

Item No. 7.1	Classification: Open	Date: 29 April 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 18/AP/1204 for: Full Planning Application Address: LONDON BOROUGH OF SOUTHWARK SPORTS CLUB, DULWICH COMMON, LONDON SE21 7EU Proposal: Installation of a floodlighting system for the pitch area to include 6 x 15 metre galvanised steel columns (with relevant concrete block foundations), each column to be mounted with two floodlights, installation of an electrical junction box fabricated from galvanised steel with and associated underground cabling ducts. Hours of operation to be 12:00-22:00 Monday to Saturday, 11:00-22:00 Saturday to Sunday and Bank Holidays.		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning		
Application Start Date 17/04/2018		Application Expiry Date 12/06/2018	
Earliest Decision Date 01/06/2018			

RECOMMENDATION

1. It is recommended that planning permission be granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is an area of metropolitan open land currently in use as a sports pitch on the Northern side of Dulwich Common. The site is located within:
 - Air Quality Management Area
 - Dulwich Wood Conservation Area
 - Metropolitan Open Land.
3. At present there are no restrictions on hours of use of the sports pitch.
4. The site is bound by:
 - Metropolitan Open Land to the North
 - Metropolitan Open Land to the East currently in use as a sports pitch
 - Dulwich Common to the South
 - Sports Pavilion and associated car parking to the West.
5. The surrounding area is a mixture of open space, sports facilities and residential properties, the nearest of which are approximately 25m due west of the sports pitch.

Details of proposal

6. The application calls for the installation of six flood lights around the perimeter of the existing pitch, within the boundary of the proposal site. This application has been made by Peckham Town Football Club in order to improve the playing and training facilities of the site and improve grassroots football.

The height of the proposed flood lights is 15 metres.

The proposed illumination level is 200 cd/m².

7. The proposed hours of use are be:
- Monday-Friday: 10:00 - 22:00
 - Saturday: 11:00 - 22:00
 - Sunday and bank holidays: 11:00 - 22:00.
8. The proposal would also incorporate the planting of three new trees to the northern side of the site. These would be:
- 2 x yew trees
 - 1 x Scots pine tree

Planning history

- | | |
|----|--|
| 9. | <p>09/CO/0010 Application type: Full Application (FUL)
Construction of a single storey building for Class D2 use (Assembly and Leisure), specifically the rebuilding of the previously removed fire damaged single storey sports pavilion, to be located at the same site.</p> <p>Decision date 11/06/2009 Decision: Granted (GRA)</p> |
| | <p>12/AP/1254 Application type: Variation: non-material changes (VNMC)
Non-material amendment to permission reference: 09-CO-0010 dated 11/06/2009 (for 'Construction of single storey building for Class D2 use (Assembly and Leisure), specifically the rebuilding of the previously removed fire damaged single storey sports pavilion, to be located at the same site) comprising:</p> <p>changing the security protection for the main entrance door on the north-east elevation from an approved roller shutter to plain steel door set.</p> <p>Decision date 29/05/2012 Decision: Agreed - for app types VLA & VNMC (AGR)</p> |
| | <p>19/AP/0538 Application type: Full application (FUL)
Retention of 2 x external spectator stands with associated fixtures and fittings as shown on scaled plans submitted with this application.</p> <p>Decision date: Ongoing/Not yet determined</p> |

Planning history of adjoining sites

10. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

11. The main issues to be considered in respect of this application are:

- a) Principle of development
- b) Impact of proposed development on amenity of adjoining occupiers and surrounding area
- c) Design issues
- d) Impact on character and setting of a listed building and/or conservation area
- e) Transport issues
- f) Impact on trees
- g) Ecology issues
- h) Community benefits
- i) Other matters.

Adopted planning policy

National Planning Policy Framework (NPPF)

- 12. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
- 13. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

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

London Plan 2016

- 14. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:

Policy 3.19 Sports facilities
Policy 7.8 Heritage assets and archaeology
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Policy 7.17 Metropolitan open land
Policy 7.19 Biodiversity and access to nature.

Core Strategy 2011

- 15. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the

borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic policy 1	Sustainable development
Strategic policy 2	Sustainable transport
Strategic policy 4	Places to learn and enjoy
Strategic policy 11	Open spaces and wildlife
Strategic policy 12	Design and conservation
Strategic policy 13	High environmental standards

Southwark Plan 2007 (saved policies)

16. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

3.2	Protection of amenity
3.12	Quality in design
3.13	Urban design
3.14	Designing out crime
3.16	Conservation areas
3.25	Metropolitan open land
3.28	Biodiversity
5.6	Car parking

Dulwich Supplementary Planning Document 2013

Summary of consultation responses

17. This application has received a total of 38 comments, which include 29 in support and nine objections. Sport England has been consulted as part of this application and has not commented.
18. Comments in objection have raised the following points, which have been addressed in the associated paragraphs:
- Light pollution
 - Noise
 - Hours of use
 - Increased usage of the pitch
 - Inappropriate use of Metropolitan Open Land
 - Impact on bats
 - Impact on the Dulwich Wood Conservation Area
 - Increased car parking demand
 - Security concerns
 - Privacy concerns.

Principle of development

19. Policy 7.17 of the London Plan requires:

The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the

same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.

This policy goes on to establish *"open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London"* as one of the criteria for boroughs to meet when designating MOL.

20. Furthermore, saved policy 3.25 of the Southwark Plan 2007 states development within metropolitan open land will only be permitted for the following purposes:

i. Agriculture and forestry; or

ii. Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or

iii. Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building; or

iv. Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.

21. It is the proposed floodlights would enhance the appropriate use of the site as a sports ground, by allowing for later use, particularly in darker winter months. In addition, the extended opening hours would make use of the sports ground available to a wider section of the community, which is welcomed. This would also comply with Policy 7.17 of the London Plan as outlined above, and improve the overall quality and accessibility of MOL which is welcomed by the Mayor under paragraph 7.56 of the London Plan.
22. In addition, Policy 7.17 of the London Plan gives the same level of protection to MOL as that given to the Green Belt. Under the National Planning Policy Framework 2019 policy 145, part B, exceptions to new developments within the Green Belt include *"the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*.
23. The proposed floodlighting is considered an appropriate facility in support of outdoor sports and leisure, and the relative scale and placement of the proposed lighting is not deemed to harm the overall openness of the MOL, while improving overall access. In addition the hours of use are deemed appropriate.
24. In summary, the proposal is deemed to enhance the appropriate use of the MOL without harming the overall openness. It is considered the proposed floodlights would enhance the appropriate use of the site as a sports ground, by allowing for later use, particularly in darker winter months. In addition, the extended opening hours would make use of the sports ground available to a wider section of the community, which is welcomed. Thus, the principle of the proposal is acceptable.

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

Light spill

25. The proposed lighting would be focused downwards and towards the pitch. The light spill survey supplied by the applicant has indicated the proposed lighting would not spill over into nearby residential properties. The technical lighting assessment shows

that the two lux isoline of light spill would not encroach into the gardens of the homes to the west. The Institute of Lighting Professionals' guidance note on the reduction of obtrusive light suggests that for suburban areas, light intrusion into windows should be no more than ten and two lux for pre and post curfew respectively. While the council has not defined curfew hours, it is clear that the spill, if any, would comply with the guidance and not cause harm to these neighbours.

26. The council's environmental protection team have reviewed the lighting statement and associated plans as part of this application and deemed these to be acceptable.

Noise

27. In the event Peckham Town Football Club is promoted in the near future, in part as a result of the proposed flood lights, the overall usage of the pitch is not envisaged to increase significantly. The estimated amount of additional home league games across the season (i.e. August to early May) would be up to four. The proportion of cup games is unlikely to see a significant increase, outside of a long cup run or where a series of Saturday games are lost due to poor weather conditions (both situations which might occur whether or not permission for this proposal is granted). The proposed hours of use are considered reasonable. The slight increase in use of the sports ground would not lead to an unacceptable increase in noise and impact on the amenity of nearby residential occupiers.

Loss of outlook

28. The proposed floodlights are narrow, with a significant amount of space between each. This, in combination with the distance between the proposal site and the nearby residential units would mean there would not be an unacceptable impact on outlook.

Privacy

29. Similarly to light spill, as the proposed lighting would be downward facing with little spill over towards nearby residential properties therefore it would not expand views towards these properties. Therefore, there would be no impact on privacy.

Design issues

30. The proposed floodlights are of a modest and unobtrusive design, in-keeping with the use of the site.

Impact on character and setting of a listed building and/or conservation area

31. As above, the proposal is of a good and unobtrusive design which is suitable in the context of the site as a sports pitch. Thus it would conserve the character of the Dulwich Wood conservation area. Furthermore, the proposed trees are considered suitable within the setting of the conservation area and are welcomed.

Transport impacts

32. As stated above, the overall usage of the sports ground would not see a significant increase should the proposal proceed. Therefore, the overall strain on parking is unlikely to see a significant increase compared to current use, due to the number of games played remaining broadly similar, albeit with a modest increase in mid week and summer games.
33. Additional training sessions which would be enabled by the proposed floodlighting would not place a significant further strain on the local transport network above that of

the current number of players attending training at present.

34. Primary access to the site is via the A205, a major road, as such the negligible impact on the transport network from the use described above would be accommodated by this road.

Impact on trees

35. As above, the proposed trees are suitable additions to the existing tree line and are welcomed.

Ecology issues

36. The applicant has submitted a bat survey as part of this application, which has noted a bat roost adjacent to the northern edge of the site during a study conducted between July to September 2018. The study goes on to note migration of a number of bats around the application site, primarily towards the northern treeline. The earliest sighting occurred at 7.51pm, with the latest at 10.40pm. The study has suggested a light curfew outside of exception circumstances between 1 April and 30 September to accommodate peak bat activity. The study goes on to note that the lighting should go on no later than 10.00pm, which the proposal would be compliant with. The council's ecology officer has reviewed this survey is acceptable.
37. It is noted that previous permissions relating to flood lighting had imposed earlier lighting curfews (see application ref: 16/AP/1342). However, given that the likelihood of regular night time use during the Summer for football games is low; and the proposal has incorporated shading mechanisms on the floodlights to mitigate light spill; and new screening trees to the north and such a condition is not deemed necessary in this instance which the council's ecology officer has agreed.

Community benefits

38. As previously stated, the proposal would allow for greater use and access of the facilities to the benefit of players, supporters, and the wider community in enjoyment of the grounds. Furthermore, comments in support of this application have noted the role of Peckham Town Football Club within the community and the enjoyment which an increase in use of the pitch would bring.

Other matters

39. The council's environmental protection team have reviewed the lighting statement and associated plans as part of this application, and deemed these to be acceptable.
40. An objection has raised the issue of security from the increase use and footfall around the pitch. As noted under transport, the overall increase in use (and by extension footfall) would be modest, therefore there would not be a security risk. Furthermore, the proposed lighting would improve visibility and security in the area around the pitch.

Conclusion on planning issues

41. The proposal would improve the usability of the existing sports ground throughout the year. This would encourage suitable use of existing metropolitan open land, and encourage healthy, active lifestyles. Furthermore, the proposal would preserve the Dulwich Wood conservation area, without causing harm to the amenity or nearby occupiers, or the nearby bat nest. Finally, the proposal would not negatively impact existing transportation networks. In light of the above, the proposal should be granted planning permission.

Consultations

42. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

43. Details of consultation responses received are set out in Appendix 2.

Community impact statement / Equalities Assessment

44. 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:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
 - b) 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.
 - c) 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.
45. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
46. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
47. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Human rights implications

48. 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.
49. This application has the legitimate aim of providing facilities to enhance the use of metropolitan open land. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2082-J Application file: 18/AP/1204 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5840 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning		
Report Author	Glenn Ruane, Graduate Planner		
Version	Final		
Dated	10 April 2019		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Strategic Director of Finance and Governance	No	No	
Strategic Director of Environment and Leisure	No	No	
Strategic Director of Housing and Modernisation	No	No	
Director of Regeneration	No	No	
Date final report sent to Constitutional Team		12 April 2019	

APPENDIX 1

Consultation undertaken

Site notice date: 09/05/2018

Press notice date: 26/04/2018

Case officer site visit date: n/a

Neighbour consultation letters sent: 03/05/2018

Internal services consulted:

Ecology Officer
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

Sport England

Neighbour and local groups consulted:

Marklye Dulwich Common SE21 7EU	8 Elsie Road East Dulwich SE22 8DX
London Borough Of Southwark Sports Club Dulwich Common SE21 7EU	26c Heverham Road SE18 1BT
Dulwich Riding School Dulwich Common SE21 7EX	Marklye Dulwich Common SE21 7EU
Little Donyland Dulwich Common SE21 7EU	Richmond Lodge Dulwich Common SE21 7EU
Parkside Dulwich Common SE21 7EU	Flat 4 145 Denmark Road London SE5 9LW
6 Almond Close London SE15 4UH	82b Wellington Road BR5 4AQ
35 Cambria Road London SE5 9AS	84 Langham Road London N15 3LX
1 Mount Adon Park London SE22 9DS	42 Dernier Road Tonbridge TN10 3EW
65 Avenue Gardens London	43 Carden Road Nunhead SE15 3UB
94 Cotswold Way Worcester Park KT48LN	45 Roxburgh Road West Norwood SE27 0LE
45 Roxburgh Road London	51 Harlescott Road London SE15 3DA
160a Park View Road Welling DA16 1ST	30 Lacon Road London SE218EZ
18a Crebor St London SE22 0HF	20 Oaksford Avenue London SE266AR
34 Garfield Street Kettering NN15 6BU	10 Bassano Street London SE22 8RU
1 Windmill Close Beatrice Road SE1 5BJ	42 Aylesbury Road Walworth SE17 2EH
82a Burrows Road London	30 Chesterfield Grove London SE22 8RW
53 Monson Road London SE14 5EQ	Mount Pleasant Sandy Lane BH31 6BZ
1a Anderton Close Champion Hill SE5 8BU	54 Burford Road London SE6 4DB
51 Friern Road London SE22 0AU	25 Kingsthorpe Road Sydenham SE26 4PG
19 Leyborne Park Kew Gardens TW9 3HB	Little Donyland Dulwich Common SE21 7EU
55 Dysart Avenue Kingston Upon Thames KT2 5RA	Parkside Dulwich Common SE21 7EU

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Email representation
Email representation
Email representation
Flat 4 145 Denmark Road London SE5 9LW
Little Donyland Dulwich Common SE21 7EU
Little Donyland Dulwich Common SE21 7EU
Marklye Dulwich Common SE21 7EU
Mount Pleasant Sandy Lane BH31 6BZ
Parkside Dulwich Common SE21 7EU
Richmond Lodge Dulwich Common SE21 7EU
1 Mount Adon Park London SE22 9DS
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54 Burford Road London SE6 4DB
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