over development
- Impact upon safety and crime
- Insufficient consultation

Officer comments:

The application consulted members of the public by means of three site notices along the pathway and neighbour letters to properties closest to the proposed fencing. As such, it is considered that sufficient public consultation was carried out in line with Southwark's planning consultation guidance.

Existing and proposed plans, a site location plan and site photos were submitted as part of this application, it is subsequently considered that sufficient details were provided.

All other issues raised by objectors have been addressed under the "Assessment" section of this report.

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

 08/AP/2456 - To remove the existing 1.8 metre high timber fence and install a 2.4 metre high black powder coated steel palisade fence along the south western and north western boundaries of the sports ground with new access gates. St Olaves And St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 18/12/2008. This permission was implemented.

15/AP/2745 - Removal of existing 1.8 metre high chain link fence; installation of a 2.4 metre high black powder coated steel palisade fence inclusive of 1 no. 4 metre wide double leaf gate to the side of the path that divides the sports field | St Olaves And St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 30/09/2015. This permission was not implemented.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11. The main issues to be considered in respect of this application are:
 - Principle of the proposed development on MOL in terms of land use;
 - Design and layout including impact on heritage assets
 - Transport and highways including access arrangements, cycle and pedestrian movement
 - Open space, landscaping and trees
 - Ecology and biodiversity
 - Other matters
 - Mayoral and borough community infrastructure levy (CIL)
 - Consultation responses
 - Community impact, equalities assessment 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 2021 and the Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
- 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 and the Southwark Plan 2022. The National Planning Policy Framework (2021) and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.
- 16. The site is located within the:
 - Metropolitan Open Land
 - Air Quality Management Area

ASSESSMENT

Principle of the proposed development in terms of land use

- 17. The application proposes a replacement of the existing fencing and new entrance to the MOL designated sports ground. The London Plan Policy G3 affords MOL the same level of protection as Green Belt. Areas of MOL must be protected from inappropriate development, in accordance with national planning policy tests. Exceptional circumstances where new development would be permitted on MOL are set out within paragraph 149 of the NPPF (2023) and the Southwark Plan Policy P57. This includes ancillary facilities that positively contribute to the setting, accessibility and quality of the open space. Therefore, the proposal meets the policy test for appropriate development in MOL.
- 18. In respect to the London Plan Policies Policy GG2 'Making the Best Use of Land' highlights that development must protect and enhance London's open spaces, including the Green Belt, Metropolitan Open Land, designated nature conservation sites and local spaces, and promote the creation of new green infrastructure and urban greening. Policy G3 'Metropolitan Open Land' sets out that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Policy G4 'Open Space' highlights that development proposals should not result in the loss of protected open space.
- 19. In terms of the Southwark Plan 2022 the relevant policy is Policy P57 Open Space which states 'Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL). In exceptional circumstances development may be permitted on MOL or BOL when it consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function.'

20. The new fence would largely follow the same line as the existing chain-link fencing and would include a replacement entrance by means of a double leaf gate, thereby preserving the openness of the MOL, while also improving accessibility and security for the outdoor enjoyment of the sports ground. As such the proposal is considered compliant with the NPPF 2023, London Plan 2021 and the Southwark Plan 2022.

Impact on openness of MOL

- 21. The proposed fencing would sit 2.4 metres high, which is 0.6 metres higher than the existing fencing, while sharing a similar line to the chain-link fence. It is considered that the new fencing would increase the quality of the playing area by means of replacing a deteriorating chain-link fence, while also preserving accessibility and safety of the site. In summary, the proposal would conserve the openness of the MOL.
- 22. At 2.4 metres high, the proposed fencing would be 0.4 metres higher than can be installed under permitted development rights (2 metres). This permitted development fall-back position is a material consideration in the determination of this application.

Design and layout

23. The proposed fence would comprise of a modest height of 2.4 metres, 0.6 metres higher than the existing chain-link fence. The suitable palisade design which is typical in securing sites, coupled with the fact that a similar 2.4 metre palisade fence exists along the opposite side of the pathway (application ref. 08/AP/2456), means there are no new issues pertaining to impacts upon the character of the local area and design.

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

24. The proposed fence would not directly adjoin onto neighbouring residential properties, coupled with the suitable measurements and palisade design, there are no envisaged impacts upon daylight/sunlight, privacy or sense of openness and quality of outlook.

Transport and Highways

25. The proposal would run the length of an existing public footpath and cycle path. As such, a pre-commencement condition for a Construction Environmental Management Plan was agreed in order to ensure no harmful impacts upon pedestrian and cyclist access during construction, delivery and tree works.

Landscaping and trees

26. The proposal would include the removal of 3 trees, including 2 English Oak and 1 Ash. The application has been reviewed in consultation with the Council's Urban Forester who has recommended a pre-commencement condition for the requirement of 4 trees to be planted on site, to include 2x Tilia Cordata, 1x Ulmus New Horizon and 1x Sorbus Torminalis. A compliance condition relating to compliance with the submitted Arboricultural Method Statement was also agreed. The replacement trees would ensure that there would be no net loss of amenity or biodiversity. Subject to these conditions the proposal would be acceptable in respect of impact on trees.

Safety

27. Issues were raised pertaining to possible impacts upon safety and crime, particularly along the existing pathway as a result of the new fencing. The Metropolitan Police were consulted on this application and no objections were raised regarding crime impacts.

The proposed palisade fencing would sit 0.6 metres higher than the existing chainlink fencing, it would maintain visuals onto the playing field and daylight permeability onto the pathway. Coupled with the existence of a 2.4 metre palisade fence adjacent to the proposal site and the presence of existing street lights along the pathway, it is considered that the proposed fencing would not cause further harms to the safety of pedestrians.

The existing chainlink fence protecting the school playing field is in visibly poor condition and disrepair, the proposed replacement would seek to enhance safety of the site by means of deterring potential trespass onto the playing field. It is therefore considered that the proposal would have an overall positive impact upon the safety of the site and surrounding area.

Ecology

28. Following formal consultation with an ecologist, a request was made to introduce small mammal gaps within the proposed fencing. As such, a series of small mammal gaps were detailed on the proposed elevations to promote the potential for wildlife crossing, in particular hedgehogs which have been recorded in Green Dale and the surrounding area.

Mayoral and borough community infrastructure levy (CIL)

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

Consultation responses from external and statutory consultees

Metropolitan Police

30. No objection

Consultation responses from internal consultees

<u>Urban Forestry</u>

31. No objection, subject to tree planting pre-commencement condition and Arboricultural Method Statement compliance condition.

<u>Ecology</u>

32. No objection.

Transport

33. No objection subject to a pre-commencement condition requiring a CEMP detailing site access and traffic.

<u>Highways</u>

34. No comments.

Community impact and equalities assessment

- 35. Southwark's guidance states that equality impact assessments are required for all Major planning applications and for proposals which involve the loss of community facilities in predominant use by protected characteristic groups.
- 36. Issues were raised regarding the potential reduction in safety for women and children using the pathway, especially as a result of the new fencing. Following an assessment of safety impacts, coupled with the consideration that the fence would increase the safety of children utilising the sports ground. It is considered that there would be no impacts upon protected characteristic groups and related equality issues.
- 37. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
- 38. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application. The development would have a significant benefit for wheelchair users as it would provide a facility designed for a particular need but accessible for other users too.
- 39. 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.
- 40. 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

- 41. 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.
- 42. This application has the legitimate aim of constructing a new accessible toilet for the park. 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

- 43. 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.
- 44. 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.

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

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	N/A

CONCLUSION

46. This proposal is being recommended for approval due to that fact that the modestly sized replacement palisade fencing would have little impact on the setting, accessibility, and quality of the MOL, and would not affect its openness or detract from its character. The proposal would enhance the safety of the existing school sports ground site. The proposed fencing will also remain unharmful to the amenity enjoyed by neighbouring occupiers.

BACKGROUND DOCUMENTS

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

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth			
Report Author	Ibrahim Azam, Graduate Planner			
Version	Final			
Dated	22 February 2024			
Key Decision	No			
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER				
Officer Title		Comments Sought	Comments included	
Strategic Director of Finance No			No	
Strategic Director of Environment, Neighbourhoods and Leisure		No	No	
Strategic Director	of Housing	No	No	
Date final report sent to Constitutional Team28 February 2024			28 February 2024	

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.

Planning permission is GRANTED for the following development:

Removal of existing chain link fence; installation of a palisade fence inclusive of 1no. Double leaf gate to the side of the path that divides the sports field

St Olaves and St Saviours Sports Ground Green Dale London Southwark SE22 8TX

In accordance with application received on 13 July 2024 and Applicant's Drawing Nos.

1 Proposed Plans

Plans - Proposed D01B (Date 12.02.2024) Plans - Proposed P101A (Date 12.02.2024) Plans - General P200A (12.02.2024) Plans - Proposed P100A (Date 12.02.2024) Arboricultural Method Statement P106jrFeb23FV02_AMS (12.02.2024)

2 Time limit for implementing this permission and the approved plans

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.

Compliance condition

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 and beautiful places) of the National Planning Policy Framework (2023); 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).

Compliance condition

4 Arboricultural Method Statement

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the P106jrFeb23FV02_AMS Feb 2024. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

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

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2023 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.

Pre-Commencement Condition

5 Construction Environmental Management Plan (CEMP)

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

-How any loss of access to the path for cyclists and pedestrians will be prevented for the duration of the proposed construction works -Site traffic – Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;

To follow current best construction practice, including the following:

-Southwark Council's Technical Guide for Demolition & Construction at <u>http://www.southwark.gov.uk/construction</u>

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the National Planning Policy Framework (2023) and Policy P50 (Highway impacts), Policy P56 (Protection of amenity), Policy P62 (Reducing Waste), Policy P64 (Contaminated land and hazardous substances), Policy P65 (Improving air quality) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Pre-Commencement Condition

6 Tree Planting

Prior to works commencing, full details of all proposed tree planting totalling 64cm girth at time of planting and to include at least 1 each of Tilia cordata (nationally scarce), Ulmus New Horizon (White Letter Hairstreak Butterfly population), Sorbus Torminalis (Climate Change adaptability). All 4 trees to be supplied as extra heavy standards with a minimum girth at planting of 14-16cm. shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

All trees and shrubs will conform to the specification for nursery stock as set out in British Standard 3936 Parts 1 (1992) and 4 (1984). Advanced Nursery stock trees shall conform to BS 5236 and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff in accordance with The National Planning Policy Framework 2023 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.

Relevant planning policy

National Planning Policy Framework (the Framework) 2023

Chapter 2 Achieving sustainable development Chapter 8 Promoting healthy and safe communities Chapter 11 Making effective use of land Chapter 12 Achieving well-designed and beautiful places Chapter 13 Protecting Green Belt land Chapter 15 Conserving and enhancing the natural environment Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

Policy D12 Fire safety Policy G1 Green Infrastructure Policy G3 Metropolitan Open Land Policy G5 Urban Greening Policy G6 Biodiversity and access to nature Policy G7 Trees and Woodlands Policy SI 1 Improving air quality Policy SI 13 Sustainable drainage

Southwark Plan 2022

Policy P13 Design of places Policy P14 Design quality Policy P16 Designing out crime Policy P21 Conservation of the historic environment and natural heritage Policy P45 Healthy developments Policy P50 Highway Impacts Policy P50 Highway Impacts Policy P56 Protection of amenity Policy P56 Protection of amenity Policy P57 Open Space Policy P60 Biodiversity Policy P61 Trees Policy P62 Reducing Waste Policy P64 Contaminated Land and Hazardous Substances Policy P65 Improving Air Quality

Policy P66 Reducing Noise Pollution and Enhancing Soundscapes

Relevant planning history of the site and nearby sites

Reference and Proposal:

08/AP/2456 - To remove the existing 1.8 metre high timber fence and install a 2.4 metre high black powder coated steel palisade fence along the south western and north western boundaries of the sports ground with new access gates. St Olaves and St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 18/12/2008.

15/AP/2745 - Removal of existing 1.8 metre high chain link fence; installation of a 2.4 metre high black powder coated steel palisade fence inclusive of 1 no. 4 metre wide double leaf gate to the side of the path that divides the sports field | St Olaves and St Saviours Sports Ground Green Dale London SE22 8TX. Granted on 30/09/2015.

Consultation undertaken

Site notice date: 01.11.2023 Case officer site visit date: 01.11.2023 Neighbour consultation letters sent: 30.10.2023

Internal services consulted

Environmental Protection Team Ecology Transport Highways

External services consulted

Metropolitan Police

Neighbour and local groups consulted:

Neighbour consultation letters and three site notices displayed along the pathway.

Consultation responses received

Internal services

Ecology – No objection Urban Forester – No objection subject to conditions Transport – No objection subject to condition Highways – No comments

External services

Metropolitan Police – No objection

Neighbour and local groups:

40 letters of objection received.