

<b>Item No.</b> 15.	<b>Classification:</b> Open	<b>Date:</b> 16 July 2013	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Dulwich Supplementary Planning Document	
<b>Ward(s) or groups affected:</b>		College, East Dulwich, Village and Peckham Rye wards	
<b>Cabinet Member:</b>		Councillor Fiona Colley, Regeneration and Corporate Strategy	

## **FOREWORD – COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY**

Dulwich is an attractive area with a strong local identity which is distinct from many other parts of Southwark. Approximately a third of the Dulwich SPD area is protected open space, making it feel suburban, open and pleasant. Important open spaces include Belair Park and Dulwich Park, both of which are Grade II listed in English Heritage's Register of Parks and Gardens. Dulwich and Sydenham Hill Woods cover 28 hectares of land within the SPD boundary and these ancient woodlands provide an important habitat that is of high value for a wide variety of wildlife.

Dulwich also has a rich historic and cultural heritage. Over half of the area covered by the SPD is designated as a conservation area. There are many historic places and listed buildings, including fine examples of Georgian and Victorian Institutional buildings such as Dulwich College, Dulwich Picture Gallery, Belair House and Kingswood House. The picture gallery, which was designed by Sir John Soane and opened in 1814, is England's oldest purpose-built art gallery.

Whilst the SPD recognises that there is limited scope for large scale development in Dulwich, it sets out additional guidance to ensure that new development continues to protect and enhance the character and historic value of Dulwich. It provides guidance on topics including the height, scale and character of new development, conservation of the area's heritage and protection of open spaces. This SPD will ensure that new development is appropriate and that it adds to the unique attractive character of Dulwich.

## **RECOMMENDATIONS**

That cabinet:

1. Adopt the Dulwich Supplementary Planning Document (Appendix A) and note the sustainability appraisal (Appendix B), the equalities analysis (Appendix C) and the consultation report (Appendix D).

## **BACKGROUND INFORMATION**

2. We have prepared a supplementary planning document (SPD) for Dulwich which will form part of our planning framework. The Core Strategy (2011) and the saved Southwark Plan policies (2007) together with the London Plan form the

statutory development plan for the borough. SPDs can provide additional guidance on policies in the development plan.

3. A previous version of the SPD was consulted on in 2009, however, this draft document was not adopted. An earlier draft Dulwich SPD was also consulted on in 2004. An updated version of the Dulwich SPD is required to reflect recent changes in national, regional and local policy, including the adoption of the Core Strategy in April 2011 and the London Plan in July 2011. The 2013 Dulwich SPD replaces the draft 2004 and 2009 documents.
4. The SPD provides further guidance on the policies set out in the Core Strategy and the saved Southwark Plan. The Core Strategy is a development plan document (DPD) that provides a vision and objectives for the future development of the borough and a plan that sets out how these will be achieved. It sets out strategic planning policies and reflects the aims and objectives of the Council Plan. Whilst some of the Southwark Plan policies have been 'saved' and these policies continue to apply, some of these policies have been replaced by the Core Strategy. The SPD provides a factual update on the policies which should be applied to Dulwich to provide clarity on this. It is a requirement that the Dulwich SPD is consistent with the strategic policies in the Core Strategy, saved Southwark Plan policies and in general conformity with the London Plan.
5. We have also previously prepared an SPG for Lordship Lane Town centre which was adopted in 2002. Dulwich SPD 2013 replaces the Lordship Lane SPG.
6. The Dulwich SPD provides additional planning guidance for College, East Dulwich, Village and part of Peckham Rye wards. Part of the Peckham Rye ward is also covered by this SPD as it is more similar in character to Dulwich than Peckham.

## **CONSULTATION**

7. The Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), the Town and Country Planning (Local Planning) Regulations 2012 and our Statement of Community Involvement 2008 set out consultation requirements for SPDs.
8. The consultation report (appendix D) sets out the consultation we have carried out. Consultation on the Dulwich SPD took place from 28 January to 22 April 2013. We consulted with a wide range of organisations, local groups and residents. In all, the document was available for comments over a period of 12 weeks which complies with the standards in our Statement of Community Involvement. As well as making the document available on the internet and in local libraries, we wrote to around 3000 consultees on our database.
9. We also held two consultation events on the SPD. We held a drop-in-session at Dulwich Picture Gallery on Saturday 2 March from 2pm to 5pm. We also ran a workshop to discuss the content of the SPD from 3.30pm to 5pm. A second drop-in-session was held at the Dulwich Leisure Centre on Wednesday 10 April from 5pm to 8pm where we set up a display and handed out leaflets. Officers were available at all times to answer questions on the SPD.
10. The draft Dulwich SPD was presented to the planning committee on 5 March 2013 for their comment. The Planning Committee noted the consultation on the draft SPD and provided no further comments.

11. We received 183 representations from 14 consultees. A number of the representations were made in support of the additional guidance on basement development and the conservation of the historic environment and protection of open spaces.
12. The main changes to the SPD that have arisen from the consultation are summarised below:
  - We have updated the SPD to refer to the fact that London Overground services have recently been extended to Denmark Hill and Peckham Rye stations
  - We have updated the descriptions of the town centres as the detail from the Retail study 2009 was out of date
  - We have included greater detail on the conservation areas in Dulwich and set out in a fact box when conservation area consent may be required
  - We have set out in a fact box the recent changes to permitted development rights for extensions
  - We have strengthened the reference to protecting against the paving over of front gardens
  - We have added in additional text from the sustainable transport SPD to ensure the adequate parking is provided with new developments outside of the controlled parking zones
  - We have updated our reference to the East Dulwich Police Station site
  - We have set out more detail on the council's approach to the future development on the Dulwich Hospital site on East Dulwich Grove
  - We have updated the section on our Community Infrastructure Levy to reflect the latest situation regarding our CIL charging schedule.
13. We also received some comments asking us to include a reference to the fact that Lordship Lane does not have a town centre car park and that this creates additional parking problems in the area which can affect the viability of the centre. We do not consider that it is appropriate to include a reference to there being no town centre car park in the SPD. We are seeking to improve the accessibility of our town centres through the promotion of sustainable transport. This will help to reduce pressure on car parking in and around town centres and is in line with the objectives set out in our Transport Plan. Local authorities in London carried out a parking review in 2012 which looked at the relevance of parking in the success of urban centres (to which Southwark contributed). This addressed questions relating to the correlation between the amount of free/cheap parking and commercial activity and how people travel to town centres and what they spend. They found that more parking does not necessarily mean greater commercial success.
14. We also received a number of comments asking us to rename some of the open space on our vision maps. However, the open spaces were identified and designated for protection through the schedules to the Southwark Plan and these cannot be renamed through the SPD. We can look at amending the names of any protected open spaces through the preparation of the new Southwark Plan which we are due to start work on later this year.

## **KEY ISSUES FOR CONSIDERATION**

15. The Dulwich SPD sets out additional planning guidance for the area to make sure that future development is carried out in the best possible way. The Dulwich SPD sets out key issues relevant to development in Dulwich that should be taken into consideration during the determination of planning applications. The additional guidance set out in the SPD provides information on how to implement the policies in the Core Strategy and the saved Southwark Plan policies.
16. The purpose of the SPD is to ensure that development is appropriate for Dulwich and that the Core Strategy and saved Southwark Plan policies are applied correctly to ensure that development respects the historical context and important open spaces of the area. This includes social, economic and environmental impacts. The intention of the SPD is to highlight issues that relate specifically to development in Dulwich. Setting out this additional guidance should ensure that the impacts of development proposals are appropriately addressed.
17. The Dulwich SPD sets out our vision for the Dulwich community council area as well as part of Peckham Rye Ward. It provides a framework which will guide development over the next 15 years, ensuring that new development is appropriate to the area, respects its historical context and important open spaces.
18. Dulwich has a character which is distinct from many other parts of Southwark. It has a range of historic qualities and a strong local identity, with a large number and wide range of open spaces. In the south of Dulwich, the Dulwich Estate manages 1500 hectares of land on which there are approximately 4000 properties. As a result of the important historic environment and the high quality open space, Dulwich has a unique character that we want to enhance and maintain. This SPD will ensure that new development is appropriate for the area and that it adds to its unique attractive character.
19. This SPD provides guidance on:
  - Conserving heritage assets
  - Appropriate types of new development
  - Protecting and improving open spaces
  - Improving transport and accessibility
  - Protecting and improving shopping areas
  - Development opportunities
  - Community Infrastructure Levy (CIL) and Section 106 planning obligations
20. The Core Strategy sets out policies for the conservation and enhancement of the historic environment. The Dulwich SPD sets out additional guidance on the type of development that will be considered appropriate in the conservation areas in Dulwich. The SPD also sets out further guidance on the location of listed buildings and how development proposals should take into consideration the impacts on the archaeology around Dulwich Village.
21. The Core Strategy sets out policies for the type and location of new development in the borough. The Dulwich SPD sets out further guidance for development in Dulwich including where the sub-division of large properties, back-land and in-fill

development may not be considered acceptable in order to protect the historic pattern of development.

22. The Dulwich SPD also sets out additional guidance on the type of extensions, including basement developments, which may be permitted in the area. The SPD sets out guidance where proposals that exceed the 3 metre height by 3 metre depth maximum set out in the residential design standards SPD may be considered.
23. Further guidance has been included in the SPD on the protection of open spaces, sites of importance for nature conservation and geodiversity. This includes more detail of the inclusion of a number of parks as part of the South East London Green Chain walking route.
24. Dulwich is a well known area of bat activity and guidance has been included in the SPD on when bat surveys may be required, including where development proposals affect areas with significant tree coverage. Further guidance on the retention and enhancement of trees in the area is also provided.
25. The Core Strategy and saved Southwark Plan policies set out our approach to traffic and parking in the borough. Additional guidance is provided in the SPD which sets out how we will seek to ensure new development does not have a negative impact on the transport network and parking provision in Dulwich.
26. There are two district town centres and one local centre within the area covered by the Dulwich SPD. The SPD sets out additional guidance on how development will be required to protect and improve the vitality and viability of these centres. The SPD also sets out additional guidance on where we may consider proposals for night-time and evening economy activities provided that the proposal is in a suitable location within a district town or local centre and that the location of residential neighbours, the proposed hours, activities and any potential disturbance arising is taken into account.
27. We have also set out some guidance on specific sites in Dulwich, including the Herne Hill Velodrome and the East Dulwich Hospital site. It should be noted that there is an adopted planning brief for the East Dulwich Hospital site that has not been replaced by the SPD.
28. The Dulwich SPD will form part of our framework of planning documents. It will be a material planning consideration in deciding planning applications in the area. It will help ensure that the council makes decisions transparently and provides clarity for members of the public and developers.

### **Community impact statement**

29. The purpose of the planning framework is to facilitate regeneration, guide future development and help deliver the Council Plan vision for Southwark in a sustainable manner, ensuring that community impacts are taken into account. The open space strategy will help to ensure that the policies set out in the planning documents achieve this.
30. We have tested the sustainability impacts of the strategy through the sustainability appraisal (appendix B).

31. An equalities analysis (appendix C) has been carried out alongside the preparation of the strategy to assess the impact this will have on the different equality target groups.

### **Sustainability Considerations**

32. We have prepared a sustainability appraisal (appendix B) to assess and inform the draft SPD.
33. The SPD performs well against environmental objectives in the appraisal. In particular the SPD scores well against objectives relating to the protection of open space, increasing levels of biodiversity and reducing the impacts of climate change. The SPD scored more negatively against the objectives of providing more housing and a wider mix of housing types.
34. The SPD will result in better development than if there was no SPD and if the council relied only on the policy and information in the Core Strategy and the saved Southwark Plan policies.

### **Equalities Analysis**

35. An Equalities Analysis (appendix C) has been prepared to identify how the Dulwich SPD will affect people with protected characteristics. Protected characteristics are sexual orientation, sex, religion or belief, race, pregnancy and maternity, marriage and civil partnership, gender reassignment, disability and age. As the Dulwich SPD does not set new policy the document has a limited impact on equality issues in the borough.

### **Resource/Financial Implications**

36. This report is recommending that cabinet adopts the Dulwich Supplementary Planning Document (Appendix A) and note the back up documents in appendices A to D attached.
37. There are no immediate financial implications from the adoption of the contents of the planning documents. Any additional work required to complete the SPD adoption process will be carried out by the relevant existing Policy team staff resources without a call on additional funding.
38. Any specific financial implications arising from the adoption of the final Dulwich supplementary planning document (SPD) will be included in subsequent reports for consideration and approval.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Legal Services**

39. A SPD is a local development document established under the 2004 Act and which forms part of the planning framework for the borough. A SPD may cover a range of issues, both thematic and site specific, which expand upon or set out a policy contained in the development plan in more detail. They must not be used to allocate land.

40. This SPD has been prepared in accordance with the Core Strategy and saved Southwark Plan policies, which form the development plan for Southwark. The SPD has also been prepared in general conformity with the London Plan.
41. The procedure for adopting a SPD is set out in the Town and Country Planning (Local Planning) Regulations 2012. Although a SPD is not subject to independent examination, the procedure required to implement a SPD involves a significant amount of community participation. The consultation process the council has followed is set out in the Consultation Report at appendix D.
42. The 2004 Act made all local development documents subject to sustainability appraisals, which met the requirements of the EU Directive on strategic environmental assessments. The Planning Act 2008 however removed the requirement for sustainability appraisals for supplementary planning documents.
43. In principle supplementary planning documents should not require a sustainability appraisal or be subject to the SEA Directive because they do not normally introduce new policies or proposals or modify planning documents which have not been formally assessed in the context of a higher-level planning document. They may however be required where the relevant higher level planning document containing saved policies within a saved local plan or development plan pre-dated the 2004 Act or the SEA Directive.
44. The Southwark Plan was not subject to a sustainability appraisal and therefore the council believes it would be useful to carry out an appraisal in relation to this SPD to test how well the document (which refers to several saved policies) considers social, economic and environmental issues in relation to sustainable development.
45. The sustainability appraisal is contained at appendix B.
46. The Equality Act 2010 introduced the public sector equality duty which merged existing race, sex and disability equality duties and extended them to include other protected characteristics, namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation (including marriage and civil partnerships).
47. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act; (ii) advance equality of opportunity between people who share a protected characteristic and those who do not; and (iii) foster good relations between people who share a protected characteristic and those who do not.
48. The equalities analysis appended at C has considered the impact of this SPD on groups who may be at risk of discriminatory treatment and has had regard to the need to promote equality among communities within the borough.
49. The Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights and the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for home) and Article 1 of the First Protocol (peaceful enjoyment of property). Article 6 is also engaged in relation to the principles of natural justice. As this SPD has been prepared in accordance

with statutory procedure, it is likely to conform with the Human Rights Act 1998. Any human rights implications will also be considered throughout the application of the policies in the SPD through the development control process.

50. The decision as to whether or not to adopt a SPD is to be made at cabinet level.

### **Strategic Director of Finance and Corporate Services (FC13/041)**

51. The strategic director of finance and corporate services notes that there are no new financial implications as a result of accepting the recommendations of this report. Officer time to implement this decision can be contained within existing resources.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Core Strategy (2011)	<a href="http://www.southwark.gov.uk/info/200210/core_strategy">http://www.southwark.gov.uk/info/200210/core_strategy</a>	Kate Johnson
Draft Dulwich SPD (2009)	<a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>	Kate Johnson
Saved Southwark Plan (2007)	<a href="http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan">http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan</a>	Kate Johnson

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Dulwich SPD (circulated separately and available on the council's web site)
Appendix B	Sustainability appraisal <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>
Appendix C	Equalities Analysis <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>
Appendix D	Consultation report <a href="http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd">http://www.southwark.gov.uk/info/200151/supplementary_planning_documents_and_guidance/1247/dulwich_spd</a>

## AUDIT TRAIL

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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
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