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Item No. 6.1	Classification: Open	Date: 27 July 2020	Meeting Name: Planning Committee
Report title:	Development Management planning application: Application 19/AP/1867 for: Full Planning Application Address: DULWICH HAMLET FOOTBALL CLUB, EDGAR KAIL WAY, LONDON SE22 8BD AND NEIGHBOURING ARTIFICIAL PITCH AT GREENDALE Proposal: Redevelopment of the Dulwich Hamlet Football (Champion Hill) Stadium, including the demolition of existing buildings, and use of land at Greendale, to provide: - the erection of a new stadium with relocated playing pitch with associated floodlighting and boundary treatment, and part two-part three storey clubhouse building with sports and leisure facilities, with capacity for 4,000 spectators (Use Class D2); - the construction of a multi-functional kickabout space and associated boundary treatment; - the erection of a series of buildings between four and six storeys in height to provide 219 residential dwellings, (Use Class C3); - associated car parking, cycle parking, refuse storage and access road; - the widening and greening of a public route with associated hard and soft landscaping; and - the relocation of telecommunications equipment and re-provision of the substation together with plant and equipment.		
Ward(s) or groups affected:	Champion Hill		
From:	Director of Planning		
Application Start Date 12.07.2019		Application Expiry Date 11.10.2019	
Earliest Decision Date		Extension of Time Expiry Date	

RECOMMENDATION

1. That the planning committee grant planning permission, subject to:
 - The recommended planning conditions;
 - The applicant entering into an appropriate legal agreement by no later than 31 January 2021;
 - Referral to the Mayor of London.

2. That in the event of legal agreement not having been entered into by 31 January 2021, the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph 474 of this report.

EXECUTIVE SUMMARY

This full application is for the redevelopment of the existing stadium that is currently home to Dulwich Hamlet Football Club (DHFC/the Club), together with existing land at Greendale. This report describes and assesses the application, including its impacts on the local area. The extent to which the application complies with the development plan is also explained and any other material considerations that are relevant.

The site is 2.84ha area of land that comprises Champion Hill Stadium and associated car park, Greendale artificial pitch and part of Greendale playing fields. Greendale artificial pitch and the playing fields is designated as 'Metropolitan Open Land' (MOL), whilst the Champion Hill Stadium pitch is designated as 'Other Open Space' (OOS).

A planning application was submitted in March 2016 under ref 16/AP/1232 for the redevelopment of the site to provide a new stadium and leisure facilities and 155 dwellings. A MUGA and a publically accessible 'linear park' and other landscaping improvements were also proposed. This application was taken to appeal on non-determination grounds but the appeal was subsequently withdrawn in late 2017. Since receiving notice of that appeal, the council was not able to determine the said application, but had the Council been in a position to determine the application it would have been refused.

The current application before Members proposes to redevelop the site to provide:

- a new stadium building with clubhouse and sports and leisure facilities with a capacity for 4,000 spectators and a new 3G playing pitch with associated floodlighting and boundary treatment;
- the construction of a multi-functional kickabout space;
- 219 residential buildings in 5 buildings between four and six storeys in height;
- associated car parking, cycle parking, refuse storage and access road;
- the widening and greening of a public route; and ;
- the relocation of telecommunications equipment and re-provision of the substation together with plant and equipment.

The report sets out information to assess the application under the following headings:

Chapter 1: Background and information describes the site and context. It also gives information on the planning policy designations.

Chapter 2: Details of proposal sets out the nature of the proposals and summary of the uses, number of residential dwellings and layout of the scheme. This chapter also details the key planning history and decisions on the site.

Chapter 3: Key issues for consideration provides a summary of the main issues and highlights the development plan policies and supplementary planning guidance and documents that are relevant to the assessment of this application.

Chapter 4: Consultation provides an overview of the responses received to the rounds of consultation undertaken for this planning application from the public,

groups and statutory bodies. The responses are discussed in themes. Many of the public responses supported the proposed redevelopment, particularly in terms of protecting the interests of DHFC. A large number of objections were also received, relating to specific aspects such as the development on MOL, the loss of the artificial pitch for informal sports, and impact on ecology. The different aspects raised by the consultation responses are considered in the different topic chapters in this report.

Chapter 5: Assessment – ‘Principle of development’ provides an assessment of the proposal on Metropolitan Open Land (MOL) and Other Open Space (OOS). It has been demonstrated that very special circumstances exist to justify development which has some impact on the openness of the MOL. This section also details the loss of the OOS and the extent to which this is replaced with a green link and its benefits to the public. This section then goes on to discuss the loss of the existing artificial pitch and the mitigation measures proposed to compensate for this loss. Sport England in consultation with the Football Foundation and Football Association raised no objections to the scheme. The improved 3G all weather surface pitch could be used at a more intense rate and would be offered to the community. The replacement facilities are considered to be a benefit of the overall scheme.

Chapter 6: Housing provision details the quantum of residential use and how this complies with the planning policies in terms of density, affordable housing, mix and quality. A total of 219 homes are proposed with 73 of these being affordable homes. In terms of habitable rooms this would equate to 35.4%. The applicant has committed to increase this to 38% if grant is secured. It also provides a policy compliant mix of dwellings including wheelchair accessible units. The units are designed to ensure good standard of accommodation and mitigation measures are proposed to minimise noise and disturbance from the existing and future commercial and stadium uses. It also considers the Agent of Change principle.

Chapter 7: Amenity of neighbouring occupiers provides an assessment of the impact on neighbouring residents by looking at how it may affect their privacy, daylight and sunlight and outlook. The results of the analysis demonstrate that these impacts would be minimal. The chapter then details the potential noise and light impacts from the new pitch and what mitigation measures are proposed to ensure that these are minimised. It concludes that the amenity of the neighbouring residents would be protected.

Chapter 8: Design and layout. The proposed layout of the different uses is considered to be appropriate. The chapter describes the scale, height and layout of the residential units responds to the context of the surrounding area. Following discussions with the applicant, amended plans were received to address the design concerns with improvements to the green link, the spaces and routes between the buildings and the articulation and detailed design of the blocks. The stadium building design is high quality and utilises modern materials to give a lightweight feel. The chapter then discusses the impact on trees and mitigation measures proposed. The proposed landscaping would provide a significant benefit in better connecting St. Francis Park to Greendale fields. The landscaping also includes play areas that would be available to the public.

Chapter 9: Transport and highways provides an assessment of the transport impacts from the increased capacity of the stadium and the residential element of the scheme. The site has a relatively good access to public transport and a large share of the mode of travel would be by public transport on match and non-match

days. The increase in trip generation is not considered significant enough to adversely impact on the local highway network. A stadium management plan and travel plan will provide the measures to minimise the use of cars and ensure crowds are managed to minimise disturbance to existing and future residents. Car parking for the proposed housing is limited to wheelchair parking only. Cycle parking is provided for both residents and visitors/spectators. The development would also propose highway improvement works which would benefit public access and safety. These would be secured by the s106 agreement and a s278 works agreement with the highway authority.

Chapter 10: Sustainable development implications provides a summary of the environmental aspects of the scheme. The development's energy strategy demonstrates how it achieves the carbon dioxide emission savings. The development would mean the loss of a small area of the proposed Greendale Site of Importance for Nature Conservation (SINC), which would be affected by the proposed stadium, but the ecological assessment shows there is limited ecological significance in this area. The ecological assessment also provides a survey of the existing flora, fauna and any protected species. The development as a whole would provide ecological and biodiversity gains that would be a benefit. Consultation responses have noted the air quality impacts of the proposed scheme as well as the impact of pollution on users of the proposed kick-about space. This section provides an assessment of the air quality impacts. The site is within a Critical Drainage Area and the submitted drainage strategy demonstrates how sustainable urban drainage systems could be incorporated to ensure surface water runoff rates would minimise risk of flooding.

Chapter 11: S106 and Community Infrastructure Levy sets out the scope of the s106 agreement heads of terms that would need to be secured on any permission, and provides an estimate of the CIL payment.

Chapter 12: Statement of Community Involvement, Equalities and Human Rights summarises the community engagement undertaken by the applicant prior to the submission of the application, which is detailed in the Statement of Community Involvement and the Engagement Summary. This chapter then assesses the likely equalities impacts from the proposal and considers the Human Rights Act. Members are reminded of the legal duty for public bodies to have regard to the advancement of equality in exercising its power.

Chapter 13: Conclusion sets out the planning balance and the recommendation that planning permission be granted.

As part of this planning application, two rounds of public consultation were undertaken. The application was publicised via press notices in the local newspaper, a number of site notices were displayed around the site, and letters were sent to local residents within at least 100metres of the application site. Approximately 1,100-1,200 addresses were identified and the list of consulted organisations and local addresses is set out in Appendix 2. In addition, the applicant had also undertaken a range of consultation, which is summarised below under the Statement of Community Involvement chapter of this report.

The first round of consultation letters were sent out on the 23 July 2019 and the second round on 27 February 2020. At the time of writing, 2,060 consultation responses in total have been submitted in response to consultation from individuals, groups or organisations. This is a combination of the two rounds of consultations

however, and therefore is likely to include responses from the same address. This is discussed in the consultation section of this report. At the time of writing, a total of 11 amenity groups had responded to public consultation.

A clear majority of the comments received were in favour of the scheme. Most comments raised generic support for the Club and a general concern over the Club's future, the Club as a community asset, the wealth that the Club generates to the local area during match days and the benefits of increased housing provision.

The majority of objections received were related to the loss of Metropolitan Open Land (MOL) at Greendale, the impact on its openness and the perceived lack of 'very special circumstances' to justify the grant of planning permission, the inadequate replacement of the existing artificial pitch, the harm caused to the ecology, the loss of a SINC and loss of trees and green space contributing to climate change.

The material planning considerations repeatedly raised by objectors were:

- Loss of MOL and inappropriate building on MOL;
- The impact on its openness and there are no 'very special circumstances';
- Loss of existing artificial pitch which is available to the public and the replacement facility is significantly smaller;
- Replacement of open space is not adequate;
- Impact on ecology and wildlife and the SINC;
- Introduction of residential would lead to transport impacts;
- The residential development is overbearing and out of scale with the surrounding dwellings;
- Impact on the future of the football club;
- There should be more social housing;
- Noise and light pollution; and
- Loss of trees and its implications for climate change.

The issues raised and how these are addressed is covered in the relevant chapters of this report.

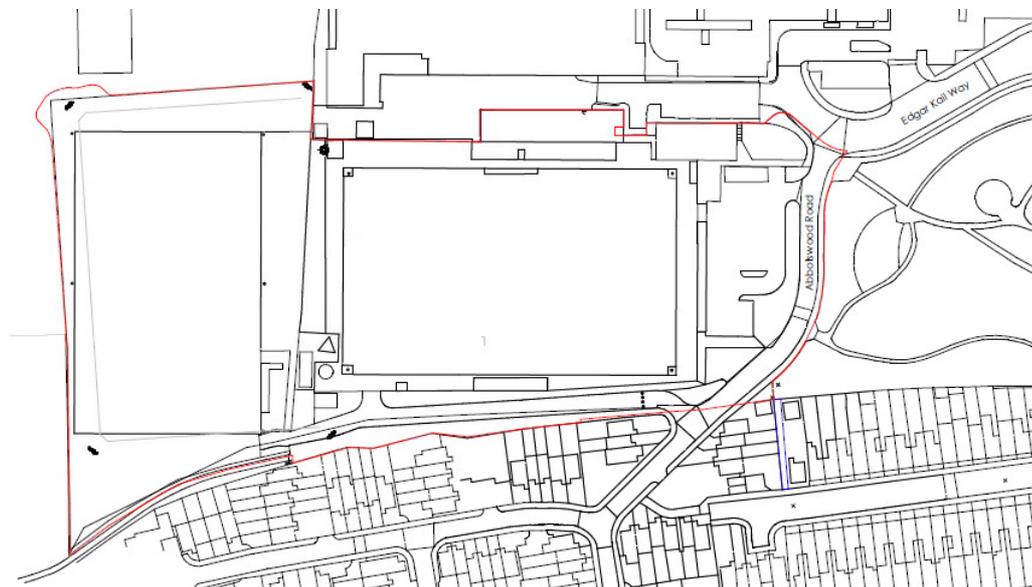
CHAPTER 1

BACKGROUND INFORMATION

Site location and description

3. This application relates to a 2.84ha area of land which comprises Champion Hill Stadium, Greendale artificial pitch, the private access road and existing car parking area and a part of the Greendale playing fields.

Map: Existing site location plan, with the site edged in red



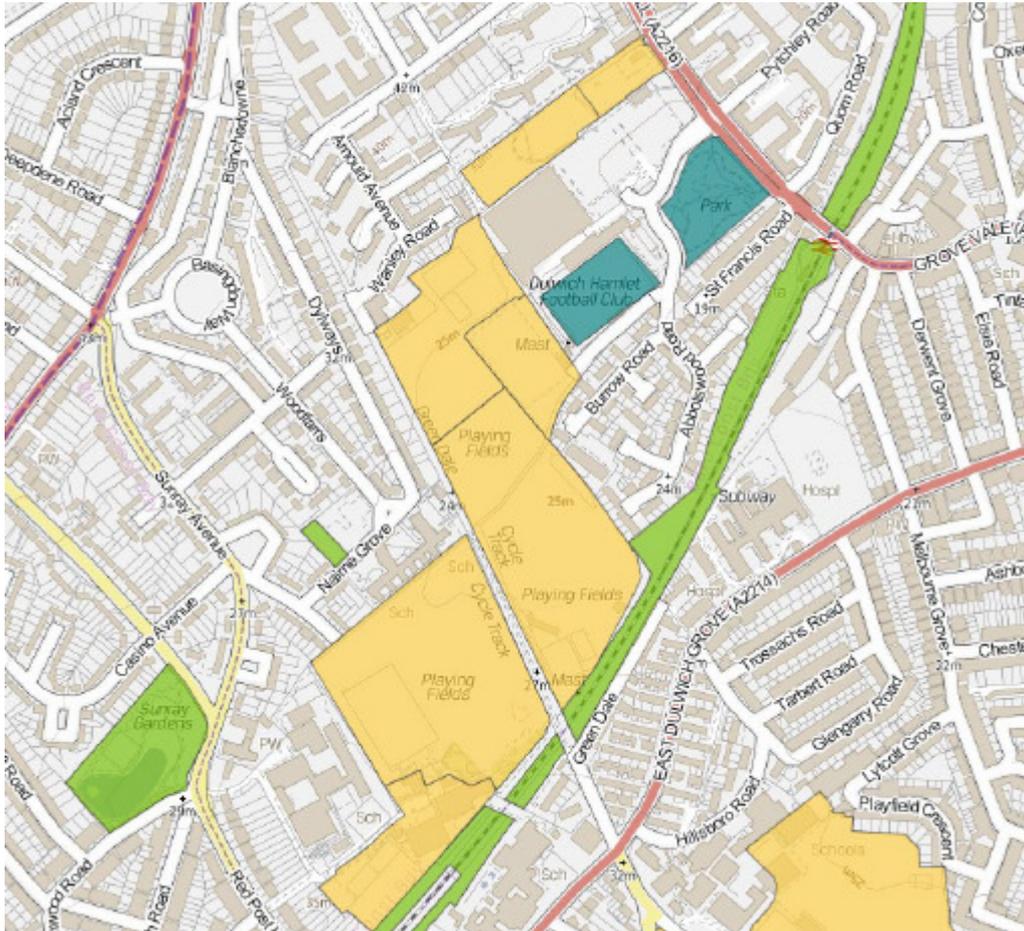
4. Constructed in the early 1990s the stadium is home to Dulwich Hamlet Football Club (DHFC or the 'Club' as referred to in this report). It is located to the rear of St. Francis Park and to the south of Sainsbury's supermarket off of Dog Kennel Hill to the east. The existing stadium consists of a grassed pitch, main stand (the Tommy Jover stand) and clubhouse, and a smaller covered stand to the south, with a 3,000 spectator capacity. The clubhouse is occupied by a gym, squash courts and function rooms. The stadium is enclosed by solid walls on three sides ranging in height between approximately 2.3 to 3.4m, and the main stand on the remaining north site. A small car-park to the east provides approximately 46 spaces and is partly occupied by a hand car wash facility.
5. In terms of ownership, DHFC lease the stadium, pitch and adjacent car park from Meadow Partners (here described as Meadow or Meadow Partners in this report) and lease the Greendale artificial pitch from the council. This is a joint application made by the Club and Healey Development Solutions (Dulwich) Limited, the development manager appointed by the landowner, Greendale Property Company Limited, wholly owned subsidiary of Meadow Partners.
6. Vehicular access to the site is via Edgar Kail Way, with pedestrian routes through

St. Francis Park from Dog Kennel Hill or from Greendale to the west which also serves as a cycle route and turns into a private access road which runs along the southern boundary. Additional paths have recently been created through Greendale Fields which offer additional routes from Greendale and the Champion Hill estate.

7. Greendale artificial pitch (which has also been referred to as 'astroturf' pitch by members of the public in consultation responses) and playing fields are designated as 'Metropolitan Open Land' (MOL), whilst the Champion Hill Stadium pitch (but not the stand or car park) is designated as 'Other Open Space' (OOS). Until recently the playing fields were not formally open for public access, but in 2018 the council opened up new gates at Greendale and the gates closest to Edgar Kail Way were unlocked. The artificial pitch is in a poor state of repair, unsuitable for formal sports, but is available (with warning notices in place) for informal play and recreation. It has been particularly busy during the Covid-19 lockdown period with families playing ball games and children riding bicycles. The wider Greendale fields (the majority of which falls outside the application boundary), is predominately heavily planted with self-seeded ground cover such as brambles and nettles, making access difficult across much of the land. It also includes unused dilapidated tennis courts to the north. The land slopes down from north to south with a various differences in levels.
8. The surrounding area is mixed in character with a large Sainsbury's retail store and associated car park to the north and St. Francis Park (also OOS) to the east. To the south the site is bounded by the low-rise 1990s residential development of Abbotswood Road and Burrow Road. East Dulwich Rail Station is located approximately 300m to the southeast and the site has a good level of accessibility to public transport with a Public Transport Accessibility Level (PTAL) of 3/4.
9. The application site is not situated within a Conservation Area and none of the existing buildings on the site are Statutorily Listed. Dog Kennel Hill Open Space is linked to Greendale Fields to the north and is designated as a Site of Local Importance for Nature Conservation (SINC). There are a significant number of mature trees across the site within the Greendale Fields, but none are subject to a Tree Preservation Order (TPO).
10. In summary the site is located within the following adopted plan designations:
 - Metropolitan Open Land (MOL) - Saved Southwark Plan (2007) ref OS128 and OS129 - Greendale Playing Fields and Greendale Artificial Playing Pitch
 - Other Open Space (OOS) - Saved Southwark Plan ref OS130 Dulwich Hamlet
 - Suburban Density Zone (Middle)
 - Air Quality Management Area (AQMA)

The site is also within Flood Risk Zone 1, which indicates a low risk of flooding.

Image: Map showing Protected open spaces in the adopted Southwark Plan (Blue: Other Open Space; Green: Borough Open Land; and Yellow: Metropolitan Open Land)



11. Of note, part of the site falls within the emerging New Southwark Plan Submission Version site allocation NSP37: Dulwich Hamlet Champion Hill Stadium, Dog Kennel Hill, which will be discussed further below in this report (Previously consulted as NSP38 in the earlier version of the New Southwark Plan).

Figure: Map of site allocation NSP37.



CHAPTER 2

Details of proposal

12. Full planning permission is sought for the following:

New football stadium

Demolition of the existing stadium and stands, and erection of a new stadium building including clubhouse to the west of the existing football pitch. The proposal would also relocate the pitch to occupy the area currently utilised by the existing artificial pitch (on MOL) which would be slightly sunken. The main stand would be located on the north-eastern side of the pitch (outside the MOL) and the stadium would provide capacity for 4,000 spectators. The main stand/clubhouse would include a gym, fitness studios, squash courts, football club facilities, changing rooms and community facilities incorporating a bar and function room. The pitch would be laid as a 3G all weather surface. 4 new floodlighting columns would be located to the perimeter of the ground each circa 20m in height.

Image: Proposed site plan



13. Surrounding the football pitch, terraces and concourse would be mesh fencing. This would be 4.5m in height above the pitch level, which is to be sunken. Due to the Football Association's (FA) stadium club fencing requirements, 1.83m in height (from the ground level outside of the pitch) would be impermeable during match times. This would be provided by using demountable canvas banners and scrub planting beyond that (see image below). Outside of match times, the 1.83m canvas banners would be rolled down so that views can be maintained across this part of Greendale. The existing pitch is not level and it is noted that the northern and western end of the site is on higher ground. As such, to the perimeter of the pitch along the north side of the site and returning along the west flank is a retaining wall. From the top of that retaining wall to the pitch level would be approximately 4.9m maximum and this will vary along the western edge. The existing artificial pitch is between 22.2m AOD and 23.3m AOD. As noted above, the pitch would be sunken to a level of 21.6m AOD. The images below show various sections across the proposed 3G pitch.

Image of section showing north retaining wall looking east

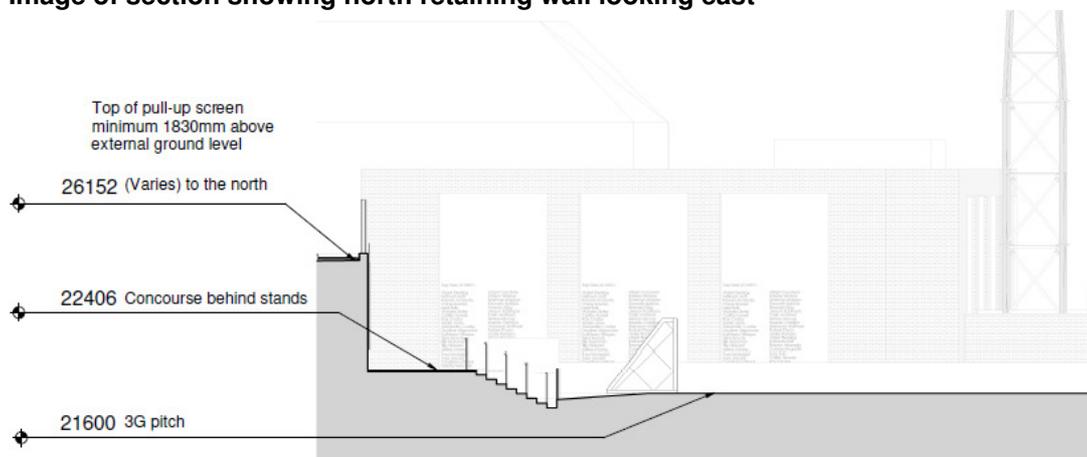


Image: Typical perimeter fencing on match day when viewed outside of the pitch (note this varies along the perimeter of the site)



Image: Cross section of the pitch, terraces, concourse and fencing looking south

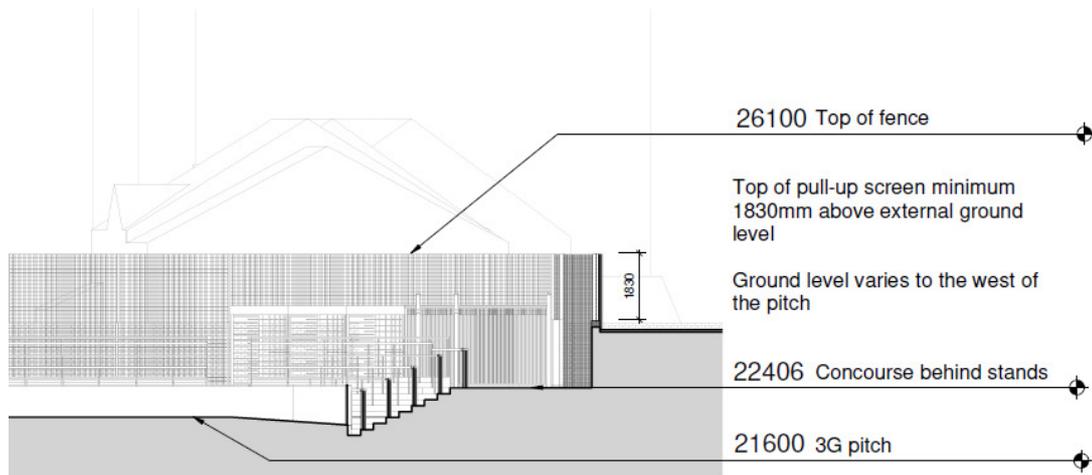


Image: Long section across pitch, showing stadium building and residential behind



Image: Section of pitch looking north and retaining wall

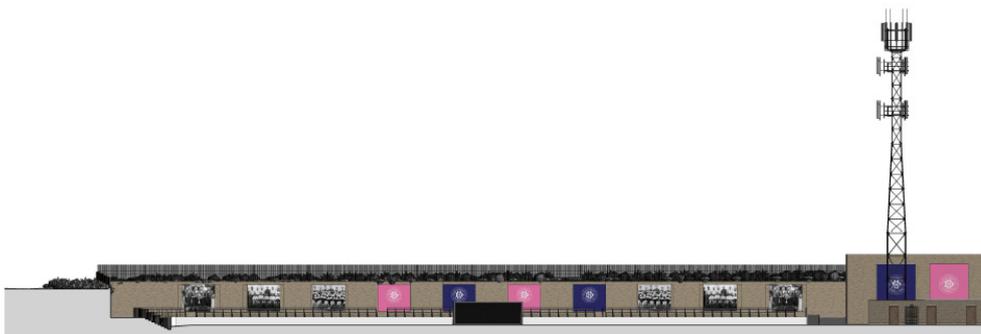


Image: Cross section looking west showing how the perimeter fencing would change in height



14. The existing vehicular access to the car park and car wash business would be closed and a new vehicular access for servicing, parking, coaches etc is proposed via a new shared surface street from a single point on Abbotswood Road. This site access is further south than the current position, and the street runs along the northern part of the site to the residential units and through to the stadium building at the end. Car parking for the club is located at the end of this street in front of the stadium with 12 disabled spaces plus two parking spaces for coaches.

15. 219 Residential Units

Developed on the site of the existing football stadium and car park, 219 new residential units would be provided in five buildings (6 blocks) of between four and six storeys in height. The proposal as originally submitted was for 224 units, but this has been reduced following discussions with the applicant regarding the design and layout. A total of seven residential wheelchair car parking spaces are proposed along the shared surface street. The blocks are labelled A to F. As part of the amendments, blocks A and D would be joined with a glazed linked block to

form one building.

Image: 3D image of development viewed from the south-east



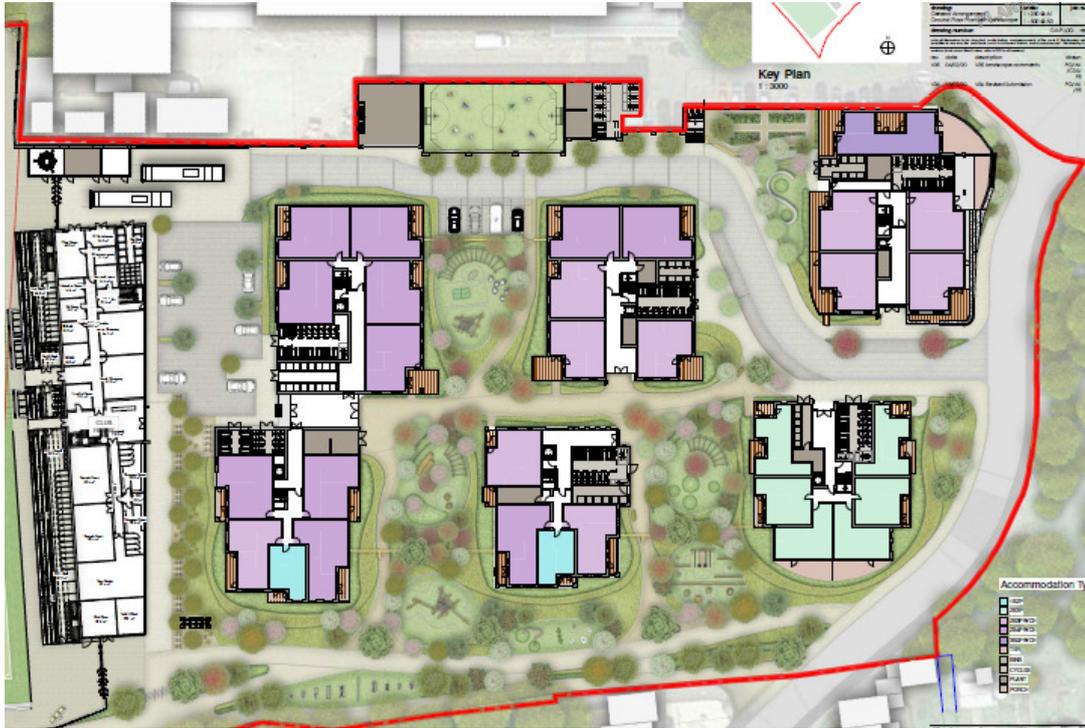
Image: 3D image of development viewed from the south-west



Image: 3D image of development viewed from north



Plan: Residential layout plan



16. The scheme would provide 82 one bedroom, 71 two bedroom and 66 three bedroom flats. A total of 73 affordable dwellings are proposed. When calculated by unit numbers, this equates to 33%. This would be 35.4% when calculated by habitable rooms. The tables below summarise the mix of units including affordable provision. 35.4% is the minimum amount of affordable being proposed and guaranteed. The applicant is in discussions with Registered Providers (RP) from the council's approved list who will be eligible for grant funding under the Mayor's Homes for Londoners: Affordable Homes Programme 2016-21. Once the RP is identified they will be required to make an application for grant funding. The applicant is confident that the scheme would be eligible for grant in the order of £1,120,000. If grant is secured, the applicant would increase the affordable housing provision to 77 homes (an additional 4 social rented flats). This equates to 37.9% total affordable habitable rooms (circa 38%). The tables below set out the affordable housing provision at 35.4% (the minimum committed offer) and 38% (the offer if grant is secured).

Table: Proposed housing tenure by habitable rooms and units based on the minimum offer of 35.4%.

Unit type	Hab. Rooms	Number of units	Percentage rooms	Hab.	Percentage number of units
Social rented	202	52	25.5%		23.7%
Intermediate	78	21	9.9%		9.6%
Private Hab.	511	146	64.6%		66.7%

Total	791	219	100	100
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Table: Proposed housing tenure by habitable rooms and units based on an offer of 38%.

Unit type	Hab. Rooms	Number of units	Percentage rooms	Hab.	Percentage number of units
Social rented	216	56	27.3%		25.6%
Intermediate	84	21	10.6%		9.6%
Private Hab.	491	142	63.1%		64.8%
Total	791	219	100		100

17. The scheme is designed to be tenure blind, but has been arranged so that the social rent units are located in Block A and part of Block C. The intermediate dwellings would also be located within Block C.
18. Associated communal amenity space and playspace are proposed in between buildings and within parts of the new linear public route (explained further below).
19. Multi-functional kick-about space
 Located to the north of the new road and opposite residential Block B would be the informal kick-about space for outdoor games, measuring 24m x 12m (annotated as Block G). Adjacent to this are a plant room and additional cycle store. Block G would sit behind a retaining wall measuring between 6m and 7.4m in height, which separates the application site from the adjoining land that belongs to Sainsbury's and is used for servicing and deliveries. This retaining wall would comprise a series of recessed panels in between brick piers and would contain a variety of elements including murals, etched concrete, metal screens and openings onto spaces behind. There would be fixed mesh panels to the south of the kick-about space mounted behind the brick portal.

Image: Kick-about space with plant and cycle store



Image: Shared surface road, Block B and kick-about space in Block G



Publicly accessible linear route (Green link)

20. Approximately 2,600sqm of publicly accessible land would be located to the south of the proposed residential development. This landscaped route would link St. Francis Park to Greendale Fields providing an enhanced pedestrian and cycle route through the site. It also provides a series of spaces for play. This public route is described as the 'Green link' in this report.

Image: Navigation for the public



Replacement telecommunications equipment

21. The existing telephone mast located in the south-west corner of the existing football ground would be removed and relocated to the north-eastern part of the proposed pitch. This would be immediately to the north of the new stadium and is outside of the MOL designation. Adjacent to this relocated mast would be a proposed substation and additional plant room. As noted in the planning history section of this report, there is a separate permission for the mast.

Amendments since original submission

22. As explained above, the proposals have been amended since it was original submitted following discussions with the applicant and these are as follows:
 - Block A/D Massing – The two blocks are joined by a new glazed link block.
 - Block A and B - Removal of four dwellings.
 - Block C Massing - an additional set-back sixth floor of Block C.
 - Blocks A and B Sixth Floor (roof) cut backs - Due to the relocation of the roof terrace to the fifth floor, the lift and stair access at sixth floor level has been omitted and replaced with a lift over-run only.
 - Material and elevation details - Glazed bricks have been added to the upper

- floors of Blocks B and E. Glazed bricks in different autumnal colours used on each entrance which open onto the central path.
- Revised minimum provision of 35.4% affordable housing.

Relevant planning history of the application site

23. Set out below are the cases of planning history of particular relevance to this application 19/AP/1867 with the most recent and relevant first.

24. Ref 16/AP/1232

Dulwich Hamlet Football Club Stadium And Green Dale Playing Fields Dog Kennel Hill

Full Planning application submitted in 2016 for:

Redevelopment of Dulwich Hamlet Football Stadium, including the demolition of existing buildings, and land at Greendale, to provide:

- the erection of a new stadium with relocated playing pitch, two-storey clubhouse with a Health and Fitness Club and stand, with capacity for 4000 spectators, a multi-use games area (MUGA) and associated floodlighting;
- the erection of a series of buildings between three and six-storeys in height to provide 155 residential dwellings (7xstudio, 56x1 bed, 46x2 bed, 43x3 bed and 3x4 bed);
- associated car parking, cycle parking, refuse storage and access road;
- enhancements to existing open space at Green Dale Fields and the creation of a new public linear park;
- the relocation of existing telecommunication equipment within the site.

Appeal was submitted by the applicant for 'non-determination'. The appeal was subsequently WITHDRAWN by the applicant in October 2017 prior to the public inquiry.

Had the council been in a position to determine the application, it would have been refused on the following grounds:

1. *"The proposed football ground with its associated boundary treatment, terracing and floodlighting is an inappropriate development which would fail to preserve the openness of the Metropolitan Open Land (MOL) within which it would be located. Insufficient 'Very special circumstances' have been demonstrated by the application to justify inappropriate development on MOL. As such it is contrary to Policies 3.25 'Metropolitan Open Land' of the Saved Southwark Plan (2007), Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy (2011) and Policy 7.17 'Metropolitan Open Land' of the London Plan (2016)".*
2. *"The residential blocks and stadium building would be located on land designated as Other Open Space (OOS). The development is not ancillary to the enjoyment of the OOS, is not small in scale, would detract from the prevailing openness of the site and fails to positively contribute to the setting and quality of the open space. Land of equivalent or better size and quality would not be secured and the development would therefore be contrary to policy 3.27 'Other Open Space' of the saved Southwark Plan (2007), Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy (2011) and Policy 7.18 'Protecting Open Space and Addressing Deficiency' of the London Plan (2016)".*

3. *“The proposed development would involve a reduction in sports facilities across the site. As such, it would fail to contribute to the health and wellbeing of borough residents contrary to saved policies 2.1 ‘Enhancement of community facilities’ of the Southwark Plan 2007, Strategic policies 4 ‘Places for learning, enjoyment and healthy lifestyles’ and 11 ‘Open spaces and wildlife’ of the Core Strategy 2011, and Policy 3.19 ‘Sports facilities’ of the London Plan 2016.”*

4. *“The proposed residential blocks, by reason of their height, scale and massing would result in an overly dominant and visually intrusive development which would be out of character with the prevailing built form of the locality. It would be overbearing when viewed from the adjacent open spaces and appear as an alien form within the local townscape. It would therefore be contrary to saved Policies 3.11 ‘Efficient Use of Land’, 3.12 ‘Quality in Design’, 3.13 ‘Urban Design’, and 3.27 ‘Other Open Space’ of the Southwark Plan (2007), Strategic Policies 11 ‘Open spaces and wildlife’ and 12 ‘Design and Conservation’ of the Core Strategy (2011) and Policies 7.4 ‘Local Character’, and 7.6 ‘Architecture’ of the London Plan (2016)”.*

5. *“The development fails to contribute the maximum reasonable amount of affordable housing to meet the needs of the Borough, London and the UK as a whole. The development has not demonstrated that it could not support the expected level of affordable housing whilst remaining viable. It is therefore contrary to Policy 4.4 ‘Affordable Housing’ of the saved Southwark Plan (2007), Strategic Policy 6 ‘Homes for people on different Incomes’ of the Core Strategy (2011) and Policies 3.12 ‘Negotiating Affordable Housing on individual private residential and mixed use schemes’ and 3.13 ‘Affordable Housing Thresholds’ of the London Plan (2016)”.*

Plan: Site plan layout for the 2016 scheme



25. 16/AP/4051

Champion Hill Stadium, Edgar Kail Way

An application for the discharge/deletion of obligations contained within the S106 Agreement dated 16/10/1990 pursuant to planning permission ref TP2134-3/AH for 'The construction on the site of a retail store, coffee shop, public open space, construction of new football stadium, associated landscaping, car parking, access road and caretakers bungalow'. Clauses for discharge/deletion are:

- 1) Clause 4(3), giving access to the facilities by members of the football club, to be discharged in its entirety
- 2) Clauses 7(3) and 7(4), which relate to use of the land in the event that the football club cease to exist, to be discharged in their entirety
- 3) Clause 8, which restricts use of the football ground to leisure, recreational or educational purposes, to be discharged in its entirety
- 4) Clause 10, which gives users of the all-weather pitch access to the club dressing, showering and toilet facilities, to be discharged in its entirety.

This application was NOT AGREED on 24/11/2016 for the following reasons:

1. *The obligations contained within the S106 Agreement dated 16/10/1990 being Clauses 4(3), 7(3), 7(4), 8 and 10, which the applicant is seeking to discharge still serve a useful planning purpose. These being:*
 - *Clause 4(3) - the all weather pitch at Greendale Park has been constructed and provided in accordance with the terms of the 1990 Agreement and it is still open to the members of Dulwich Hamlet Football Club and others to make reasonable use of the facilities.*
 - *Clause 7(3) and 7(4) - Dulwich Hamlet Football Club is still in existence, has a licence to use the Dulwich Hamlet Football Ground and still uses it.*
 - *Clause 8 - Dulwich Hamlet Football Ground is still in use by Dulwich Hamlet Football Club, the land is still being used for leisure and recreational purposes.*
 - *Clause 10 - The all weather pitch and football ground have been constructed and are still in use.*

There are therefore no grounds upon which the authority may determine that the obligations shall be discharged pursuant to S106A(6)(b).

2. *The useful planning purpose served by the obligations, being Clauses 4(3), 7(3), 7(4), 8 and 10 as contained within the S106 Agreement dated 16/10/1990, will not be served equally well if they are modified by being discharged and so the statutory test in Section 106A(6)(c) is not met.*
3. *The planning obligations should continue to have effect without modification pursuant to Section 106A(6)(a).*

26. Ref 18/AP/4025

Champion Hill Stadium, Edgar Kail Way

EIA Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, for the redevelopment of the site involving the demolition of the existing stadium facility and associated buildings, and the replacement provision of:

- A new community stadium (Use Class D2) with capacity for up to 4,000

spectators and including; a new multi-use all-weather 3G pitch, available for both league fixtures and club/public training;

- Up to 3,120 sq.m [GEA] of indoor sports and leisure facilities (Use Class D2) including replacement squash courts, a new health and fitness club and a multi-use games area (MUGA);
- Up to 500 sq.m [GEA] of flexible community/commercial floor space (Use Classes A1-A5 and D1/D2);
- Up to 235 residential dwellings comprising apartments and townhouses of mixed sizes (including 40% affordable housing);
- Approximately 6,647sq.m of public realm, including a new green park of approximately 3,987sq.m; and
- Associated parking, servicing and access works.

Decision was made on 20/12/2018 that the development DID NOT require an Environmental Impact Assessment.

27. 19/AP/7058

An application was recently submitted in March 2020 for the relocation and upgrade of the 35.5m lattice mast supporting 18 antennas, 6 transmission dishes, 3 telefonica equipment cabinets, 2 Vodafone equipment cabinets and 13 MBNL equipment cabinets with ancillary development. .

This application was GRANTED on 27/03/2020.

28. Other history on the site include the below:

29. Ref TP/2134-B/AH

Kings College sports ground, Dulwich Hamlet football ground and adjoining ground at Dog Kennel Hill, East Dulwich
The construction on the site of a retail store, coffee shop, public open space, construction of a new football stadium, associated landscaping, car parking, access road and caretakers bungalow.

Planning permission GRANTED 16/10/90 with associated legal agreement. This permission was implemented and reflects the current buildings on site.

30. Ref 00/AP/0400

Dulwich Hamlet football club, and land adjoining, Edgar Kail Way
Relocation of football ground to west (adj.Greenedale). Erection of DIY store and garden centre. Creation of cycle lane and footpath between Greenedale & Abbotswood Road. (Outline application).

Planning permission REFUSED on 06/03/2002 and DISMISSED on appeal.

31. 07/AP/0580

Dulwich Hamlet football club car park, Edgar Kail Way
Continuation of use as a hand car wash operation and retention of canopy and storage container.

Planning permission REFUSED and ALLOWED on appeal.

32. Ref 10/AP/3161

Car park site, Dulwich Hamlet football club, Edgar Kail Way
Redevelopment of existing car park and car wash site to provide a part 3, 4 and 5

storey building comprising 60 residential units (21 x 1-bed, 26 x 2-bed and 13 x 3-bed) with associated landscaping, amenity space and access to basement which provides 30 car parking spaces and 70 cycle parking spaces.

Application WITHDRAWN by applicant prior to determination.

33. Ref 11/AP/2280

Dulwich Hamlet football club, Edgar Kail Way, London

Redevelopment of existing car park and car wash site to provide a part 3, 4 and 5 storey building comprising 55 residential units (17 x 1-bed, 21 x 2-bed and 17 x 3-bed) with associated landscaping, amenity space and access to the part basement which provides 28 car parking spaces and 63 cycle parking spaces.

Application WITHDRAWN by applicant prior to determination.

34. Ref 11/AP/2250

Greendale Sports Ground Greendale & Burrow Road London

Development of new sports and recreation facilities to comprise full length football pitch with associated floodlighting; 6 x Multi-Use Games areas with associated floodlighting; BMX Track; New two storey clubhouse with space for 200 spectator seats; parking area for 46 cars, and coach park; Educational nature trail with new access points off Wanley Road and Greendale.

Planning permission REFUSED on 28/11/2011 for the following reasons:

- 1. Due to the inclusion in the scheme of a large number of sports pitches, with fencing around these and floodlighting columns, this would detract from the openness of the Metropolitan Open Land. This would be contrary to saved policy 3.25 Metropolitan Open Land of the Southwark Plan 2011, and SP11 Open Spaces and Wildlife of the Core Strategy 2011.*
- 2. Due to the absence of information on species which may inhabit the site, it has not been possible to screen the application to assess whether an Environmental Statement is required. In the absence of such information, it has not been possible to assess whether the application would comply with saved policy 3.1 Environmental Effects and 3.28 Biodiversity of the Southwark Plan 2007, and SP11 Open Spaces and Wildlife of the Core Strategy 2011.*
- 3. Due to the absence of species surveys, in particular Bat and Reptile surveys, it has not been possible to ascertain whether protected species are present on the site, despite ideal habitats for these species having been identified in the Phase 1 Habitat survey. For this reason it has not been possible to assess whether the scheme would result in a loss of habitats known to support protected species. This is contrary to saved policy 3.28 Biodiversity of the Southwark Plan 2007 and SP11 Open Spaces and Wildlife of the Core Strategy 2011.*
- 4. Due to the inadequate assessment of transport issues, and failure to take into account the current Dulwich Hamlet football club, the Council cannot be satisfied that the scheme would not have an adverse impact on the transport network. This would be contrary to saved policy 5.2 Transport Impacts of the Southwark Plan 2007, and SP2 Sustainable Transport of the Core Strategy 2011.*

5. *Due to the absence of information on stem diameter in the Arboricultural report, it has not been possible to determine the size and number of trees which must be planted in order to mitigate and replace lost amenity and biodiversity value, and as a result, whether the proposed replacement trees would adequately mitigate for the proposed loss. The proposal would therefore be contrary to policy 3.1 Environmental Effects, 3.2 Amenity and 3.28 Biodiversity of the Southwark Plan 2007, and SP11 Open Spaces and Wildlife of the Core Strategy 2011.*
6. *The proposal would result in a loss of amenity for nearby residents in terms of noise and light pollution, in view of the late hours of use, and use of floodlighting close to homes. This would therefore be contrary to saved policy 3.2 Protection of Amenity of the Southwark Plan 2007, and SP13 High Environmental Standards of the Core Strategy 2011.*
7. *In the absence of a signed Section 106 agreement or unilateral undertaking to secure mitigation for the development's impact on the site specific and strategic transport impacts, as well as open space and visitor management, there is no mechanism in place to avoid or mitigate the impact of the proposed development on the transport network and in relation to local improvements to the cycle network, public transport, use of the site in terms of occupancy, and general open space improvements. The proposal would therefore be contrary to Saved policy 2.5 Planning obligations of the Southwark Plan 2007 and Strategic Policies 2 Sustainable transport and 14 Implementation and delivery of the Core Strategy 2011, and Policy 8.2 Planning obligations of the London Plan 2011.*
8. *Due to the lack of modulation to the eastern elevation of the proposed clubhouse building, and the poor quality of materials proposed to the western elevation, the design of the clubhouse would fail to achieve sufficient design quality in this prominent setting and would therefore be harmful to visual amenities, contrary to saved policy 3.12 Quality in Design of the Southwark Plan 2007, and SP12 Design and Conservation of the Core Strategy 2011.*

space. The information supplied with this enquiry does not provide adequate details of the arrangement of communal and private amenity for future residents.

- The development still includes a net loss of playing pitches, which was previously raised as a concern by Sport England.
- The site of the MUGA as proposed is questioned, due to the impact on amenity for future residents.
- Concern with the position and configuration of the vehicular access road as it means that all vehicular traffic to the stadium passes through the residential development. The alignment of the road should be reviewed and reconfigured, preferably to the northern edge of the site to reduce its dominance, improve the residential environment and resolve some of the issues around the relationship with the Sainsbury's service yard.
- Concerns over the arrangement of the blocks and appearing overly dominant and not sufficiently articulated. The blocks would benefit from further articulation especially at the top where the top-most storeys should be set-back to create roof terraces and better distinguish one block from the other.
- Based on the indicative ground floor plan, there are narrow pinch points between buildings. Given the close proximity of the blocks, which would be exacerbated if external balconies were then applied, it is questionable whether the units would achieved good levels of natural light and privacy.
- The relationship of the houses with the Sainsbury's service yard is very sensitive, and needs further consideration.
- The provision of 40% affordable homes is welcomed, though the applicant is required to confirm if this assumes grant funding.
- It is important to have a coherent access strategy to manage the vehicles and access to the stadium, sports facilities and residential development.

38. The above pre-application proposals were also submitted to the GLA for pre-application advice and last presented at a meeting on 8 May 2019. The GLA were broadly supportive of that scheme.

Relevant planning history of adjoining sites

39. There is extensive planning history for adjoining sites in this area. However, none are of a scale, nature or direct proximity that would make them material considerations in the determination of this application.

CHAPTER 3

KEY ISSUES FOR CONSIDERATION

Summary of main issues

40. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use and impact on Metropolitan Open Land and Other Open Space;
 - Level of re-provision of Sports and Recreation Facilities;
 - Consultation responses, and how the application addresses the concerns raised;
 - Environmental impact assessment;
 - Density;
 - Housing mix and affordable housing provision;
 - Privacy, noise and outlook impacts of the proposed development on the nearby occupiers;
 - Daylight/sunlight impacts of the proposed development on the nearby occupiers;
 - Impact of adjoining and nearby uses on the users of the proposed development;
 - Height, scale, massing, layout and design;
 - Publicly-accessible realm, landscaping and trees;
 - Ecology, trees and biodiversity;
 - Transport and highways;
 - Noise and vibration;
 - Energy and sustainability;
 - Air quality;
 - Ground conditions and contamination;
 - Water resources and flood risk;
 - Planning obligations (s106 agreement);
 - Mayoral and borough community infrastructure levy (CIL);
 - Community involvement and engagement;
 - Community impact and equalities assessment;
 - Human rights;
 - Positive and proactive statement, and;
 - Other matters.
41. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

42. 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 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.
43. 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.

Adopted planning policy

National Planning Policy Framework (NPPF)

44. The revised National Planning Policy Framework ('NPPF'), published in February 2019, sets out the national planning policy and how this should be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
45. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
46. The relevant chapters of the NPPF are:
 - Chapter 2 - Achieving sustainable development
 - Chapter 5 - Delivering a sufficient supply of homes
 - Chapter 8 - Promoting healthy and safe communities
 - Chapter 9 - Promoting sustainable transport
 - Chapter 10 - Supporting high quality communication
 - Chapter 11 - Making effective use of land
 - Chapter 12 - Achieving well-designed places
 - Chapter 13 - Protecting the Green Belt land
 - Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
 - Chapter 16 - Conserving and enhancing the historic environment.

London Plan 2016

47. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the adopted London Plan 2016 are:
 - 3.2 Improving health and addressing health inequalities
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.6 Children and young people's play and informal recreation facilities
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 - 3.13 Affordable housing thresholds
 - 3.16 Protection and enhancement of social infrastructure
 - 3.19 Sports facilities
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.7 Renewable energy
 - 5.9 Over heating and cooling
 - 5.10 Urban greening
 - 5.11 Green roofs and development site environs
 - 5.12 Flood risk management
 - 5.13 Sustainable drainage
 - 6.3 Assessing effects of development on transport capacity

- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.15 Reducing and managing noise
- 7.16 Green Belt
- 7.17 Metropolitan Open Land
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and Woodlands
- 8.2 Planning obligations
- 8.3 Community Infrastructure levy

Relevant Supplementary Planning Documents/Guidance

48. The relevant London-level supplementary planning documents and guidance documents are as follows:
- Mayor of London: Housing (SPG, 2016)
 - Mayor of London: Shaping Neighbourhoods: Play and Informal Recreation (SPG, 2012)
 - Mayor of London: Affordable Housing and Viability (SPG, 2017)
 - Mayor of London: Sustainable Design and Construction (SPG, 2014)
 - Mayor of London: Accessible London, achieving an inclusive environment (Saved SPG, 2004)
 - Mayor of London: Shaping Neighbourhoods - Character and Context (SPG, 2014)
 - Mayor of London: Transport Strategy (2018)
 - Mayor of London: Energy Assessment Guidance (2018)
 - Mayor of London: Crossrail Funding (SPG, 2016)

Core Strategy 2011

49. 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 for learning, enjoyment and healthy lifestyles
 - Strategic Policy 5: Providing new homes
 - Strategic Policy 6: Homes for people on different incomes
 - Strategic Policy 7: Family homes
 - Strategic Policy 10: Jobs and businesses
 - Strategic Policy 11: Open spaces and wildlife
 - Strategic Policy 12: Design and conservation
 - Strategic Policy 13: High environmental standards
 - Strategic Policy 14: Implementation and delivery

Southwark Plan 2007 (saved policies)

50. With the exception of Policy 1.8 (location of retail outside town centres), the council resolved in 2013 to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy. 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:

- 2.1 - Enhancement of Community Facilities
- 2.2 - Provision of new Community Facilities
- 2.5 - Planning obligations
- 3.1 - Environmental effects
- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.7 - Waste reduction
- 3.8 - Waste management
- 3.9 - Water
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 3.24 - Telecommunications development
- 3.25 - Metropolitan open land
- 3.27 - Other open space
- 3.28 - Biodiversity
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 5.1 - Locating developments
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.4 - Public transport improvements
- 5.6 - Car parking
- 5.7 - Parking standards for disabled people and the mobility impaired.

Relevant local-level Supplementary Planning Documents

51. The relevant supplementary planning documents and guidance documents from the local development plan are as follows:

- Technical Update to the Residential Design Standards (SPD, 2015)
- Sustainable Design and Construction (SPD, 2009)
- Sustainable Transport (SPD, 2010)
- Sustainability Assessment (SPD, 2009)
- Design and Access Statements (SPD, 2007)
- Affordable Housing (SPD, 2008) and draft Affordable Housing SPD 2011
- Development Viability (SPD, 2016)
- Section 106 Planning Obligations and Community Infrastructure Levy (SPD, 2015 with 2017 Addendum)

Emerging planning policy

Draft New London Plan

52. The draft New London Plan was published on 30 November 2017 and the first and only stage of consultation closed on 2 March 2018. Following an Examination in Public, the Mayor then issued the Intend to Publish London Plan.
53. The Secretary of State responded to the Mayor in March 2020 where he expressed concerns about the Plan and has used his powers to direct changes to the London Plan. The Intend to Publish London Plan cannot be adopted until these changes have been made.
54. The draft New London Plan is at an advanced stage. Policies contained in the Intend to Publish London Plan published in December 2019 that are not subject to a direction by the Secretary of State carry significant weight. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
55. The following policies are most pertinent to this application:
- Policy D1 - London's form, character and capacity for growth
 - Policy D2 - Infrastructure requirements for sustainable densities
 - Policy D3 - Optimising site capacity through design-led approach
 - Policy D4 - Delivering good design
 - Policy D5 - Inclusive design
 - Policy D6 - Housing quality and standards
 - Policy D7 - Accessible housing
 - Policy D8 - Public realm
 - Policy D12 - Fire safety
 - Policy D13 - Agent of change
 - Policy D14 - Noise
 - Policy H1 - Increasing housing supply
 - Policy H4 - Delivering affordable housing
 - Policy H5 - Threshold approach to applications
 - Policy H6 - Affordable housing tenure
 - Policy H7 - Monitoring of affordable housing
 - Policy H10 - Housing size mix
 - Policy S4 - Play and informal recreation
 - Policy S5 - Sports and recreation facilities
 - Policy G1 - Green infrastructure
 - Policy G2 - London's green belt
 - Policy G3 - Metropolitan Open Land
 - Policy G4 - Open space
 - Policy G5 - Urban greening
 - Policy G6 - Biodiversity and access to nature
 - Policy G7 - Trees and woodland
 - Policy SI1 - Improving air quality
 - Policy SI2 - Minimising greenhouse gas emissions
 - Policy SI3 - Energy infrastructure
 - Policy SI4 - Managing heat risk
 - Policy SI5 - Water infrastructure

- Policy SI6 - Digital connectivity infrastructure
- Policy SI7 - Reducing waste and supporting the circular economy
- Policy SI13 - Sustainable drainage
- Policy T1 - Strategic approach to transport
- Policy T2 - Healthy streets
- Policy T3 - Transport capacity, connectivity and safeguarding
- Policy T4 - Assessing and mitigating transport impacts
- Policy T5 - Cycling
- Policy T6 - Car parking
- Policy T6.4 - Hotel and leisure uses parking
- Policy T6.5 - Non-residential disabled persons parking
- Policy T7 - Deliveries, servicing and construction
- Policy T9 - Funding transport infrastructure through planning
- Policy DF1 - Delivery of the plan and planning obligations

New Southwark Plan

56. For the last 5 years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. The New Southwark Plan Proposed Submission Version: Amended Policies January 2019 consultation closed in May 2019. These two documents comprise the Proposed Submission Version of the New Southwark Plan.
57. These documents and the NSP Submission Version (Proposed Modifications for Examination) were submitted to the Secretary of State in January 2020 for Local Plan Examination. The NSP Submission Version (Proposed Modifications for Examination) is the council's current expression of the New Southwark Plan and responds to consultation on the NSP Proposed Submission Version.
58. In April 2020 the Planning Inspectorate provided their initial comments to the New Southwark Plan Submission Version. It was recommended that a further round of consultation take place in order to support the soundness of the Plan. Consultation is due to take place on this version of the NSP between June and August 2020. The final updated version of the plan will then be considered at the Examination in Public (EiP).
59. It is anticipated that the plan will be adopted in late 2020 following the EiP. As the NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.
60.
 - IP3 - Community Infrastructure Levy (CIL) and Section 106 planning obligations
 - IP5 - Monitoring development
 - IP6 - Statement of Community Involvement
 - SP1 - Quality affordable homes
 - SP2 - Regeneration that works for all
 - SP5 - Healthy, active lives
 - SP6 - Cleaner, greener, safer
 - P1 – Social rented and intermediate housing

- P2 – New family homes
- P7 - Wheelchair accessible and adaptable housing
- P12 - Design of places
- P13 - Design quality
- P14 – Residential design
- P15 - Designing out crime
- P17 – Efficient use of land
- P43 - Broadband and digital infrastructure
- P45 - Leisure, arts and culture
- P46 - Community uses
- P48 - Public Transport
- P49 – Highways impacts
- P50 - Walking
- P51 - Transport infrastructure improvements
- P52 - Cycling
- P53 – Car parking
- P54 - Parking standards for disabled people and mobility impaired people
- P55 - Protection of amenity
- P56 - Open space
- P58 – Green infrastructure
- P59 – Biodiversity
- P60 - Trees
- P61 - Reducing waste
- P64 - Improving air quality
- P65 - Reducing noise pollution and enhancing soundscapes
- P66 - Reducing water use
- P67 - Reducing flood risk
- P68 – Sustainability standards
- P69 – Energy.

Site Allocation

61. The NSP includes a number of 'Site Allocations'. Site Allocations are detailed development management policies specific to particular potential redevelopment sites in the borough. They specify, among other things, the land uses and development capacity of those sites. The application site is subject to Site Allocation NSP37 which stipulates that the redevelopment of the site must:

- Retain or re-provide the football ground and ancillary facilities and sports facilities (D2) with capacity for no less than 3,000 spectators.
- Provide new homes (C3).

This is discussed in more detail in the 'Principle of Development' chapter of this report.

CHAPTER 4

Consultation

Consultation responses from members of the public

62. The first round of consultation letters were sent out on the 23 July 2019 and the second round on 27 February 2020.

At the time of writing, a total of around 2,060 consultation responses have been submitted in response to consultation from individuals or organisations. This is a combination of the two rounds of consultations and therefore could include more than one response from the same address. Due to the large volume of responses, this is an approximate number as there have also been duplicate responses received.

63. A total of approximately 512 individual responses including amenity groups objected to the proposal and approximately 1,548 were in support of the proposal.
64. When looking at the two rounds of consultations, more objections were received in the initial consultation exercise (over 330 objections). The re-consultation attracted 178 objections.
65. Proportionally, 75.1% of the individual responses received were in support of the scheme compared to 24.8% of comments objecting to the scheme. This figure should be interpreted with caution as it totals the two rounds of consultation. The fact that there was less objections received in the re-consultation does not mean that residents and groups are necessarily more satisfied with the proposal.
66. The table below highlights the main points raised in consultation, and the number of times they were raised. In some cases, for example design, it was raised as both a positive point in support of the scheme, but also a point of criticism in other responses.

Issues raised from comments	No. of objections	No. in support
Impact on open spaces	423	12
Loss of artificial pitch	204	21
Precedent for loss of open space	29	0
Community value of the club	0	1100
Need for new stadium	22	802
Ecology and wildlife	325	2
Loss of trees	24	0
Sustainability and climate change	33	0
Transport	66	3
Building height and scale	64	1
Design	7	4
Daylight and sunlight, loss of amenity	19	0
Services & infrastructure	23	0
Housing provision	55	115
Affordable housing	6	62
Noise impact	29	0
Construction impact	8	0
Air quality	26	0
Boost for local businesses	0	161
Quality of consultation	9	0
Other matters	65	10

Summary of public consultation responses by theme

67. Principle of development/Loss of MOL

Those objecting on this issue stated that the location of a substantial part of the proposed stadium was on MOL which is protected under the London Plan and Southwark Plan. It has the same status as the Green Belt. It was argued that the new stadium does not constitute an ancillary facility nor does it maintain the openness of MOL due to its high enclosing wall and granting planning permission would set a 'dangerous' precedent. The other features required such as concrete terraces and concourses and barriers would not maintain the MOL's openness. Furthermore, the fate of a private company does not constitute "special circumstances" to build on MOL. The applicant's claim that there could be an expansion of the stadium to a capacity of 5,000 spectators would be a concern and raise the possibility of further encroaching into the MOL.

The residents comment that the requirement to enclose the pitch with fencing and banners would have an adverse impact on the openness of MOL. It is argued that the sinking of the ground does not mitigate the impact and as there is a steep bank to the north this would require a high retaining wall further impacting on the views across the fields. Respondents also remarked that the provision of a "green link" to compensate for the loss of MOL is not acceptable.

The respondents' felt strongly that Greendale is a unique and valued green space in London, allowing "children to get in touch with nature and experience an almost countryside-like area". It is also widely expressed that this is an area important for community well being, the mental and physical health of local people and for biodiversity.

Many have highlighted that the existing stadium has a restrictive covenant in place to ensure it can only be used for "leisure or recreational or educational purposes". This development would therefore go against this covenant and would see a large, non-ancillary development on land designated as Other Open Space.

A number of respondents have commented that the green link provides access to the residential development and would not improve the linked green spaces and dramatically reducing planted areas. The green link would in some of the respondents' eyes be inadequate for genuine amenity or green recreation space.

Many claim that the site is not 'previously developed land' as described by the applicant.

Those who have written in support of the scheme highlight the fact that the existing artificial pitch is in a poor state and is not used extensively and therefore there will be minimal loss to the Greendale space. The proposed scheme would therefore be an improvement. Some have commented that the MOL would be maintained for recreational purposes and only a small area of the green space would be used for building on.

68. Ecology and wildlife

A large number of objections received highlighted the impact that the proposed stadium would have on the green corridor that is used by hedgehogs, stag beetles and bats, which are listed as important indicator species in the Southwark Biodiversity Action Plan. Many respondents feel that the loss of part of the SINC land would be unacceptable and essential wildlife habitat should be preserved. It would also encroach on nesting red list Whitethroat birds. It is argued that building on the proposed SINC would conflict with the London Plan policies on biodiversity as new developments should 'wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity'.

A concern raised was the potential for noise and floodlighting for the games to have a negative impact on birds and other wildlife on site.

One specific respondent commented on the particular ecological enhancement measures such as the number and positioning of the swift bricks and bat boxes.

A supporter had asked that more should be done to the scrubland of Greendale ensuring the landscaping should use only native trees and plants, and wild areas should be designated. This would then minimise the habitat loss.

69. Loss of sports facilities

Many of the objections raised the point that the development would reduce the area of publicly accessible sports facilities (the existing artificial pitch) as the replacement facility in the form of the informal kick-about space (formerly advertised as a MUGA and this term has been referred to by public comments received) would be of a

small size and not adequate to compensate for the loss and would now have to be booked. Local residents point out that this would contravene the London Plan and Southwark Plan where the policies promote free access to community facilities and open spaces. It is highlighted in many of the representations received that local residents and children use the existing artificial pitch extensively for various recreational purposes, making this a unique space in this part of London. The artificial pitch has been an important resource during the Covid-19 crisis and should be protected. The proposal would change the structure by introducing a booking system to use the 3G pitch and therefore removing the spontaneous informal sporting activity previously available.

More recent comments have highlighted the benefit of the existing space during the COVID-19 pandemic. The pandemic introduced measures that required people to stay at home, but limited outdoor exercise was allowed. Comments received further emphasised that the Greendale fields have been invaluable for the local residents' physical and mental wellbeing as green space is limited and this should therefore be protected. When the pandemic is over, it is felt that there will be an even greater need for space like this as walking and cycling is being increasingly encouraged.

Those writing in support comment that what is "freely accessible" is only accessible due to the perimeter fencing being, in places, in a state of disrepair. Furthermore, comments highlight that the existing artificial pitch is not used as extensively as some have pointed out and that currently it would be considered an unsafe condition. The proposed development would therefore be replacing the unsafe and unsightly existing artificial pitch on the site. The positive benefits of keeping the Club in its community by building the stadium to this plan would strongly outweigh the negative impact of the development. In addition, supporting comments note that with the 3G pitch the Club could run more community based football schemes benefiting the children and the youth of the borough.

70. Community asset and the club's future

The supporting respondents which make up a significant number of the overall submissions primarily highlight how the development would allow the Club to continue to thrive and would make the Club more sustainable in the future. They overwhelmingly state that the Club has huge social and economic benefits to the local community and is a significant community asset. Being an integral part of the local community, the Club is considered to be affordable and accessible. It is highlighted that the Club has a strong local community ethos and contributes significantly in a positive way by engaging all groups of the community such as outreach projects, working with schools and charities. It is also known to be inclusive and fosters social cohesion. An all-weather pitch will allow the Women's team to train on site. Comments have emphasised the existing poor condition and facilities of the stadium and this needs to be improved. The vast majority of the comments raise the importance of allowing this development to safeguard the long term future of the Club and the consequences of not doing so would mean the 'death' of the Club and this community asset. The supporters regard this development as being able to support and protect the Club's existence on the site and continue to expand its positive benefits. There have been some comments that the proposal should go further for more capacity and to provide cover over the other areas of the ground to protect spectators from the weather.

Comments have also pointed out the gym facilities which are used and would be improved in the future, further enhancing the health and wellbeing of residents.

Furthermore, the proposed pitch would be available for others such as schools to use.

A detailed submission from the Dulwich Hamlet Supporters Trust (DHST) goes on to explain how the trust works and supports DHFC. It is an independent, not for profit body working with the Club to support and promote the Club, strengthen links with the community, co-ordinate volunteer support, and design and sell club merchandise. Both the Club and DHST engage with schools, charities and other community groups. It finally stresses the importance of the proposed redevelopment to secure the future of the Club and continue to expand its community-focused activities.

71. Loss of trees, environment and climate change

Those objecting in this regard highlight the impact the development would have on the environment and further exacerbating climate change. This matter is closely associated with respondents' concerns over the loss of trees on the site. Many have highlighted that the council has recently declared a climate emergency and is committed to developing policies towards becoming carbon neutral. The loss of trees and green space would therefore be contrary to the council's commitment to become carbon neutral. The proposed replanting of new trees is not a viable solution as young trees will require decades of growth before they are able to achieve the same levels of carbon absorption and habitat provision that the current mature trees on the site offer.

Alongside the concerns of climate change is the potential negative impacts it would have on air quality from the loss of trees and increased vehicle trips to the site.

A comment was made that the new pitch would be made of plastic, scheduled to be taken up and replaced at least every ten years and would not be considered suitable given the necessary current focus on the climate emergency and sustainability.

A very detailed letter of objection was received setting out concerns over the ecological assessment and questioning the applicant's Arboricultural report on its amenity assessment of the trees.

A comment has also been made that the development should achieve a higher BREEAM target.

A comment made by a supporter was that by providing this opportunity for local involvement and entertainment, they contribute to 'bonding social capital', allowing local residents to stay locally and minimising air travel (and hence carbon emissions).

72. Design, height and scale

The main design comments related to the density, scale or height of the development. Comments refer to the proposed residential development ignoring the character of the area, the views from Dog Kennel Hill and Grove Vale, with the proposed six-storey blocks in particular, being out of scale, overbearing and inappropriate for the area. It is suggested that the density and layout would fail to maintain the open character of the space and would instead be carved up into parcels located between multi-storey housing blocks. It was generally felt that the surrounding area is already densely populated with large housing estates on all four

sides. Following the re-consultation, respondents have commented that the scheme has not changed by much and does not overcome any previous concerns. On the other hand, some supporters consider that the applicant has responded to the various comments/concerns and made the necessary design changes. They suggest that the blocks have been given more space in between for landscaping and the use of materials is much richer and more interesting and will improve the development for the occupants, neighbours and people passing through the green routes.

73. Housing provision

The comments received generally support the provision of additional housing, with respondents recognising the shortage in this part of the borough. Notwithstanding that, there needs to be a good quantum and good quality of affordable housing proposed and that this commitment must be secured. Some respondents have questioned the affordability of 'affordable' housing and seek an increase in the level of social housing proposed.

Those opposing the scheme note the reduction in the level of affordable housing in the revised scheme.

74. Transport

Objections raised regarding transport matters relate mainly to the additional stress on public transport from the trips to the stadium and the residential development and there is inadequate car parking on the site. Overspill parking on surrounding roads would impact on highway safety and obstruct emergency vehicle access.

There was a query on whether the cycle route to the south would continue to provide a link and ensure that this route would not be obstructed by the stadium fence/boundary.

There was a query about the need for match day coach parking given the excellent public transport links and the proximity of the Sainsbury's car park.

On the other hand, those who support the scheme comment that there are good existing public transport links and note that this is the most common form of transport on match days. It has been commented that there should be a limit to the number of car parking spaces on site. The provision of cycle parking should be encouraged and welcomed.

75. Services and infrastructure

A moderate number of objectors were concerned at the additional stress and pressure on existing community services and infrastructure such as health centres, schools and other local facilities (including public transport) given that a number of local facilities are already at capacity.

76. Noise and light pollution

A number of objections raise the potential noise and light pollution that would be caused by the development. This would come from both the spectators attending the matches causing noise and disturbance to local residents and the additional residents that would reside in the development.

77. Wider economic benefits
A large number of supporters have commented on the economic benefits of the scheme with visitors using the local shops and businesses. Some have explained that the loss of the club would be damaging to the existing businesses.
78. Impacts on local amenity, including natural light, overshadowing and privacy impacts
Daylight and sunlight impacts and overshadowing as a result of the buildings were raised mainly by the residents who live close to the development.
79. Construction impacts
Some objectors have brought up the impacts during the construction phase.
80. Archaeology
One detailed comment was received suggesting that there is likely to be an Iron Age missing road under the site and it is possible that this was a battle site between the Romans and Ancient Britons, so potentially it is a very important site. It was raised that if examined by archaeologists this might shed light on whether a battle did in fact occur here.
81. Consultation
Despite the large volume of comments received, a small number of respondents have remarked that the consultation exercise over the summer holiday period was not the best time and that the consultation period should be extended. Some have also commented that there was a fault on the council's website, which meant not everyone could comment. There was a comment that statutory letters have not been sent to relevant people, and a data breach on individual's details.
82. Miscellaneous
In addition to the main themes summarised above, the following comments were made:
- Health and safety implications of the 3G pitches as it is claimed it is made from used tyres and its potential to cause contamination of the land affecting humans and wildlife.
 - The need to replace the pitch every few years using non-environmentally friendly materials is not acceptable.
 - The townscape views submitted by the applicant are inaccurate.
 - Thorough assessment of the flood risk assessment and drainage strategy given the sunken pitch.
83. Sainsbury's retail store
A detailed objection from Sainsbury's mainly focused on noise impacts. In general, they do not wish to object to the principle of the development but are concerned that the development would have significant detrimental implications for the continued operation of the Sainsbury's store. In particular, the proposed residential element of the scheme is immediately adjacent to, and in some cases overlooks, the store's existing servicing access and yard. They request that this relationship is further addressed by the council and the applicant. It is argued that Sainsbury's should be allowed to continue with current practices in accordance with paragraph 182 of the NPPF and that they should not have unreasonable restrictions put on them because

of changes in nearby uses since they were first established. They consider that the assessment of external noise requires further detailed analysis, particularly with respect to noise from within the Sainsbury's service yard. They question the applicant's noise impact assessment and they contest that amongst other things the balconies closest to the service yard are likely to significantly exceed the noise levels in the British Standards and consider that the noticeable effects of deliveries at potential properties are likely to be a cause for complaints from future residents wishing to relax and enjoy external areas of their properties which would lead to restrictions being placed upon the existing Sainsbury's store. Sainsbury's store also point out that there have been limited consideration of fixed plant noise at the store and the effects of noise from plant on external areas of the development should be undertaken.

84. The Charter Schools Education Trust

General support for the scheme, seeing that the new housing would attract families with children who will attend their schools and also enhanced sports facilities at DHFC offer a unique opportunity to improve the very limited sports facilities currently available for pupils attending local state schools. However, they raise that this is subject to the following considerations:

The schools have very limited on-site sports facilities and to supplement this currently rent one of the playing fields that make up part of the area affected by the proposed development. The planning application should only be granted on condition that children from the local state schools, including theirs, have reasonable, free and regular access during term-time to the football pitch and other sports facilities, including the gym. They note that this should not financially burden the football club and is achieved via direct engagement with them. There should also be some opportunities for the students to be involved in the development. The developer should meet their stated affordable housing commitment. Expect the planning authority to impose and enforce stringent conditions to maintain and enhance the open space that is currently enjoyed by local people, both within and adjacent to the proposed site.

Responses from local interest groups

85. Many of the responses from amenity groups are similar but Officers have summarised these under each local group.

86. Friends of Greendale (FOGD)

The FOGD had sent in two separate comments.

First comment received:

The comment first explained the purpose of the group (70 members) which was established to protect, conserve and enhance Greendale for the benefit of wildlife and people. The group also support a secure and sustainable future for DHFC.

In summary, their main areas of objection are set out below.

Inappropriate development and enclosure of MOL

The development would entail the development and enclosure of MOL, which is contrary to the Southwark Plan and could set a damaging precedent. It is not considered that the development falls within the circumstances where limited

development on MOL is permitted.

The proposed development would enclose a large section of MOL and this enclosure would block the openness and landscape value of Greendale.

It is noted that there is an attempt to reduce the intrusiveness on the MOL by sinking the pitch. However, the associated structures, enclosures and boundary will still have a significant impact on the openness of the MOL. The proposed 1.83m high perimeter fence with the removable canvas would be a significant barrier across the site and have a detrimental impact on the openness of Greendale.

There are concerns that the information forming part of the application may not show fully the visual impact of the fence. There is also insufficient detail about the fence and exactly how the covering of part of it each match day would work, which could mean a risk that over time any removable part of a fence could be left up permanently.

Development of MOL and environmental damage

The development includes significant encroachment beyond the area of the current artificial pitch, which would damage land that has environmental importance. The development risks causing damage to the diverse ecology of the area, by encroaching on green space – including part of the new proposed SINC – causing noise and light pollution, and removing protection to birds and bats provided by the tree line next to the existing artificial pitch. It is likely that there would be additional damage to a wider area during construction. The application provides that there would be a net loss to the SINC of 747sqm.

The ecological and community value of Greendale is referred to in the Greendale Management Plan prepared by LUC for Southwark Council (August 2017).

Under the Natural Environment and Rural Communities Act 2006 all local authorities are required to have regard to the preservation of biodiversity. Greendale supports many species that are on the red and amber lists for conservation concern. These species would be affected adversely by the development.

Loss of community sport facility

The development would also see the loss of the current artificial pitch, which is a place that is used by the community to exercise and play. The artificial pitch was built when Sainsbury's was developed as part of the compensation for the loss of community sports facilities. The replacement facilities are significantly smaller than the current artificial pitch. The proposed MUGA does not compensate for the loss of the freely accessible artificial pitch and is significantly smaller than the artificial pitch.

Any benefits do not outweigh these concerns

Any potential benefits from the development do not outweigh the overwhelming disadvantages and detriment to the community. The provision of a linear park to mitigate the loss of MOL is contrary to the London Plan. Furthermore the 'linear park' appears to be a strip of green and not a genuine open space for amenity and recreational uses.

The proposal has been made on the basis that DHFC is unable to continue to operate in its current stadium, but there is not sufficient evidence publicly available

to support this, or to show that DHFC would be sustainable if the new stadium were built.

The development is inconsistent with the planning history of the site. The conditions for the building of the supermarket and the loss of open space included the building of the stadium for the Club. There are restrictions in the s106 agreement entered into by King's College, Sainsbury's and Southwark Council that require the current stadium site to be used for the purposes of leisure, recreation or education.

Second comments received:

A detailed report titled 'Air Quality Warning' has been prepared and submitted by the group. In summary, the report goes into the air quality policies and guidelines (National policies, London Plan and Southwark Plan) and a comparison against the applicant's planning application which has produced significant concerns for the group. This report highlights how the concerns raised should have been included in the applicants' 'Air Quality Assessment'. (AQA).

The main objections in summary:

- The planning application removes the present open access to the artificial pitch at Greendale.
- The current artificial pitch is perfectly located for young people to play sport due to the lack of roads and how it is surrounded by green space.
- The air quality concern primarily relates to the positioning of the MUGA next to the Sainsbury's delivery area and any plant inside this area.
- The children, young people and adults using the MUGA will be exposed to pollution and the possibility of a diesel lake effect.
- Further concerns relate to the MUGA's position being a short distance from the club's coach parking for the home team/travelling teams and its closeness to TFL bus stops.
- There is also concern about any output that is produced by the plant which serves the development and is adjacent to the MUGA.

The submission claims that the applicant's AQA fails to meet the criteria required of a planning 'Air Quality Assessment' as stipulated by the Institute of Air Quality Management. It also fails to meet the accepted criteria as it does not take into account the MUGA's position in relation to pollution especially the fact it is adjacent to the Sainsbury's delivery area. It is also claimed that as the users of the MUGA, the children and youth of Camberwell and East Dulwich, are not addressed as potential "receptors" and therefore the submitted assessment is further flawed.

The report then goes into detail the positioning of the MUGA (sunken next to a servicing road used by HGV trucks) would be more liable to receive the pollution from the delivery trucks and to store such pollutants. A 'diesel lake' effect would be created. Fundamentally, the applicant's AQA fails to identify the Sainsbury's delivery area as a 'nearby source that may affect the local air quality'. No mitigation measures are provided with regard to pollution at the MUGA and Sainsbury's delivery area.

The AQA was not prepared by a 'competent expert' as required by legislation and

industry standards. The FOGD then goes into detail why the applicant's consultants are not considered to be 'competent'.

It questions the viability of the MUGA as a safe and healthy place for the children and young people of Camberwell.

It concludes that detailed analysis and modelling are required in relation to the pollution and risk to the users of the kick-about space by appropriately qualified and competent persons. It is then inferred that the proposed kick-about space would not be a benefit of the scheme.

87. Friends of Dog Kennel Hill Wood (FDKHW)

The letter received provides a background on Greendale fields and the development of the site to provide for the Sainsbury's supermarket and the covenant that DHFC's stadium would be protected from future development by a covenant restricting its use to sporting and recreational only. The group details the extent of the development in terms of floor area over the MOL, plus the enclosing walls, terraces and concrete walkways. This would therefore be a departure from the London Plan policy 7.17.

They have questioned how the stadium could be expanded for a capacity of 5,000 to meet the National Ground Grading – Category A. The group are concerned about the northern wall being cut into, resulting in a high wall at this end and cutting off views across to the south. The installation of the opaque boundary fence would also have adverse impact on the openness of the MOL. There are no very special circumstances that would allow building the football stadium on MOL. The group stresses the importance of green spaces in London and the development would in effect privatise an area of commonly accessed land to the detriment of the wellbeing of local residents. Allowing such development may set a precedent for building on other nearby MOL. Greendale does not constitute "previously developed land" and should not be treated as such. The proposal would also be built on land that has been designated as a proposed SINC and should instead be protected. It was felt that the proposal would impact on the habitat of species in Dog Kennel Hill Open Space. The proposed "green link" does not compensate for the loss of MOL. The proposal would go against the climate emergency agenda.

88. Friends of Belair Park

The location of the new stadium, except for the clubhouse, is on MOL which is protected under the development plan. The associated pitch and facilities that will be built do not constitute an essential ancillary facility nor do they maintain the openness of MOL due to its enclosing wall. The fate of a private company, Dulwich Hamlet FC Ltd, does not constitute "special circumstances" to build on MOL. The proposed stadium has a capacity of 4,000 with the option of increasing it to 5,000 in the future and suggests that there could be further enclosure or encroachment on MOL. The perimeter fence would be impermeable and therefore block views across the site and will not maintain the openness of the MOL.

There will be a loss of 747sqm of proposed SINC which has been identified to have a number of Southwark BAP species on site. The provision of a "green link" to mitigate the loss of MOL is contrary to the London Plan policies. . The proposed

stadium would be built on a green corridor that is used by hedgehogs and bats. The stadium and its construction would also encroach on nesting red list Whitethroat birds.

The proposed open access MUGA would not compensate for the loss of the freely accessible artificial pitch, which is used extensively by local children. This reduction in publicly accessible sports facilities goes against development plan policies. The current DHFC stadium is protected by a restrictive covenant to ensure it can only be used for “leisure or recreational or educational purposes”. This development of 224 flats goes against this covenant and would see a large, non-ancillary development on land designated as Other Open Space.

The existing artificial pitch does not constitute “previously developed land”.

The height and massing of the flats is overbearing and out of scale with the surrounding dwellings. The group also support further details that will be available in the submission from the Friends of Dog Kennel Hill Wood.

89. Dulwich Society

The Society’s objections are centred around the departure from London Plan (Policy 7.17) in that the application does not constitute 'special circumstances' to build on MOL. The perimeter fence would impact on the views across the MOL. The proposed stadium would also require building on over 700 square metres of the proposed SINC site and would lead to a loss of wildlife and its habitat. The floodlighting would also impact on foraging and commuting bats. The MUGA does not compensate for the loss of the freely accessible artificial pitch and would go against the policies on no reduction of sports facilities. Dulwich Society also reminds Officers that the current DHFC stadium is also protected by a restrictive covenant to ensure it can only be used for leisure or recreational or educational purposes. No assessment on the impact of the mobile phone arrays has taken place. The objection also further questions whether the flood risk assessment and drainage strategy has been thoroughly assessed.

90. Dulwich Park Friends

The group represents 500 supporters of Dulwich Park to preserve and enhance Dulwich Park, which is also on MOL. They object to the proposal on the grounds that the development on MOL and part of the SINC would go against planning policies and failing to preserve the openness. They raise that it would set a precedent for future developments of MOL.

91. Friends of Peckham Rye Park

The local group objects to any further development of the green space of Greendale noting that it would be on MOL and any permission granted would set a precedent for the council to give permission for the development of areas of MOL land within the Borough. The group notes that there is little or no reference in the planning application that the development encroaches onto MOL. The consultation exercise should not take place at peak holiday period.

92. Southwark Green Party

The group notes that the loss of MOL has become a worrying trend in London. Greendale was designated as MOL for good reason, and twice previously

developers have been refused permission to build on Greendale fields. The intention to protect it should be upheld. The scheme would lead to a loss of community and social benefit. The current use of the site adjoining Greendale for Dulwich Hamlet Football Ground and the open artificial pitch is part of an arrangement to compensate the local community for the loss of open space when the Sainsbury's supermarket was built. The amount of affordable housing shown in the developers' current plans does not fulfil the s106 obligations and thus would erode the net community benefit provided by this land. The existing area provides informal sports facilities which are important to tackle the obesity levels in Southwark. The proposed MUGA is 5% of the size of the current artificial pitch and would go against Southwark planning policies. Southwark could lose a unique area that supports - according to ecological assessments - foraging birds, bats and small mammals including hedgehogs. Doing away with protection of MOL and green spaces would undermine efforts to meet the carbon neutral target by 2030. The group supports the growth and prosperity of the Club and the compensatory benefits are questionable.

93. The Planning Group of the Herne Hill Society

The development being built on MOL would not be an ancillary facility and would not preserve the openness of the land and there are no very special circumstances to allow it. There will be the loss of part of the SINC and the replacement kick-about space would not be sufficient to mitigate the loss of the existing artificial pitch.

94. Ivanhoe Residents Association

Object to the proposal as it will have created a precedent to expand again as the Club aims for promotion, in turn setting further precedent for building on MOL. There should be protection of green spaces for the diminishing of flora and fauna. The new housing would be in an already over-saturated area.

95. Campaign to Protect Rural England (CPRE)

The application constitutes loss of MOL in that access for the public is lost; openness is severely compromised; and the proposed development is inappropriate development on MOL. There are no special circumstances to allow this and the proposed green link should not be considered acceptable.

The proposed stadium would be built on a green corridor that is used by hedgehogs and bats. The stadium and its construction would also encroach on nesting red list Whitethroat birds. The current DHFC stadium is protected by a restrictive covenant to ensure it can only be used for "leisure or recreational or educational purposes" and would be built on Other Open Space. The proposed MUGA would not compensate for the loss of open space. The potential to increase to 5,000 spectators would be concerning. The height and scale of the development is overbearing. The site is not previously developed land which has been claimed by the applicant.

96. Camberwell Society

General premise is that putting forward residential dwellings would contravene the 1990 s106 legal agreement in relation to Dulwich Hamlet Football Ground and the development on MOL would be contrary to The London Plan and Southwark policy. The group has expressed that they have aspects that they support and aspects they

object to.

Areas for support include: The new stadium and football pitch will provide improved facilities for the Club and the local community. The kick-about space would also provide sporting opportunities for local people. A condition should be attached stating that a more solid boundary arrangement would not be permitted as it would damage the openness of the MOL. Condition should also secure drainage arrangements for the new sunken pitch to be approved in advance. There should be no work on the remainder of the MOL: Greendale Fields. The residential element of the proposal is appropriate in scale for the area and will make a useful contribution. The green link would provide for landscaped public and play areas and introduce planting and encourage wildlife.

Reasons against the proposal include: The Club should continue its obligation to continue to play on its existing site which would be in accordance with the covenant restricting its use to recreational, leisure or educational purposes. The part of the road running along the south side could be used for the required additional 1,000 seating and terracing. The plans to increase in capacity would entail further deleterious encroachment on to, or enclosure of, MOL. The proposal would adversely affect areas identified as SINC. The requirements of a private company such as DHFC do not constitute “special circumstances” such as to permit building on MOL. The proposed stadium is not an “essential ancillary” facility. Given FA requirements for solid, visually impermeable 8-foot-high walls, the proposals cannot “maintain the openness of MOL”. The proposed narrow green link to neighbouring green spaces is not acceptable compensation for the loss of MOL on Greendale. The lowered ground would be susceptible to drainage problems.

The canvas screens to be raised around the ground when matches are in progress would not meet Football Association requirements for 8-foot solid wall perimeter screening, and are impracticable. The character of Greendale, would be irrevocably changed by this development. The development would have an unacceptably harmful impact on the proposed SINC. The green link would be heavily used by the 716 new residents of the proposed flats and the thousands of fans accessing the southern turnstiles on match days; it would therefore not be a suitable habitat for wildlife. It would take time before new trees proposed as part of the development provided the same canopy cover and benefits to the community and to wildlife. Mature trees offer significantly more environmental protection than saplings and should be retained wherever possible in a Climate Emergency. The floodlighting and noise pollution will impact not only the proposed flats and existing local residents but also very substantially on wildlife, including protected species such as pipistrelle bats. Phone masts may cause damage to children and young people. The proposed flats of 4-6 storeys are inappropriately tall in relation to the two storey houses of Abbotswood Road. The planned flats are unlikely to provide an appropriate level of affordable housing and a CPO enabling the council to build on land adjacent to the ground would be welcomed. The proposed open access MUGA to replace the currently freely accessible artificial pitch is a twentieth of its size and would not be freely accessible to all.

In summary, although the Camberwell Society recognises the councils need to deliver more housing in the area, it cannot support this proposed development.

Consultation responses from Councillors

97. One response has been received from a Councillor Radha Burgess making these comments:
- Building on MOL and loss of existing views;
 - Concur with points made by Friends of Greendale and Dog Kennel Hill Wood;
 - Impact on traffic and pollution;
 - Proposed plastic pitches which cannot be recycled and will be replaced every 10 years;
 - Adverse effect on the residential amenity of neighbours;
 - Unacceptably high density / overdevelopment of the site and effect on the character of the neighbourhood; and
 - Visual impact of the development with concerns relating to the bulk and massing, detailing and materials of the scheme as they are out of character in the local area.

Consultation responses from internal and divisional consultees

98. Summarised below are the material planning considerations raised by internal and divisional consultees.

99. Environmental Protection Team:

Generally no objections are raised but request specific conditions to be imposed. EPT also reviewed the objection from Sainsbury's store and confirmed that adequate mitigation measures are proposed. EPT also reviewed FGOD's objection relating to the impact on the users of the kick-about space and responded that there would not be a significant impact. EPT also recognises that the proposed pitch could potentially be more intrusive to existing neighbouring properties, but also acknowledges the existing baseline condition and use of the artificial pitch without restrictions.

- A condition requiring certain internal noise levels are achieved in the dwelling rooms.
- A condition is requested to manage the levels of plant noise so that it does not cause unacceptable levels of noise to amenity.
- Details of the PA system together with a noise impact assessment on local residential premises resulting from its use for announcements and music to be submitted.
- A condition to restrict the hours of the kick-about space and football pitch so that it cannot be carried out outside of the hours of 08:00 to 21:00 Mondays to Saturdays and 10:00 to 20:00 hours on Sundays.
- A condition to require a scheme of investigation and risk assessment and a remediation strategy in the event that potential contamination is found at any time when carrying out the approved development.
- A condition requiring the submission of a Construction Environmental Management Plan (CEMP).

100. Officer response: The applicant has submitted additional information regarding noise levels and lighting. EPT has not raised any objections. The above conditions are accepted apart from the closing hour of the pitch as it is required to provide adequate community use hours and also to allow for competitive evening matches. The conditions have been included in the draft decision notice. The limit to the

hours of the kick-about space is accepted. The CEMP shall be secured via the s106.

101. Highways Development Management:

Generally no objections, but comments on the proposed raised table, proposed footway and S278 works to be prescribed were outlined and are summarised below:

- The new 2.0 metres wide footway (on the west side), the two proposed uncontrolled pedestrian crossings, the raised tables, associated tactile paving, road markings and drainage at Abbotswood Road should be constructed as per the Southwark Streetscape Design Manual (SSDM) requirements.
- Repave the footway including new kerbing fronting the development in accordance with the SSDM requirements.
- Construct proposed new vehicular access using materials in accordance with SSDM requirements.
- Reconstruct any redundant vehicle crossovers as footway along Abbotswood Road in accordance with the SSDM requirements.
- Promote a Traffic Management Order to extend the existing waiting restrictions where the 'mini-roundabout' will be removed.
- Upgrade street lighting to current LBS standards, including on private roads.
- Rectify any damaged footways, kerbs, inspection covers and street furniture due to the construction of the development.

102. Officer response: All of the above items are noted and discussed in the main body of the report. Where applicable, will be secured through s106 agreement.

103. Ecology:

Following the receipt of local objections and their comments regarding the loss of the SINC, protected species and loss of habitat, various discussions have been had with the Ecology Officer and the applicant's consultants. The conclusion is that the ecological assessment and bat surveys are acceptable and confirm no further surveys are required. Therefore no objections are raised.

The ecological impact of this development is relatively minor with the biggest impact being the loss of the line of trees between the existing stadium and the artificial pitch. The Ecology Officer notes the partial loss of the proposed SINC, but considers that the development provides extensive mitigation and ecological enhancement. The scrub planting along the boundary of the new stadium will improve the habitat and mitigate for the loss of the trees. The extensive areas of brown roof will enhance biodiversity along with the nesting and roosting feature and insect homes which provide biodiversity net gain. There is nothing in the semi-improved grassland that is rare and could not be recreated. Overall, the gains outweigh the losses.

Conditions have been recommended including:

Installation of brown roofs; eight mixed nest boxes and six bat tubes; 12 swift bricks. A condition requested for an ecological management plan to include, habitats and gardens, roofs, scrub along boundary and nesting/roosting features. A condition requesting for a scheme for monitoring the effectiveness of the biodiversity mitigation and enhancement measures.

104. Officer response: The main report discusses the ecological issues and considers that the mitigation measures would be sufficient to compensate the partial loss of the proposed SINC and that there would be overall biodiversity gains across the site. Conditions are recommended to secure the above features and mitigation measures.
105. Local Economy Team (LET):
LET are happy to support this application which matches the economic, job, and growth plans as discussed in the planning statement.
- In terms of construction phase jobs / skills and employment requirements: This development would be expected to deliver 46 sustained jobs to unemployed Southwark residents, 46 short courses, and take on 12 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution.
 - The maximum Employment and Training Contribution is £221,200 (£197,800 against sustained jobs, £6,900 against short courses, and £16,500 against construction industry apprenticeships).
 - An employment, skills and business support plan should be included in the S106 obligations.
 - There is no job requirement for the end use of the development.
106. Officer response: The recommended local economy contributions will be secured in the s106 Agreement.
107. Flood and drainage team:
Following exchange of technical details regarding the drainage strategy the Flood and Drainage Team are now satisfied with the proposals. This would be subject to conditions requiring the final detailed design for the proposed surface water drainage system and a maintenance schedule.
108. Officer response: The above conditions are recommended.
109. Urban Forester:
There is a no net loss in canopy cover as measured by stem girth when considering all the replacement planting including rooftop trees and other smaller plants. However, there will be a small net loss by stem girth when discounting the above. Additional trees within the site would be difficult to achieve without compromising the layout of the development and impacting on the health of future trees. As such, additional trees could be planted off-site within the vicinity of the site and this would be considered acceptable. A financial contribution should be made to secure this. In terms of biodiversity gain, the proposed planting scheme would be a benefit. Details shall be secured by condition including tree protection measures and landscaping plan.
110. Officer response: The above measures will be secured by conditions and financial contribution to secure additional trees off-site would be within the s106 agreement.

Consultation responses from external consultees

111. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.

Greater London Authority (GLA)

- 112.
- The proposed stadium building has been designed to meet the full range of DHFC's and the local communities' needs including increased hours for the pitch use. The club and community will benefit from access to an enhanced playing surface, optimised ground, clubhouse facilities and leisure facilities.
 - It is noted that the land on which the new playing pitch is proposed belongs to Southwark Council, and is therefore not within the applicant's control. It is therefore critical that the s106 agreement robustly secures the community use and access to the facilities and frontloaded delivery of playing pitch re-provision, prior to redevelopment of the existing site.
 - The applicant proposes high quality replacement open space in the form of an east-west 'green link', as well as new areas of green open space between the proposed residential blocks. The 'green link' would provide an enhanced connection between St Francis's Park and Greendale, and comprises play spaces; an outdoor gym and the provision of a new MUGA in the northern part of the site.
 - There would be a net gain of 1,850sqm of public open space. Having considered the proposed reconfiguration of open space in both quantitative and qualitative terms, GLA officers are supportive of the proposal and would accord with London Plan Policy 7.18 and draft London Plan Policy G4.
 - The London Plan accords the same protection to MOL as Green Belt land. The provision of a replacement pitch is an appropriate facility in connection with the existing use for outdoor sport and recreation which (as will be outlined below) preserves openness and does not conflict with the purpose of the designation. Sinking the pitch below the existing ground level would successfully reduce the prominence of the playing surface and supporting infrastructure associated with the pitch preserving openness.
 - The proposed fencing/screening is not appropriate development within the MOL and thus very special circumstances must be demonstrated for this part of the proposal. Having considered the proposals GLA officers are of the view that Very Special Circumstances do exist to justify the fence and screenings presence within the MOL.
 - A full community use agreement to allow users of the existing playing fields to benefit from the enhanced facilities (including facilities such as the changing rooms) must be robustly secured as part of any future permission.
 - The community use agreement will also ensure the playing fields remain accessible to the public.
 - The principle of the residential uses proposed is supported.
 - The applicant is proposing 40% affordable housing at a tenure split of 70/30 in favour of affordable rent. This offer is strongly supported and meets the threshold for fast track compliance at this site. In order to confirm the proposals meet all the criteria necessary to be considered under the fast track route the applicant must evidence it has explored grant funding to further increase the affordable housing provision, agree the tenure split with the borough and confirm the affordability of the affordable housing products. An early stage review must be secured in any future s.106 agreement in line with the guidance outlined above.
 - The Mayor's preference is for affordable rent products to be secured at London Affordable Rent benchmark levels, and for intermediate shared ownership products to be secured as affordable to a range of incomes below the upper limit of £90,000 per annum, and benchmarked against the

monitoring figure of £56,200 per annum in the London Plan Annual Monitoring Report. All affordable housing must be robustly secured in perpetuity.

- In strategic planning terms the mix is acceptable, and, GLA officers note the provision of family housing has been appropriately prioritised within the social/affordable rent component of the mix. The council should confirm that the schemes housing mix meets the identified local need.
- The provision of playspace is above the overall requirements of the Play and Informal Recreation SPG, when assessed across all age groups.
- Noting the characteristics of the location this site lends itself well to the creation of a new high-quality mixed-use neighbourhood. The proposal would have a density of 79 units, per hectare. The site is in an accessible location and broadly responds to the low-rise nature of the surrounds; the design and residential quality are supported; and has benefited from design
- advice during pre-application discussions. The proposed density is supported.
- The layout and ground floor of the masterplan is supported.
- The council should secure measures to ensure that the interface of the proposed development with the supermarket car park and loading area is well handled with respect to 'Agent of Change' principles.
- Based on the visualisations and plans provided to date, the quality of the proposed public realm strategy is supported.
- The height strategy for the masterplan is a sound approach in terms of optimising the development potential of the site and responding to the nature of the surrounding context. Accordingly, the overall height and massing of the scheme is acceptable in strategic planning terms, subject to considerations with respect to architectural quality, and an assessment of views - from the neighbouring MOL, as well as the wider townscape.
- Appropriate condition is required to secure the submission of sample materials which should be approved in writing in order to safeguard amenity and ensure the scheme delivers the highest quality architectural treatments.
- The views provided confirm that the proposals would not harm the surrounding conservation areas which lay some distance from the site. The scheme would not harm the protected vistas.
- The stand has been sensitively located outside the boundary of the MOL and an efficient internal layout has minimised the footprint and height of the building.
- The facility will benefit from 4 floodlights. The council should secure the hours within which these can be operated by appropriate condition.
- The residential quality across the scheme is supported and positively responds to the good practice principles within the Mayor's Housing SPG.
- There is a need to demonstrate that there would be sufficient mitigation measures in place to ensure that: i) the proposed combination of future sporting and residential uses at the site would successfully co-exist as part of the proposed co-location; and, ii) the interface of the proposed development with the adjacent supermarket would be well-handled in terms of residential amenity.
- The scheme proposes that 10% of units across the development, comprising a mix of unit sizes and across all tenures, will be delivered as wheelchair user dwellings, the remaining units will be delivered to Building Regulation M4(2) specifications. This is supported and should be secured by condition.
- The applicant has submitted an energy statement. The approach proposed would achieve a 69% carbon dioxide reduction for the residential component of the scheme and a 66% reduction for the non-residential component. Whilst

the principles of the energy strategy are supported, the applicant must explore the potential for additional measures to deliver further carbon dioxide reductions (particularly for the non-residential component). Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

- The approach to flood risk management for the proposed development is acceptable.
- The surface water drainage strategy does not comply with London Plan policy 5.13 and draft policy SI.13, as it does not give appropriate regard to the drainage hierarchy and greenfield runoff rate.
- The proposed development does not meet the residential requirements of London Plan policy 5.15 and draft New London Plan policy SI.5 as it does not meet the water consumption targets of these policies.
- Policies outline that where harm to SINC is unavoidable, development impacts must be minimised and mitigated.
- The Blue Badge parking for the stadium includes a potential stacking system which would not be suitable for many disabled users. Accordingly, the provision of blue badge parking should be reconsidered to be more accessible.
- Electric Vehicle Charging Points (EVCP's), comprising at least 20% active and the remainder passive should be secured along with a parking design and management plan, which should ensure Blue Badge spaces are allocated on the basis of need and not tied to particular properties and that there should be no other use of the spaces.
- A contribution towards the expansion of the local CPZ should be secured in the s106. The commitment to a permit free scheme should also be secured.
- Two dedicated coach parking spaces are proposed with the potential of up to an additional two spaces if demand arises. Further information is requested on how all these spaces will be managed including when not required for the stadium.
- For the residential component of the scheme the applicant must provide an additional 7 short stay cycle parking spaces. For the stadium the applicant is proposing 80 short stay cycle parking spaces this is equivalent to 2% of the stadium's capacity. The applicant should explore the potential to increase the cycle parking provision for visitors to the stadium to 120 spaces and include additional cycle parking provision including some long stay cycle parking should be provided for staff including players.
- The applicant has submitted a Healthy Streets and Active Travel Zone assessment, the applicant has highlighted various improvements, which should be appropriately secured.
- Further clarification is required regarding trip generation to enable assessment of whether highway or public transport mitigation is required for the stadium. The residential component of the development will place additional strain on existing bus routes in the morning peak. A financial contribution of £375k (£75,000 pa for five years) is required to support one additional peak hour northbound bus journey.
- The council must agree and appropriately secure a delivery and servicing plan, construction environmental management plan and travel plan.

113. Officer response:

Many of the points raised have been noted and discussed in the main report. The

GLA was re-consulted but did not provide any further comments. The application will be referred to the Mayor for Stage 2 Direction in any case.

Sport England

114. There have been extensive discussions between the applicant and Sport England (in consultation with the Football Foundation). The applicant has responded to each round of comments made by Sport England. Their comments are split into 3 sets in chronological order following each response the applicant made and are summarised below:
115. Original comment: In principle the proposal is broadly acceptable and is supported by Sport England (including the Football Foundation commenting on behalf of the Football Association) however would object to this application until further clarity on a number of issues are provided.
- Recommend that the plans are discussed with the Sports Ground Safety Authority (SGSA) in the event that the club is promoted to the Football League. The Football Foundation (FF) has also provided a number of other requirements for the design of the facility. Applicant should demonstrate the artificial pitch surface proposed (FIFA Quality Pro) that is required for use by the Club can be maintained to the required standard whilst also allowing for community use. Recommend that the club ensure that there is a sinking fund in place to maintain 3G pitch quality in the long term.
 - A community use agreement (including a detailed Programme of Use) should be agreed with Sport England, the council and London County FA in line with the intended usage levels of the facility.
 - It would expect to see up to 85 hours per week usage on a 3G pitch (e.g. 9am-9/10pm, 7 days a week) to meet the requirements of the local community clubs and other organisations and should be addressed through a business plan (including how the facility will be operated and managed). A condition has been recommended to secure the hours.
 - The proposals would not accord with any of the exceptions test in Sport England's Playing Fields Policy, but is mindful of some of the characteristics that relate to this planning application.
116. Sport England therefore considers that the proposed development is of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of playing field. However, clarifications were required before the objection to the application is withdrawn and these are as follows:
- require a community use agreement and a management and maintenance plan for the artificial pitch. Suggested conditions have been recommended. These documents should be prepared and reviewed by the council, Sport England and the Football Foundation/FA in advance of planning permission being granted.
 - It is important that the facility is fit for its intended purpose so have recommended planning conditions to request certain Sport England and FIFA standards are met for the pitch.

- The MUGA should be revised in line with Sport England design guidance. Further details of the fencing should be provided. It is further recommended that the size of the MUGA is increased.
- The council should assess carefully whether or not the impact on the amenity of new residents and existing residents is acceptable and condition any mitigation measures.
- The stadium should be completed and operational before any development takes place on the existing stadium.
- Recommends that phasing of the development include the provision of the MUGA within as early phase of the development as possible.

117. Second set of comments from Sport England

Following the above comments, the applicant had provided a response to Sport England along with a business plan and draft community use agreement and Sport England subsequently made these comments:

- The FF on behalf of the FA and Sport England are supportive of this proposal, subject to a few points being clarified.
- Question over the availability for community usage and its hours. The FF have no objection to the hours, but feel it is important to note and to ensure all key stakeholders including the Local Authority agree with the Programme of use (POU).
- Questions over the commercial rates and the way the pitches could be split up for community use.
- Comments on the staff structure and the maintenance programme.
- Question over the summer income and whether this is achievable.

118. Third round of comments

Following further information sent by the applicant to Sport England, they have concluded that the FF are satisfied the information addresses the queries raised.

- In terms of phasing, the FF do not have any objections to this approach, but would advise that the Club liaise with the league to ensure they will be able to meet ground grading requirements and spectator/player safety. This means the stadium being designed in such a way that the new pitch could be played on with a partially complete stadium building with the existing facilities/temporary facilities supporting the new pitch to allow for league games to be played.
- While the FF remain of the opinion that summer income is high, they are comfortable that this will be reviewed prior to opening with London CFA and the Local Authority's Leisure Team.
- Conditions recommended ensuring the stadium and pitch complies with Sport England and the FA's guidance and the submission of a community use

agreement and management and maintenance scheme.

- Accept the informal kick-about space. Condition recommended to secure details of the design and layout of the kick-about space.
- Request that the council review the noise impact assessment.
- Ensure stadium is completed and operational before any development takes place on the existing stadium and condition or legal agreement to secure this. Phasing of the development include the provision of the kick-about space within as early phase of the development as possible.
- Subject to the above conditions, Sport England is content to withdraw its previous objection to the proposal.

119. Officer response: It is noted that, following very extensive discussions, the original objection has been withdrawn. The above requirements shall be secured by conditions or the s106 agreement.

120. Metropolitan Police Design Adviser

Generally no objections to the scheme and have given detailed advice on planting, the public realm and maintenance of shrubs. The comment notes that it is encouraging to see that the designers have considered Secured by Design. Other matters are summarised here:

- There should be a clear and concise management strategy to deal with times of opening and rule setting around activities that can and cannot take place in the roof gardens of this development.
- The times of opening of the kick-about space must be managed in relation to times of opening so that anti-social behaviour and crime do not take place. It should also be locked outside the times of opening. Advise that the lighting in this area is switched on to reflect the opening hours.
- A weld mesh fence or similar at a minimum height of 2.2m should be used as a barrier facing out onto the public realm so that it is possible to see into the kick-about space from the outside.
- This development is suitable to achieve Secured By Design accreditation, and in order to assist the development with achieving Secured By Design standards, would ask that conditions be applied to any permission.

121. Officer response:

This is noted and will recommend the mentioned conditions.

122. Thames Water

Thames Water raises no objection. Thames Water has worked with the developer and identified that some capacity exists to serve 99 dwellings but beyond that upgrades to the water network will be required and felt it appropriate to impose a requirement that all water network upgrades required to accommodate the additional flows from the development have been completed or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Informatives have been suggested regarding the proximity of their underground assets and how to ensure the necessary processes

are followed if working near Thames Water's pipes/structures. No objections in regard to waste water network infrastructure capacity.

123. Officer response: A condition has been recommended to require the applicant to engage with Thames Water in respect of how the existing water network infrastructure can be made capable of accommodating the needs of the proposed development.

Environment Agency (EA)

124. The application falls outside the EA's remit.

125. Natural England
No objections to the application.

126. Network Rail
No objections to the application.

CHAPTER 5

Assessment

Principle of the proposed development in terms of land use

Considerations relating to impact on protected open space

127. The fact that much of the application site is designated as open space has been at the heart of the majority of the objections submitted in response to public consultation.
128. In brief, Greendale, including the area on which the new playing pitch and surrounding terracing would be located, is designated as MOL. A part of the pitch enclosure extends over an area designated as a SINC (see images in Ecology section of Chapter 10 of this report).
129. The current pitch (but not the surrounding terracing, stadium building, sports facilities building, car park or access road) is designated as OOS. This area would be developed as housing with its related amenity areas, plus access routes and the stadium parking and service areas. The kick-about space is located on site of the current stand and club house, outside the area designated as open space
130. The new stadium building would be developed partly on land designated as OOS and partly on land which has no current designation.
131. The policy considerations relating to the various designations are set out below.

Metropolitan Open Land (MOL)

132. According to the London Plan 2016, Metropolitan Open Land (MOL) should be given the same degree of policy protection as Green Belt land. MOL is described in the London Plan as including land used for open air sports serving significant parts of London.
133. The London Plan states, in policy 7.17 'Metropolitan Open Land' that the National Planning Policy Framework (NPPF) relating to green belts should apply equally to the consideration of applications on MOL. In the latest version of the NPPF (2019, published after the adoption of the current London Plan) it is stated, at para 144 that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt (and by extension MOL). Para 145 goes on to state that construction of new buildings will be inappropriate on green belt land (and by extension MOL). A number of exceptions to this are listed, most of which would not be relevant to the application site, but include:
 - (b) 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.
134. London Plan Policy 7.17 sets out the London-wide expectations for the use of MOL, and the basis on which proposals for development on MOL should be assessed.

The policy states that the strongest protection should be given the MOL and that inappropriate development should be refused, except in very exceptional circumstances. The scope of very exceptional circumstances is not defined in the policy. The supporting text to the policy goes on to say that:

“Appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of MOL”, and that

“Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL”.

135. The draft new London Plan maintains the same broad position in its policy G3 ‘Metropolitan Open Land’. It states that “Development proposals that would harm MOL should be refused. MOL should be protected from inappropriate development in accordance with national policy tests that apply to the green belt.” At paragraph 8.3.1 it states: “MOL protects and enhances the open environment and improves Londoners’ quality of life by providing localities which offer sporting and leisure use...”
136. The draft new London Plan has reached an advanced stage in its preparation, and the Secretary of State’s letter has not raised any concerns in relation to this particular policy. This draft policy should therefore be accorded significant weight in the determination of planning applications.
137. In terms of local policy, saved policy 3.25 ‘Metropolitan Open Land’ sets out the requirements for assessing development on MOL. The policy states that there is a general presumption against inappropriate development on MOL and that planning permission will only be granted for appropriate development which is considered to be 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.
138. Strategic Policy 11 of the Core Strategy states that important open spaces shall be protected from inappropriate development. Large spaces of importance to all of London will be protected (Metropolitan Open Land) as well as smaller spaces of more borough-wide and local importance (Borough Open Land and Other Open Spaces).
139. In the submission version of the New Southwark Plan (NSP) open spaces are protected by policy P56, which covers MOL, Borough Open Land and Other Open Space. The policy states that development will generally not be permitted on MOL. In exceptional circumstances development may be permitted for ancillary facilities for sport where it preserves the openness of MOL and doesn’t conflict with its function.
140. Whilst not strictly an open space policy issue, the vision for East Dulwich as set out in the draft NSP describes DHFC as being a focus for many activities and an

important visitor attraction with a valuable community function. It goes on to say that development in East Dulwich should provide a new stadium for DHFC.

141. It is clear therefore, that policies at national, regional and local levels give significant protection to land designated as MOL. The policies highlight a number of themes for assessing development proposals on MOL. In summary, these could be described as:

- Whether the use is one which would be considered appropriate on MOL;
- Whether the use, with its necessary structures, would protect the openness of the MOL
- And whether, if any harm is identified, there are any very special circumstances which could justify the development.

In the case of the current application, it is the playing pitch, surrounding terraces and circulation areas, four floodlights, and the enclosing fence including 3 secondary turnstiles, which are located on the part of the site designated as MOL.

Is this use 'appropriate' on MOL?

142. The site currently contains the artificial pitch, which has six floodlight columns. The pitch has no formal enclosure. The land required for the new stadium extends beyond the boundary of the current pitch due to the need for run off and spectator areas. In total, just over 10,000sqm would be enclosed to create the stadium pitch, and all of this would be within the MOL

143. Historically, the artificial pitch was used for team training by DHFC. However, the poor state of the surface means it was deemed unsafe for formal training, and the Club have not used it since August 2017. Currently it is used informally by the public for recreation, and during the current lock-down has been busy with dog-walkers, local people playing ball games and children riding bikes and scooters.

144. The site therefore has a history of sports use. The London Plan and local policies list 'sports uses' as one of the land uses appropriate on MOL. There are numerous examples within Southwark where sports facilities have been deemed appropriate on MOL, including at the Herne Hill Velodrome, and when providing sports facilities for the independent schools in Dulwich such as the use of Mary Datchelor Fields. Other examples in Southwark where sports facilities are located on MOL (including mesh fencing) include Burgess Park community sport ground and mesh fencing around the tennis courts in Southwark Park and Dulwich Park, both of which are designated MOL.

145. The application boundary also includes some soft landscaping, and new footpaths laid out to guide walkers around the new stadium. These works would be appropriate within MOL and not raise any policy issues.

146. It is therefore considered that use as a football pitch, for outdoor sports use, would be considered an appropriate use within MOL. The enclosure of the pitch is necessary for the management of the use and to ensure the safety of users. In that sense, the fence and floodlights are 'essential facilities' as required by policy. The GLA Stage 1 response states at para 23 that 'the provision of a replacement pitch is an appropriate facility in connection with the existing use for outdoor sport and recreation which....preserves openness and does not conflict with the purposes of designation". However, the letter goes on to state that the proposed

fencing/screening is not appropriate development within the MOL and therefore very special circumstances must be demonstrated to justify this part of the proposal. It appears that this conclusion is reached based on the impact of the fence enclosure on the openness of the MOL.

147. This therefore leads to the second aspect of the assessment.

Does the proposed development maintain the openness of the MOL?

148. As stated earlier, the pitch would be enclosed on three sides by 4.5m high fencing from pitch level (the fourth side being enclosed by the stadium building and turnstiles). The fence would be open mesh fencing to retain views across the pitch, but on match days, in order to satisfy Football Association (FA) requirements, a solid screen would need to be erected to a height of 1.83m above local ground level.
149. The playing surface of the pitch has been sunk below the surrounding ground level. The current pitch is slightly lower than the land to the north and west due to the natural slope in the land across Greendale fields. The level of the proposed pitch has been sunk by a further 0.6m - 3.1m relative to the current level. As the northern part of the site is on a much higher level, there would be greater drop in this location. This is helpful in limiting the impact of the playing surface, and its associated terraces and circulation areas, in views across Greendale. A retaining wall is needed on the north side, but this does not affect openness. It is not considered that the pitch itself, or its low level standing and circulation areas, affect the openness of the MOL.
150. The stadium would have four floodlights, one in each corner. This is a reduction relative to the six floodlight columns which currently exist (due to the higher specification of the new lights enabling the omission of the two columns on the half-way line). Given that this is a net reduction in the number of floodlights, and the columns are of similar height to the existing, it is considered that the lighting would affect the openness to a lesser degree than the current floodlights.
151. The development would enable the removal of the existing containers (totalling around 51sqm) which were used for storage and changing. These containers are unsightly (there is no record of them having been given planning permission), and it is not clear how long they have been in place. Their removal would be a benefit of the scheme being brought forward.
152. The fence enclosure is a new element of built structure within the MOL. The mesh screen would enclose the three sides of the pitch within the MOL. The mesh would have some, although limited, impact on the openness of the land, including views across it. The visualisations prepared by the applicant suggest that the fence would be visible in these long views, but sight would be maintained through the fence across the pitch and to the areas and buildings beyond.
153. On match days, a solid boundary would be required in order to prevent those outside the stadium viewing the game. This is a requirement of the FA. In response to concerns about the impact on openness, the applicant has suggested that the screening would be provided by a series of canvas banners which could be raised to the required height of 1.83 metres for the period when competitive matches (league games recognised by the FA) are taking place. At other times, the banners would be lowered to maintain the openness and this would be conditioned.

Image: View Greendale, north-west of site with canvas banners up on match day



Image: View Greendale, north-west of site with canvas banners down on non-match day



154. Some objectors have suggested that the use of banners is not practicable, and that they would not be lowered. It is clearly an unusual proposition, but there is no reason why it could not be achieved. In terms of timings for the screening, the Club would need to be allowed a reasonable time to carry out the raising and lowering of the screen before and after each game; a condition recommended suggests that the screening be erected for no more than 5 hours on each day when a match required to conform to FA regulations takes place. This is considered to strike a reasonable balance between maintaining openness of the MOL, and the practical requirements of the Club.

155. The lease from the council requires the Club to erect and maintain suitable boundary fencing around the pitch. The council's 'Greendale Management Plan' published in August 2017 also expects new fencing to be provided to enclose the pitch for more formal sports use. So whilst any new fencing would require planning permission, it is likely that, regardless of the current application, even the existing pitch would eventually require the erection of a fence enclosure.
156. Other parts of the development, including the stadium building and parts of the housing beyond, will be visible in the long views across the open space. To some extent this could be said to affect the enjoyment of the openness of the MOL, but does not strictly affect the openness of the MOL itself. It is not unusual for built development to be visible in views across MOL; looking to the north of Greendale you are conscious of the housing blocks around the Champion Hill estate, and the seven storey Hambledon Court stands adjacent to the boundary of the St Olaves and St Saviours sports field to the southwest. It is therefore suggested that the impact of the stadium building and new housing should not be accorded any substantial weight in terms of its impact on the openness of the MOL.

Do very special circumstances exist to justify the impact on openness of MOL?

157. Policy 7.17 of the London Plan states that where a development is said to be inappropriate because it affects the openness of MOL, it should only be allowed if very special circumstances exist which are sufficient to justify the level of harm caused. The wording would imply that the extent of the very special circumstances should relate to the degree of harm which has been identified. However, any harm should be accorded substantial weight.
158. In Officers' opinion, the land use is appropriate in MOL, and the degree of harm to the openness from the fencing has been minimised by the use of solid screening only on competitive match days and for limited hours.
159. Objectors have suggest that because the Club has an existing stadium built only 30 years ago, there is no justification for the harm since it is not a required facility. The Club could continue to play at their existing ground.
160. Unlike the 2016 application, this current application has been submitted jointly by the site owners and DHFC. The case presented by DHFC is that the current stadium, whilst a relatively recent construction, was poorly designed, and its inherent flaws, in terms of its structure and layout, mean that it is no longer fit for purpose. The running costs of the existing stadium impact on the Club's revenues, and renewal of services will be a drain on future resources. Critically, the turf pitch is vulnerable to wear, and so can only be used for around 3 match equivalent sessions (equating to 5-6 hours) per week otherwise the surface becomes too degraded for match play. So the ability to expand the number of teams the Club can support, or their ability to offer out their facilities to schools and local clubs, is constrained.
161. The suggestion that the stadium could be improved on its existing site, and the pitch re-laid as a 3G artificial surface, was rejected by the applicants. The applicants claim that the existing stadium building has reached the end of its economic life, and the dated service infrastructure needs replacing. The condition of the building means high day-to-day running costs for the Club, as well as a schedule of more significant works to bring the stadium up to current day standards. The Club's revenues would not allow it to fund these works. Critically, even if the works to the existing structure could be carried out, the inherent limitations of the building would

prevent the club progressing into the National League. This requires a 4,000 spectator capacity, as well as a number of additional facilities listed by the FA. These could not be reasonably provided on the current site. So any progress into the National League, or increased community participation and use of the facilities, would not be possible in the existing stadium.

162. Under the current proposals the new stadium would be built by Meadow and once complete passed to the council. The council would in turn agree a lease for the entire ground (the stadium building and pitch area) to DHFC on a 125 year peppercorn rent. The Club would thereafter have no rental costs for their stadium. The ongoing running costs of a new building would be significantly lower than those for the existing building with its dated services. The additional spectator capacity would enable the Club to benefit from higher gate receipts if their popularity is maintained, or if they achieve promotion and attract larger crowds. The potential for revenue from the other stadium facilities such as the gyms and studios, would increase since these would be more attractive to users than the current facilities. The more intensive usage of the pitch can also secure rental from the element of commercial use allowed for in the proposed s106 terms. Together, these reduced running costs, together with the potential for higher revenue generation, would mean that a well-run club would have a firm basis on which to be sustainable into the future. This would achieve one of the corporate commitments in the council's Plan 2018/19-2020/21 'To do all we can to secure the future of Dulwich Hamlet FC on its current Champion Hill site'. Whilst this proposal is not strictly on the current site, the location does reflect the long history of DHFC at Champion Hill. The relocation onto the adjacent site means that the Club can have continuity of use without the disruption and loss of income and community interaction that would occur if the stadium was developed in situ.
163. As well as the benefits to the Club themselves, the provision of the new stadium would secure a number of key benefits in terms of sports provision in the area. The new pitch would be able to be used for 60 hours each week, very substantially extending the number of users. These new users would include local schools and clubs; more detail on this is included in the section on community use in the Sports Facilities section below. The pitch would be capable of sub-division to allow a number of smaller games (5-a-side etc) to take place simultaneously.
164. The stadium building would include two squash courts, two gyms (one targeted for boxing) and a smaller exercise studio, alongside function rooms and classrooms. Much of this provision replaces and updates that provided in the current stadium, but is better laid out and capable of more efficient and intensive use. The classrooms are a new feature, which the Club suggest could be used by local schools for the PE curriculum, enabling them to combine practical and theory lessons in one location.
165. The GLA point to the practical requirements to enclose the pitch as contributing to the very special circumstances which, in their view justify the impact on openness. The enclosure and fencing satisfy the FA requirements to allow competitive football and maintain safety, and the floodlights enable extended hours of use of the facilities.
166. In conclusion, the NSP in the area vision for East Dulwich seeks to secure a new stadium for DHFC, but the draft site allocation expects this to be provided on the existing site. Notwithstanding this, the relocation of the pitch achieves the broader aspiration, and would secure a viable long term future for this historic club. The

range of new opportunities for sport would meet the council's healthy living agenda, and the Club is recognised in the NSP and the Council Plan as having a valuable community function. It is considered that, taken together, these benefits do meet the requirement to demonstrate the very special circumstances needed to justify development which has an impact on the openness of the MOL. Whilst the harm that has been identified must be accorded substantial weight, in line with the NPPF, the very special circumstances related to the future of the Club and the contribution to sport and healthy lifestyles meet key Council objectives are considered to clearly outweigh that harm.

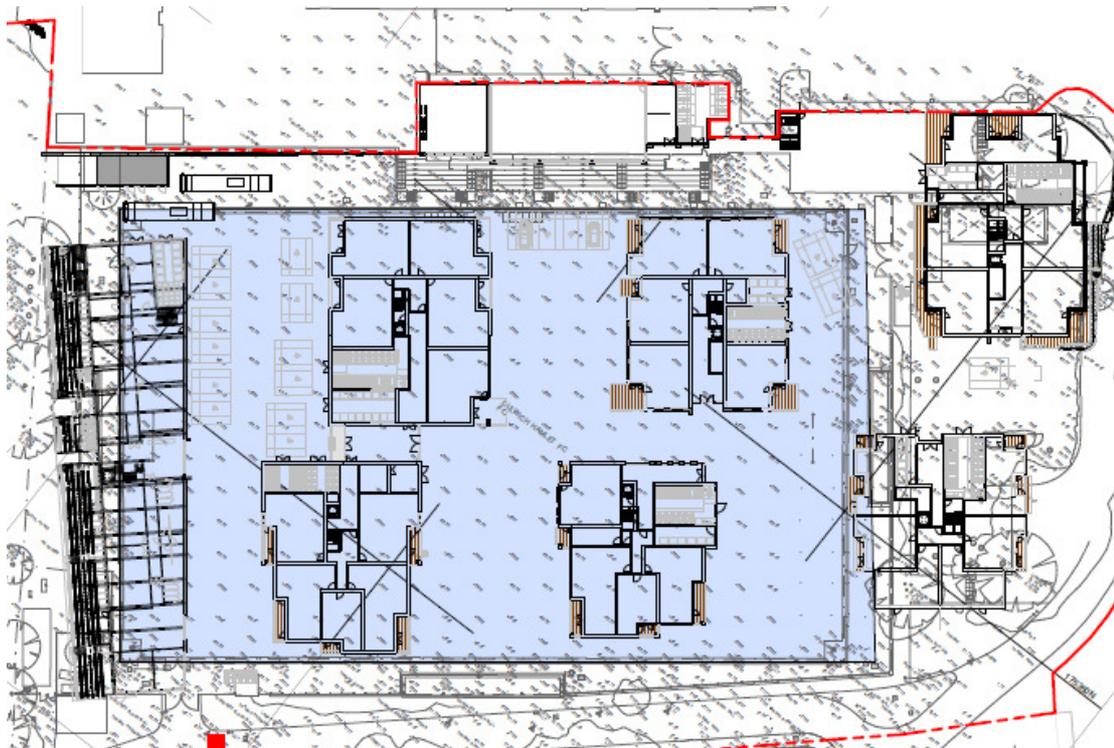
Other Open Space (OOS)

167. The current playing pitch (but not the surrounding terracing, stadium building, car park or access road) is designated as 'Other Open Space' (OOS) in the saved Southwark Plan and Core Strategy. The NSP proposes to maintain this designation.
168. OOS is not specifically recognised under the NPPF or London Plan; it is a local designation. Therefore in terms of the London Plan it would be assessed under the London Plan policy 7.18 'Green Space'. This policy requires that "The loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area". It goes on to say that "Replacement of one type of open space with another is unacceptable unless an up-to-date needs assessment shows that this would be appropriate". The policy stresses the importance of local open spaces to health and biodiversity.
169. The draft new London Plan covers open space at policy G4 saying that development proposals should not result in a loss of protected open space. It also notes that development proposals should "where possible create areas of publically accessible open space".
170. Saved Southwark Plan policy 3.27 'Other Open Space' states that development will only be permitted if it meets the following criteria:
 - i. It is ancillary to the enjoyment of Other Open Space; and
 - ii. It is small in scale; and
 - iii. It does not detract from the prevailing openness of the site or from its character; and
 - iv. It positively contributes to the setting and quality of the open space; and
 - v. Where appropriate, it enhances public access to open spaces; or
 - vi. Land of equivalent or better size and quality is secured within the local catchment area for similar or enhanced use before development commences, provided that this would not result in the creation of or an increase in district or local park deficiency.
171. The reason given for the policy says that open spaces should also be easily accessible to all members of the community and therefore any loss needs to be replaced within a local catchment area, which is generally considered to be within a 400m radius. It goes on to say that the audit of open space considered their value in various terms including for health and biodiversity value.
172. The Core Strategy is less specific about the criteria for assessment, but states at policy Strategic Policy 11 'Open space and biodiversity' that the council will "improve, protect and maintain a network of open spaces and green corridors that will make places attractive and provide sport, leisure and food growing opportunities

for a growing population”. This would be done by, amongst other things “Continuing to protect important open spaces from inappropriate development”. It notes that this protection extends to MOL and also to smaller spaces of more borough wide or local importance including OOS. The policy also refers to improving the overall greenness of places, and promoting links between open spaces including green chains.

173. In the submission version of the NSP, OOS is covered by policy P56 ‘Open Space’ which says that “in exceptional circumstances development may be permitted if it consists of replacement OOS of equivalent or greater size or substantially better quality can be secured on site or nearby before development commences.”
174. Open spaces provide an essential amenity and recreational resource for people living and working in Southwark and it is the council's responsibility to ensure that there is an adequate supply of high quality open spaces that cater for a variety of needs. The council's Open Space Strategy (2013) underlines the council's view that provision and good management of open space makes a major contribution to urban regeneration by enhancing the environment, promoting social inclusion, contributing to healthy living and providing educational opportunities.
175. The current pitch is enclosed on all sides by high walls and the stadium building, and so is not visible to the general public, only to those attending matches. It therefore has little value as a visual amenity. The regularly mown turf surface has very limited biodiversity value. As such, its primarily contribution to public benefit is its use for sport.
176. The proposed development on this area of land designated as OOS comprises most of the residential blocks and their surrounding landscape, parts of the footprint of the new stadium building, part of the access road and parts of the green link. An outline of the area designation as OOS is superimposed on the proposed layout plan below.

Image: Proposed development over existing pitch (OOS) in blue



177. Following the receipt of amended plans this green link was increased in width. The linear route is broadly on the alignment of the existing private road and footway, and the planting strip alongside the stadium wall. This would be slightly widened along its length, with further expansion into the areas between blocks D and E, and E and F where the public have free access to the new play areas. The route would include a footpath and separate cycle route, plus a small outdoor gym, planting areas, and areas for formal and informal children's play.
178. In terms of compliance with saved Southwark Plan policy 3.27, the proposals clearly do not comply with clauses (i) to (iv) of that policy in that the development is not ancillary, small scale, or contributing to the openness or quality of that space. Clause (v) allows for development if it enhances public access to open space, but only if clauses (i) to (iv) are also satisfied. Clause (vi) allows for the potential to relocate or re-provide the open space provided that "Land of equivalent or better size and quality is secured within the local catchment area for similar or enhanced use before development commences" Therefore it must be considered whether the new 'green link' could fulfil this criteria.
179. The current playing pitch designated as OOS totals 7,607sqm, based on the applicant's submitted topographical survey plan. This is slightly smaller in area than that surveyed under the 2016 scheme, which indicated that the existing football pitch was 7,659sqm. This is not considered to be a significant difference, however Officers have used the greater site area to allow for a more cautious assessment. The publicly accessible areas of the new green link, excluding the play areas, total 2,600sqm. It should be noted that the play areas are in the publicly accessible areas and are open to members of the public, which is benefit of the scheme. However, for the purposes of calculating the replacement OOS, the play areas are not

included in this calculation. This link does include two hard surfaced routes, one for pedestrians and one for cyclists, which effectively replace the existing road and footway.

Table: Existing OOS areas and proposed open space

	Area in sqm
Total area of existing pitch (OOS):	7,659
Area of proposed kick-about space:	277
Area of proposed green link (excluding play area and buffer landscape):	2,600
Total open space proposed:	2,877
Overall loss:	4,782

180. It is therefore clear that in terms of area, the replacement open space does not fully compensate for the area of OOS lost through development of the pitch.
181. However, the quality of the green link is clearly superior to the degraded route which currently exists. The route is well-used by pedestrians and cyclists. It has to be recognised that its current condition is a result of years of lack of investment by the owners – the degraded surfaces, unmanaged planting and unsightly posts (a remnant of the fencing erected by Meadow in 2018 and later only partially dismantled). However there is a lack of natural surveillance which makes many reluctant to use this route after dark, and there are no opportunities for play or rest. The biodiversity value is also low, and the hard surfaces do little to counter water run-off rates.
182. The new link would be planted to enhance biodiversity, and include seating, play opportunities and a small outdoor gym. The housing which flanks the space would provide a greater sense of public safety by enhancing surveillance. The flats themselves would be accessed primarily from the central ‘spine’ so the link would remain clearly public. The housing blocks are lower where they face the route, and so do not appear over-dominant or enclosing.
183. The improvement to this route is a significant benefit of this wider development, and whilst the width of the route has been criticised in many of the objections, in qualitative terms it would be a significant improvement on the current arrangements. The public would have open access to the space, whereas the current stadium pitch is not accessible, either visually or in terms of physical access. It is considered that this space could be accepted as meeting clause (vi) of policy 3.27 of the saved Southwark Plan.
184. The kick-about area is put forward in the application to partially off-set the loss of playing pitches. There are questions therefore as to whether it should also be ‘double-counted’ as replacement Other Open Space. However, it does provide a public facility which can be given some weight as replacement open space.
185. Saved policy 3.27 expects replacement open space to be of equivalent or better size AND quality for similar or enhanced use. The proposed replacement other open space is of a significantly reduced size relative to the current pitch area. It is not for a similar use, which is reasonable since the football pitch is being replaced

elsewhere in the development, addressing London Plan policy 7.18. Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

186. The quality of the new space has several advantages in terms of visual amenity (the current pitch is hidden from view), public access, biodiversity, the range of users and public safety. These are significant benefits, which can be accorded some weight. So whilst the proposal does not fully accord with saved policy 3.27, the wider benefits for sport, healthy living and biodiversity are mitigating factors which can be taken into account.

Site allocation NSP37

187. Within the submission version 2020 of the New Southwark Plan (NSP), part of the application site sits within site allocation NSP37 (Dulwich Hamlet Champion Hill Stadium, Dog Kennel Hill). This stipulates that the redevelopment of the site must:

- Retain or re-provide the football ground and ancillary facilities and sports facilities (D2) with capacity for no less than 3,000 spectators.
- Provide new homes (C3).

188. The design and accessibility guidance under NSP37 also states that proposals must ensure that the football grounds continue to function successfully and any redevelopment should complement the setting of existing open spaces, and enhance walking and cycling routes and connectivity to Lordship Lane and East Dulwich.

Figure: Map of site allocation NSP37



189. The boundaries of the site allocation only comprise the Dulwich Hamlet stadium and car park and exclude the Greendale artificial pitch (essentially the MOL). Whilst this application would meet the requirements of the site allocation policy in that it ensures the re-provision of the football ground and ancillary facilities of more than

3,000 spectators, this would take place outside of the boundaries of the site allocation. The provision of new homes would be in line with the draft allocation. The new routes and footways would enhance cycling and walking. The extent to which the development compliments the setting of existing open spaces is discussed elsewhere in this report.

190. It is noted that the applicant has submitted an objection to the site allocation, and to the previous draft designation NSP38, stating that the terms of the allocation are incapable of delivery, and would not secure the future of DHFC. The existence of an unresolved objection, together with the stage of preparation of the Plan, means that, in accordance with para 48 of the NPPF, the site allocation should be accorded limited weight in determining this application. Therefore the lack of compliance with the allocation is noted, and this should be considered in the light of all other material considerations set out in this report in determining whether the application should, on balance, be permitted.

Sports facilities

191. In terms of sports facilities, the application site currently provides a full sized grass football pitch within the stadium. The existing clubhouse contains a gymnasium, boxing gym, squash courts and small function rooms. The site also includes the existing artificial pitch which is within the MOL.
192. The proposed development would provide a 3G playing surface within the new stadium; two gyms (one designed for boxing) and a separate exercise studio, and two squash courts within the stadium building, and the multi-functional kick-about space in Block G. There is also a small outdoor gym within the green link.
193. Adopted London Plan Policy 3.19 states that proposals resulting in a net loss of sports and recreation facilities should be resisted. Similarly, the emerging London Plan (Policy S5 – Sports and recreation facilities) encourages development proposals to increase or enhance the provision of sports and recreational facilities, maximise the multiple use of facilities and ensure there is no net loss. Strategic Policy 4 (Places for learning, enjoyment and healthy lifestyles) of the Core Strategy states that the council will support the retention and improvement of facilities which encourage physical activity and ensuring that development promotes healthy lifestyles and addresses negative impacts on physical and mental health. Saved Southwark Plan policy 2.1 states that planning permission for a change of use from D Class community facilities will not be granted unless the facility is surplus to requirements and the replacement development meets an identified need, or that another locally accessible facility can meet the identified needs of the local community.
194. Many of the public and amenity group objections raised the point that the development would reduce the area of publicly accessible sports facilities (the existing artificial pitch) as the replacement facility in the form of the informal kick-about space would be of a small size and not adequate to compensate for the loss, and the proposed pitch would now have to be booked. It is highlighted that local residents and children use the existing artificial pitch extensively for various recreational purposes and has been an important resource during the Covid-19 crisis and should be protected.

Playing fields and replacement sports facilities

195. Sport England is a statutory consultee and has been involved in various discussions with the applicant regarding the design of the pitch, stadium and the kick-about

space. Sport England had also consulted with the Football Foundation (FF) who commented on behalf of the FA.

Sport England has considered the application in relation to the NPPF (in particular para. 97), and against its own playing fields policy (March 2018), which states:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.”

196. Sport England considered that the proposal would not accord with any of the five exceptions in Sport England’s Playing Fields Policy. However, Sport England is mindful of the following characteristics that relate to this planning application:

- The proposals will provide a new stadium and replacement ancillary facilities for Dulwich Hamlet Football Club. If this development does not go ahead then this is likely to lead to the loss of the football club. The substantially enhanced stadium will help secure the financial sustainability of the Club. It will also enable the club to facilitate an increase in the number of teams for women and girls.
- There is a need for artificial 3G pitches for the community in the local area and the Southwark Playing Pitch Strategy (2017) recommends this site as an opportunity to meet that need. The proposed development will comply with relevant Sport England and National Governing Body design guidance.
- The proposals include replacement and improvement of the existing health club facilities, including the squash courts, gym and boxing gym.
- The proposals include a new games area for community use, an outdoor gym (within a linear park) and a new cycle path.
- The proposals are supported by the relevant National Governing Body.

197. In light of the above characteristics relating to this site and the planning application, on this occasion, Sport England considers that the proposals have the potential to improve and enhance community sport on this site and prevent the closure of the Club. The provision of an artificial 3G pitch for the community will secure sport-related benefits for the local community and also meet identified sports development priorities and is further discussed below.

198. Local residents argue that the existing artificial pitch is used extensively for various recreational purposes and point out that the proposal would change the structure by introducing a booking system to use the 3G pitch and therefore removing the spontaneous informal sporting activity previously available. It should be noted however that the existing pitch has only been freely accessible to the public since 2018. Previously, it, and the surrounding areas of Greendale, was fenced off and informal access was only possible because parts of the perimeter fence had been broken down. The pitch is in a poor state of repair, and notices advise the public that they use it at their own risk. The pitch would not be safe or suitable for formal sports. It has to be recognised that the state of the pitch is a result of long term neglect by DHFC under their previous lease from the council.

199. Adopted and emerging policies contain a presumption against the loss of sports facilities, including playing fields. The proposal would provide for similar facilities to those within the current clubhouse namely squash courts, a main studio space, a boxing gym and related changing facilities. In terms of quantum of indoor facilities, there is no net loss in terms of the number of facilities, or the floor area. The new facilities would however, be designed to current, higher standards, within a building with improved disabled access and modern standards of heating and ventilation. In terms of this aspect of the sports facilities, it is concluded that these would have a net benefit in terms of sporting provision, enabling a higher level of participation.
200. The new classrooms within the stadium building will support training and educational programmes locally, thereby enhancing the social and community contribution of the Club by allowing the Aspire Academy to teach on site (details of this could be secured).
201. The applicant has also confirmed that the Club would extend partnering with local state secondary schools to provide sports provision through access to grounds, facilities and coaching staff. The Club has been in discussions with local schools such as the two Charter Schools on providing access to their players as coaches and providing facilities including the new stadium pitch and classrooms. The Club are also working with the Charter School which has no playing field provision and have had discussions with the James Allen Girl's School and the St Saviour's and St Olave's School which lease playing fields next to Greendale. The Club will provide schools with PE coaching support and work to open up community use of the two other school playing fields adjacent.
202. The proposed provision of a 3G pitch within the new stadium would also allow its use throughout the year at a vastly increased intensity. The nature of the surface means that it could be used for up to 60 hours a week. This would allow the Club to increase the number of teams it could support (including women's, seniors and youth teams) and allow them to train on site more frequently. It has been noted that the limited resilience of the current turf pitch means that the teams have to do much of their training and practice off-site. It would also enable the Club to offer out their facilities to others, including schools, youth groups and clubs. Around 38 hours of access in the season (36 hours in close season) for community uses at community rates has been offered by the applicant. The new stadium has been designed with this broader use specifically in mind. The full sized football pitch with a certificated playing surface of 100m x 64m plus safety run offs and new floodlights will have managed use for recreational and schools small-sided games, community club games, and National League. The configuration means that the pitch could be sub-divided to allow smaller games (e.g. 5-a-side) to take place simultaneously.
203. Sport England consider the proposed 3G pitch would meet the evidenced strategic need for additional 3G pitches to meet current and future demand within the borough. Sport England acknowledge that the development will result in the loss of a full sized grass pitch, but it is their view (in conjunction with the Football Foundation) that the outcomes of this development will have significant benefit to the Club and local community which outweigh the loss of grass pitch provision through this proposal.
204. The application also proposes an informal multi-functional kick-about space (of approximately 277sqm) and public consultation responses had raised concerns over its size and its inability to compensate for the loss of the existing artificial pitch.

Officers note that the multi-functional kick-about space within Block G (on the northern edge of the site) would provide facilities for a range of informal ball sports and the games area would be equipped with a combined basketball hoop and goalmouth at each end. The location of the kick-about space was selected to minimise disturbance to future residents. In response to Sport England's comments regarding the design and size of this games area, the applicant contests that a 24 x 12m kick-about space will comfortably accommodate a range of informal sports activities. The applicant has also provided examples in Southwark and other London boroughs of games areas that are an equivalent size or are smaller and have adequately met the needs of the local population. Sport England has not raised objections in their subsequent comments received.

205. Notwithstanding the above, the proposed kick-about space would be free for access by the local community and future residents and would be safe and well maintained. It is considered that the proposed kick-about space albeit much smaller in size than the existing artificial pitch would provide an area suitable for many of the informal games and activities currently taking place on the artificial pitch. This kick-about space is free for all to access and there is no need to formally book the use.
206. Whilst there is no objection from Sport England in terms of the loss of the artificial pitch and that the application does provide and meet the evidenced strategic need for additional 3G pitches to meet current and future demand within the borough, it is recognised that in terms of floor area there is a net loss of playing fields. As an additional compensatory benefit for the area, the applicant has offered to use reasonable endeavours to secure a lease of not less than 125 years of the St Olave's and St Saviour's Sports grounds for additional community use such as for schools. This agreement would be between St Saviour's and St Olave's School and DHFC. Whilst this does not strictly replace the area that exists on the site, the potential to secure the St Olave's grounds is considered an additional community benefit.

Proposed pitch

207. The FF on behalf of the FA is supportive of this proposal. Throughout the discussions between the FF, Sport England and the applicant, further information was submitted demonstrating that the pitch would meet the requirements of the National League and the Football League and that the artificial pitch surface proposed can be maintained to the required standard whilst also allowing for community use. A draft community use agreement (CUA), a detailed Programme of Use, maintenance and management plan and a business plan were therefore submitted for further consultation and review.
208. The FF raises no objection to the proposed hours. Officers consider that those hours for community use at community rates for a high quality pitch would be a benefit whilst ensuring that the intensity of use of the pitch maintains FIFA Quality Pro performance accreditation and certification. The community rates would need to be in line with and not exceed those charged in similar facilities owned by the council and this would be secured in the CUA.
209. Conditions have been recommended by Sport England, which takes into account the FF's comments on the CUA and the management and maintenance of the pitch. An obligation in the s106 requiring the submission of a Pitch management plan which includes the CUA and maintenance and management of the pitch to be approved is recommended and this agreement shall apply to the proposed pitch and changing rooms and include details of pricing policy, hours of use, access by non-

members, management responsibilities and a mechanism for review.

210. Within the CUA would also be a requirement for a community use review committee which would include representation from the council. It will require an annual report of all usage, bookings, maintenance and financial matters relating to the community use of the sports facilities. It is considered that this would secure the long term community access to the improved pitch.
211. The applicant's business plan and maintenance and management plan provides details of the viability of the new pitch and sports facilities and the planned maintenance and periodic resurfacing of the 3G pitch to maintain FIFA Quality Pro and FA Grade A certification. The maintenance and operational management of the new pitch will be the responsibility of the Club. The FF has recommended that the Club ensure that a sinking fund (formed by periodically setting aside money to cover the resurface and replacement life-cycle costs) is in place to maintain 3G pitch quality in the long term. The requirement for the resurfacing works (rubber crumb removal and replenishment) should be every 3 years. A sum of £1,500 Sinking Fund has been apportioned every year within the business plan which is above the recommendation by the FF. This Sinking Fund would be covered by Meadow Partners for the first 3 rotations of the above works. This works out to be 9 years x £1,500, totalling £13,500 and would be secured in the s106 agreement.
212. Following the submission of further information by the applicant to Sport England and the FF, it was concluded that the points raised have been addressed and they are supportive of the new pitch and facility subject to conditions. A s106 obligation for a management and maintenance scheme to be submitted is also recommended. These would be expected to be devised in consultation with Sport England.
213. The proposal and its safeguard measures would mean that the pitch could be used more intensively and in more severe weather conditions than the current turf pitch. It would also provide an improved community facility for a broad range of users such as schools, community clubs and organisations.
214. A small number of amenity groups have commented that in the future the Club may request a further expansion of the stadium to a 5,000 spectator capacity and that this would further encroach on MOL and should not be permitted. There has been no indication in the current application of plans for further expansion. The planning authority is required to determine the application submitted, which is for a 4,000 capacity stadium. Any application made in the future would be determined on its merits with regard to the development plan policies which prevailed at that time.
215. It is important that the Club can continue to play at Champion Hill during demolition and construction phases and would not need to decant. An outline environmental management plan has been submitted with the application that gives details of the phasing of the works. Essentially, the redevelopment would commence with the construction of the new 3G pitch during which time the existing pitch would remain in use. It would be possible for the Club to play on their current pitch whilst the new pitch and stadium building are being constructed. Once the new pitch, fencing and related works are complete the transition would follow. The stadium building would then be the next phase of the construction and when the seating stand is available, the Club would move to the new pitch but continue to use facilities in the existing stadium building until the new one is complete. Once the Club has vacated the existing pitch, the redevelopment of the residential element of the scheme could

commence.

216. In terms of the phasing of the scheme, the FF did not have any objections to this approach, but has advised that the Club liaise with the league to ensure they will be able to meet ground grading requirements and ensure spectator and player safety. A phasing plan would be secured in the s106 agreement to ensure that the new pitch and stadium is completed and operational before any development takes place on the existing stadium. The phasing details would also require confirmation from the league that the ground grading requirements and spectator/player safety would be met. Sport England and the FF have both accepted this approach.

Housing use

217. The development also includes 219 new housing units. Housing is a priority use in the development plan, recognising the urgent need for additional homes in London. Housing use is also consistent with the draft site allocation in the NSP. Notwithstanding the policies relating to open space and sports facilities set out above, the inclusion of housing in the development would be acceptable in principle. This issue is set out in more detail in Chapter 6 below.

Environmental impact assessment

218. An application under planning ref 18/AP/4025 for an Environmental Impact Assessment (EIA) screening opinion was submitted and determined in December 2018. This was for a scheme of a similar size and layout to the current application, with a new stadium and grounds and 235 residential units. This Screening Opinion was carried out in accordance with Regulation 6 of the Town and Country Planning (EIA) Regulations 2017.
219. As it is a similar scale and nature of development, Officers consider that the same conclusions would apply to the current application. The proposed development does not fall within the definition of Schedule 1. Consequently the proposed development would constitute Schedule 2 development within the meaning of the EIA Regulations if the corresponding threshold in Column 2 of the table in Schedule 2 is exceeded or met. The screening was therefore assessed against Schedule 3 of the EIA Regulations.
220. Based on the assessment, it was concluded that the proposed development would not be likely to have effects upon the environment by virtue of factors such as its nature, size or location which are of more than localised significance. The use and scale is appropriate to its suburban setting and it is unlikely to give rise to any significant environmental impacts. The proposed development was therefore not considered to constitute EIA development.

CHAPTER 6

Housing provision

221. Saved policy 4.2 of the Southwark Plan provides guidance on what constitutes good residential development and states that planning permission will be granted for mixed use schemes where they achieve good quality living conditions including high standards of accessibility, privacy and outlook, natural daylight, ventilation, amenity space, safety and security and protection from pollution. Detailed guidance is provided in the council's adopted Residential Design guidance and Sustainable Design and Construction SPDs.

Density

222. Density gives a numerical measure of the amount (intensity) of development and provides an indication of whether the scale of development is likely to be appropriate in different parts of the borough. A density above the expected range would not in itself necessarily lead to a conclusion that the scheme should be judged unacceptable. If it can be demonstrated that the scheme would achieve a high standard of design, including quality of accommodation, and there are no significant adverse impacts arising to neighbour amenity for example, then the higher density of the scheme alone would not be a reason to warrant refusing planning permission.
223. Core Strategy Strategic Policy 5 Providing new homes sets the expected density range for new residential development across the borough. The site is located in the Suburban density zone (Middle) which permits a density range of 200-350 habitable rooms per hectare (HR/Ha). There is a general expectation that development will comply with the densities indicated. However, as discussed in the following paragraphs, the general approach following the draft New London Plan policies on density is that site capacity should be optimised and this would be through a design-led approach.
224. The nature of the proposed development means that the calculation of density is more complex and as such three calculations have been provided in the table below. The whole site area including stadium, the pitch, roads, kick-about space and the green link would be 2.84Ha. However, this is broken down further to exclude areas that are not the residential elements of the scheme (the stadium, the 3G pitch etc).

225. **Table: Density of development**

Area calculated (excluding wider Greendale Fields)	Density (HR/Ha)
Whole site within red line (2.84 hectares)	313
Excluding proposed 3G pitch and stadium buildings (1.74 hectares)	455
Excluding proposed 3G pitch, stadium buildings, green link and kick-about space, access road ie. main residential area only (approximately 1.26 hectares)	627

226. From the above, it can be seen that if the stadium areas are excluded the density is greater than the ranges that are set out in Strategic Policy 5 of the Core Strategy.
227. The general approach to development density and optimising site capacity has changed since that 2016 scheme and the draft new London Plan removes the density matrix and instead provides a framework that would enable the most appropriate form of development that responds to the site's context and capacity for growth. Policy D3 of the draft New London Plan seeks to optimise site capacity through following the design led approach in development proposals. The Inspector's report on the draft new London Plan raises no objection to the removal of the density matrix. The removal of the density matrix places the emphasis more on the standard of design that responds to local character and form.
228. The planning policies in the emerging NSP (Submission Version 2020) no longer include the density ranges that were included in the earlier submission version of the NSP. Instead, Policy P11 'Efficient use of land' requires that development will be permitted that maximises the use of land. In this regard, P14 'Residential Design' requires development to achieve an exemplary standard of residential design taking into account context, amenity of neighbours, and the quality of accommodation. This approach, where the test for an acceptable density of development is assessed through the quality of the design rather than assumed numeric density range, is consistent with the emerging policy in the draft New London Plan which similarly removes the numeric density ranges and places much greater emphasis on the importance of good design.
229. The current scheme is slightly higher than the densities in the 2016 scheme. The proposal under this current application however, demonstrates and justifies how it provides a high quality of design quality within the proposed density. Furthermore, there are other regeneration benefits in this scheme (such as policy compliant mix, circa 38% affordable dwellings) that were not demonstrated in the 2016 scheme.
230. Officers are satisfied that the proposed design quality of the buildings and its impact on the townscape and neighbour amenity justifies the higher density. The GLA also supports the density proposed and considers that the residential quality across the scheme is supported and positively responds to the good practice principles within the Mayor's Housing SPG. The design and quality of accommodation are set out in further detail in separate sections of this report and the table below summarises the proposal against the SPD requirements.

Exemplary residential design criteria from Southwark Residential Design Standards SPD	Commentary
Provide for bulk storage	Each of the proposed apartments would have built-in storage in compliance with the Residential Design Standards SPD.
Exceed minimum privacy distances	Minimum privacy distances would be exceeded.
Achieve good sunlight and daylight standards	With the exception of only a few rooms, good daylight and sunlight levels would be achieved. This matter is

	discussed in more detail in a subsequent part of this report.
Exceed minimum ceiling heights of 2.3 metres	All rooms within all proposed dwellings would have floor-to-ceiling heights of at least 2.3 metres.
Exceed amenity space standards (both private and communal)	All dwellings would have private amenity space, with all the family dwellings having at least 10 square metres. To compensate for some of the smaller dwellings having private amenity spaces of less than 10 square metres, communal amenity spaces of a commensurately more generous size have been provided. This is discussed in more detail in a subsequent part of this report.
Secure by Design certification	The scheme would be capable of achieving Secure by Design accreditation. Conditions to require this are recommended.
No more than 5% studio apartments	None of the proposed units would be studio apartments.
Maximise the potential of the site	The potential of the site would be maximised, delivering new dwellings (of which a policy compliant proportion would be family-sized units) and would not significantly impact on the neighbouring residents' amenity. The scale and height are considered broadly acceptable.
Include a minimum 10% of units that are suitable for wheelchair users	10% of the proposed units would be suitable for wheelchair users. This is discussed in more detail in a subsequent part of this report.
Excellent accessibility within buildings	All dwellings would benefit from lift and stair access to all floors.
Exceptional environmental performance	The environmental performance would be fully policy compliant, taking into account a contribution to the Carbon Offset Fund.
Minimised noise nuisance between apartments through vertical stacking of similar room types	The proposed development achieves good stacking. Specific performance glazing is proposed to windows to minimise noise. The design has been amended to guide the public through the site without significant noise and disturbance to future occupants.
Make a positive contribution to local context, character and communities	The proposed development would make a positive contribution to local context, character and communities in terms of its quality of design and regeneration benefits including affordable housing, new community facility and new public spaces.
Include a predominance of dual aspect units	The scheme would have 52.5% of the total units (115 units) as dual aspect.

	The outlook of these units is however, very good, having good views out onto communal gardens and playspace. Mitigation is also proposed in the form of well laid-out dwellings and exceeding minimum flat sizes. On balance, it is considered that this would be acceptable.
Have natural light and ventilation in all kitchens and bathrooms	This would not be achieved because some bathrooms would be internal. However, this is considered permissible in the interests of achieving a rational and efficient building layout.
At least 60% of units contain two or more bedrooms	Over 60% of the total number of units across all tenures would have two or more bedrooms.
Significantly exceed the minimum floor space standards	All units would meet and some exceed the space standards.
Minimise corridor lengths by having additional cores	Each core serves no more than eight dwellings.

231. For these reasons, it is considered that the design quality is sufficient to demonstrate that the higher density would not harm amenity. It is also consistent with the broader approach to optimising development through high quality design as set out in the emerging NSP and draft New London Plan.

Affordable housing and viability

232. The development would provide a minimum 35.4% affordable housing in a policy-compliant split of 72:28 social rented:intermediate housing. The development would provide 25.5% of the total habitable rooms as social rented housing which also meets the NSP requirement for 25% of the total housing being delivered at social rents. If the selected RP partner is able to secure grant, the applicant has confirmed that the affordable housing provision would be increased to 38%.
233. The NPPF states that local planning authorities should set policies for affordable housing need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The key relevant policy within the London Plan in relation to affordable housing is 3.12, Part A of which requires the maximum reasonable amount of affordable to be sought. Part B of the policy sets out that negotiation on sites should take account of their individual circumstances including development viability, while Part C is concerned with off-site provision. Strategic policy 6 of the Core Strategy requires major developments to provide a minimum of 35% affordable housing. A 70:30 tenure split between social rented and intermediate housing is expected in this area as stipulated in the Saved Policy 4.4 of the Southwark Plan. Adopted London Plan policy 3.12 seeks new development to secure the maximum reasonable amount of affordable housing is provided.
234. The public comments received generally support the provision of additional housing, with respondents recognising the shortage in this part of the borough.

235. The emerging NSP Policy P1 sets a requirement for a minimum of 25% of all the housing to be provided as social rented and a minimum of 10% intermediate housing to be provided when calculated by the total habitable rooms - this equates to 71.5% social housing and 28.5% intermediate housing.
236. Following design amendments, the total habitable rooms in the scheme has been reduced. In total, 791 habitable rooms would be provided in the development. The development would provide a minimum of 280 affordable habitable rooms which would equate to an overall provision of 35.4%. The level of provision is therefore acceptable and policy compliant, exceeding the minimum 35%. The selected partner RP would be required to submit an application to the GLA for affordable housing grant. If the current grant rate of £28,000 per unit was secured, the grant funding of £1.12 million would enable the applicant to increase the affordable housing provision to 38% (300 habitable rooms).

Table: Tenure mix by habitable rooms minimum 35%

	Private Hab. Rooms	Social Rented	Intermediate	Total
No. of habitable rooms	511	202	78	791
Percentage (%)	64.6	25.5	9.9	100

Table: Tenure mix by habitable rooms minimum 38%

	Private Hab. Rooms	Social Rented	Intermediate	Total
No. of habitable rooms	491	216	84	791
Percentage (%)	63.1	27.3	10.6	100

237. The above table shows that the scheme would provide the policy compliant affordable tenure habitable rooms. There is a slight deviation from the 70:30 required by Saved policy 4.4 of the Southwark Plan, however this deviation is not considered to be significant and the greater proportion of social rented units is welcomed given the greater need in the borough
238. In the GLA's Stage 1 response, they say that the Mayor's preference is for affordable rent products to be secured at London Affordable Rent benchmark levels, and for intermediate shared ownership products to follow their income ranges and limits.
239. The Mayor's comment on affordable rent is noted, but the council has identified

need for social rented housing and this is reflected in Southwark's stated policy requirement, in both adopted and emerging policies, for social rented housing. As such, the rents should be calculated the same way as social rents, using the formula set out in the HCA Rent Standard Guidance.

Viability

240. The regional policies and guidance relating to affordable housing are set out in the London Plan and the Mayor's Housing supplementary planning guidance (2016). London Plan policies 3.11 and 3.12 seek to maximise the delivery of affordable housing, setting a strategic target of 50% across London. The council's Affordable Housing and Viability SPD 2008 states that "the LPA will endeavour to secure 50% of all new dwellings provided in Southwark as affordable in accordance with the London Plan".
241. Policy H6 of the draft London Plan sets a threshold approach to viability, and where land is either in public ownership, or is in industrial use, it would be required to provide 50% affordable housing to qualify for the Mayors 'fast track' approach to viability. This does not mean that a development must provide 50% affordable housing, but that quantum would be required to avoid going through viability testing at the application stage. The GLA in their Stage 1 report on this application considered that since the site includes a portion of both private and public land, there should be a 'blended' approach to the threshold level, which effectively considered the proportion of land in private and public ownership. The GLA calculated that the threshold level for viability testing should be 39.88% affordable housing.
242. The public sector land in question is the existing artificial pitch. As set out elsewhere in this report, the housing is not being delivered on this public land, but it is the relocation of the pitch onto this land which enables the housing to be built on the existing stadium land.
243. The adopted local plan (the saved Southwark Plan policies and the Core Strategy) do not contain any provision for a 'fast track' approach. The NSP does introduce this concept, with the threshold set at 40%, with no special requirements for public sector land. This policy can be given limited weight, since it is a new policy which has not yet been through an EiP.
244. In any case, the applicant is not seeking to apply the "Fast track route' provisions (in terms of avoiding submission and scrutiny of a viability appraisal, or re-testing through a late stage review). Therefore the maximum reasonable level of affordable housing has been tested through the viability appraisal, and the applicants offer of affordable housing should be given due weight in the consideration of the application.
245. As originally submitted, the applicant proposed 224 homes, of which 40.25% were affordable (when measured by habitable rooms). This equated to 83 affordable homes. Following revisions to the massing to address concerns about the townscape impacts and housing quality, the total number of homes reduced to 219, and the developer reduced the corresponding number of affordable homes to 73. This now equates to 35.4% when measured by habitable rooms. These homes would be delivered as 52 social rent and 21 intermediate (shared ownership). This is the minimum number of affordable homes guaranteed to be delivered in the scheme. However, the applicant is confident that their partner RP, once selected,

would be able to secure grant of £1.12m to enable additional affordable housing to be delivered. This would secure 38% affordable housing and would deliver 56 social rented and 21 intermediate homes (with a corresponding reduction in the number of private market homes). The number of intermediate homes would not increase, but the homes would be larger hence the higher number of habitable rooms in that tenure.

246. The applicant submitted a Financial Viability Appraisal (FVA) prepared by consultant Redloft. This was updated in April 2020 to reflect the changes to the scheme. The FVA was scrutinised on behalf of the council by expert valuers BPS. Following negotiations, BPS have concluded that the minimum affordable housing offer of 35.4% meets the minimum policy requirement of 35%, and significantly exceeds the maximum reasonable level of affordable housing that the scheme could support when taking into account the FVA.
247. In reaching this conclusion, BPS had regard to a number of factors. The most critical of these are as follows.
248. The land was ascribed a benchmark land value of nil (ie the appraisal assumed no cost to acquire the land). However, the applicant's FVA did suggest that the construction of the new stadium should be considered as an 'enabling development' for the wider scheme. The term 'enabling development' is often used where a new development which may not fully accord with policy is deemed acceptable because it funds works of a social value as part of a wider scheme. The NPPF at para 202 uses the example of securing the conservation of a heritage asset, which might be enabled by allowing new housing in its grounds.
249. In the case of the current application, whilst acknowledging the community benefits of the new stadium, Officers do not consider the development should strictly be seen as 'enabling'. However, in reality this conclusion has little impact on the overall conclusions in terms of viability. The land has been ascribed nil value, and the costs of providing the new stadium, pitch and related facilities is given as £11.418 million. Whether this cost is used to effectively reflect a land value, or simply as a cost to the overall scheme, is immaterial to the outcome of the FVA process. The cost of the stadium given by the applicants has been accepted by BPS as properly reflecting the cost of providing the stadium facilities. It is noted that no value has been ascribed to the completed stadium, which would be passed to the council at nil cost. As such, the developer would not get a capital receipt from the stadium.
250. Taking into account all of the costs and values related to the overall development, BPS have concluded that the development would achieve a residual profit of £5.161 million. This would equate to a profit on the Gross Development Value (GDV) of 5.7%. This would compare to the applicants stated profit expectation of 17.7% of GDV, or BPS's lower reasonable expectation of 15.61%. Both of these are 'blended' profit levels taking into account the different levels of profit for the different elements of the scheme (for instance, affordable housing is usually ascribed a much lower level of profit due to its lower risk to the developer).
251. It is clear therefore that the offer of minimum 35.4% affordable housing, in a policy compliant tenure split, exceeds the maximum reasonable amount of affordable housing which could be delivered within a viable scheme.
252. The developer does not currently have a Registered Provider (RP) in contract for the homes. The FVA states that the developer would expect the chosen RP to

apply for grant from the GLA for the uplift in homes from the maximum viable amount (around 17%) to the 'with grant' amount being offered (38%), equating to 40 additional affordable homes. At the GLA's standard grant rate of £28,000 per home within this category, this could equate to £1.12m additional subsidy for the scheme. However, it is recommended that the s106 agreement should secure the affordable housing as a minimum of 35.4% regardless of any grant which may or may not be secured at a later date, with the higher level of 38% being required in the event that grant is secured.

253. If planning permission is granted, it is recommended that the s106 agreement should secure a review of the viability if the scheme has not been substantially commenced within 2 years of the permission date. In addition, a late stage review should be carried out prior to the occupation of 75% of the new homes. This would test whether changes in market values or construction cost savings, for instance, have lead to the development becoming more viable and able to contribute additional affordable housing above 35.4%. This review would also be able to take account of any positive impact on viability if grant is secured.
254. Taking all of the above into account, it is concluded that the minimum offer of 35.4% affordable housing (73 homes) can be demonstrated to be substantially more than the financial viability testing shows can be supported at the current time. Any improvement in viability, whereby a profit above the threshold level of 15.61% of GDV was achieved, would result in additional affordable housing being required. It is further noted that the FVA took account of CIL liabilities, but did not account for the additional s106 contributions, for instance for management of the spaces and improvements to Greendale, which have been secured as shown in chapter 11. It is therefore concluded that the delivery of affordable housing is a positive benefit of this overall development, which can be given significant weight when reaching a decision on the application.

Dwelling mix

255. Strategic policy 7 Family Homes of the Core Strategy requires that at least 60% of the homes should have 2 or more bedrooms. In the suburban zone, at least 30% should have 3 or more bedrooms. For ease, the table below sets out the housing mix again. As can be seen below, the proposed development would comply with the mix set out in the above Core Strategy policy. Of those 3 bedroom units, there would be 31 that are affordable, equating to 40% of all of the affordable units which is a benefit of the scheme. No studio units are proposed.

Table: Housing mix

Unit type	Number of units	Percentage (%)
1 bedroom unit	82	37.44
2 bedroom unit	71	32.42
3 bedroom unit	66	30.1
Total	219	100

Wheelchair housing

256. The London Plan Policy 3.8 requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users (Building Regulations requirement M4 (3) 'wheelchair user dwellings'). Saved Policy 4.3 of the Southwark Plan support this, requiring 10% of new dwellings to be suitable for wheelchair users, except where this is not possible due to the physical constraints of the site. London Plan Policy 3.8 also requires 90% of new housing

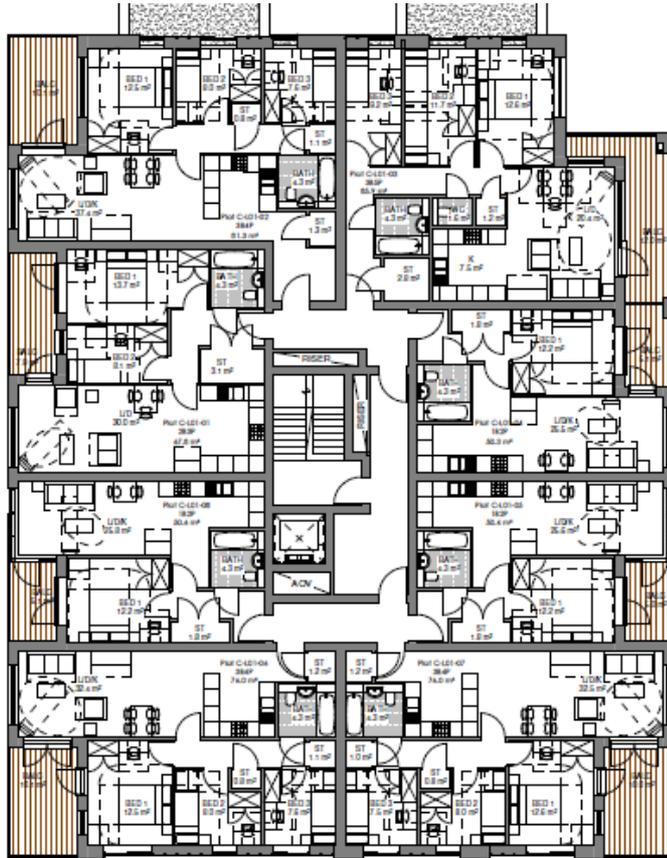
meets Building Regulations requirement M4 (2) 'accessible and adaptable'.

257. A total of 22 wheelchair units are proposed across the scheme. This equates to just over 10% of the units. In terms of habitable rooms, this would be 12.2%.
258. There would be 10 No. wheelchair social rented and 12 No. wheelchair private units. The scheme therefore provides a mix of dwelling sizes and tenures including family homes and is welcomed. The wheelchair units would meet the minimum sizes set out in Table 3 of the Residential Design Standards SPD.
259. The wheelchair housing would be secured through the s106 agreement. A condition requiring specific Building Regulations Part M standards for the different tenures is recommended.

Quality of residential accommodation

260. Saved Policy 4.2 of the Southwark Plan advises that planning permission will be granted provided the proposal achieves good quality living conditions. The standards in relation to internal layout are set out in the adopted Residential Design Standards SPD 2015 and include guidance on overlooking as well as requiring the minimum size. The following paragraphs set out the internal daylight, dual aspect within the proposed residential units, overlooking issues, amenity space, child play space and noise implications.
261. The development has been arranged as six main blocks with Blocks A and D conjoined. There would not be more than 8 units accessing off one core, in line with Mayor's guidance. .

Plan: Typical layout of upper floors in Affordable Block C



Plan: Typical layout of upper floors in Affordable Block A (access to the glazed link block via the core in Block D)

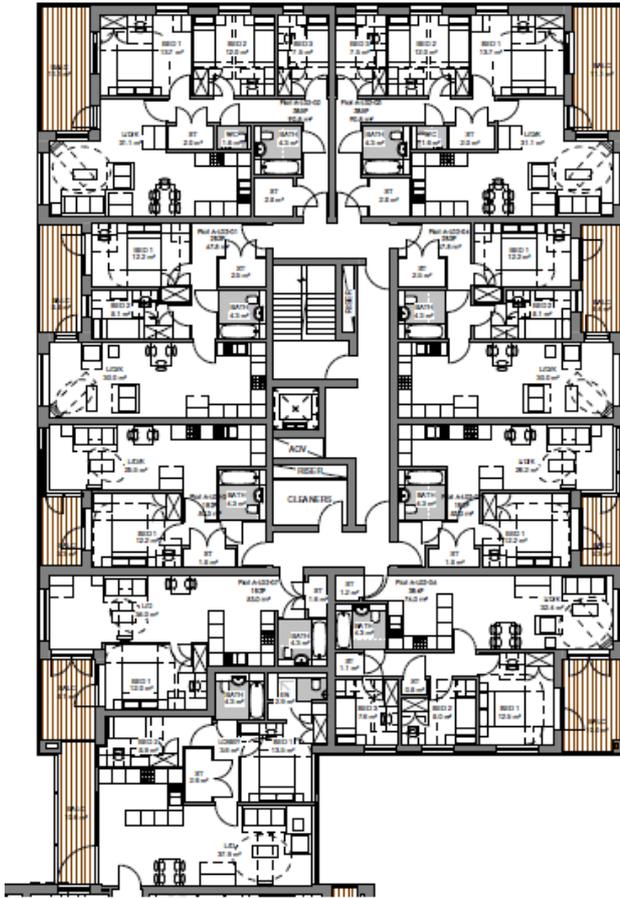


Image: Indicative layouts across site



Unit sizes

262. All proposed homes would meet or exceed the size standards as set out in the Residential Design Standards SPD. The following table sets out the minimum flat size requirements as set out in the SPD, and also the flat sizes that would be achieved:

Table: Unit types and proposed size of units (excluding wheelchair units)

Unit Type	SPD Requirement (sqm)	Size range proposed (sqm)
1 Bed 2 Person (flat)	50	50.1 - 53.9
2 Bed 3 Person (flat)	61	63.9 - 67.8
2 Bed 4 Person (flat)	70	70.2 - 76.2
3 Bed 4 Person (flat)	74	76 - 84
3 Bed 5 Person (Flat)	86	86.2 - 90.8

263. The individual room sizes would also meet the minimum standards. The living spaces are open plan living kitchen dining rooms and front onto balconies and private amenity space areas.

Internal daylight within the proposed residential units

264. A daylight and sunlight report based on the Building Research Establishment (BRE) Guidance has been submitted which considers daylight to the proposed dwellings using the Average Daylight Factor (ADF). ADF is a measure of the overall amount

of diffuse daylight within a room. It is the average of the daylight factors across the working plane within a room. ADF determines the natural internal light or daylight appearance of a room and the BRE guidance recommends an ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. This also adopts an ADF of 2% for shared open plan living room/kitchens/dining (LKD's).

265. The applicant's submitted report notes that they have used the 1.5% value for the open plan LKD's. Officers do not accept this approach and have adopted the recommended BRE guide of 2% for these rooms. With that in mind, the results of the ADF tests demonstrate that 632 of the 643 rooms assessed meet the BRE guidance criteria. This 98% compliance rate is considered to be excellent. The rooms that fall below the targets are predominantly bedrooms (8 No.) that generally achieve levels within 0.1%-0.3% of the BRE target value. The deviations are considered to be exceptionally minor and occupants would still receive adequate daylight. There is one bedroom that would only have a value of 0.5 (within a two bedroom ground floor flat in Block A), but this is to a secondary single bedroom. It is also to a bedroom where light is typically less important given the nature and general time of use.
266. The 3 No. open plan LKDs achieve an ADF value of between 1.6 - 1.8%. This is not considered to be significantly lower than the 2% recommended value. The units would also have very good outlook. Overall, the future occupants would experience good levels of daylight.

Overlooking within the development

267. The Residential Design Standards SPD recommends a minimum of 21m between the backs of properties to prevent any overlooking, and 12m where properties would face each other across a highway or other public realm.
268. The proposed blocks have been arranged so that there is sufficient privacy distances between them to avoid direct overlooking. The blocks are generally separated by communal amenity and playspace. It is noted that there is a shorter separation distance between Blocks B and E in the central part of the site. However, the positioning of the windows and balconies between these blocks has been carefully designed to avoid direct overlooking.

Aspect and Outlook

269. The scheme would have 52.5% of the total units (115 units) as fully dual aspect. Looking at this by tenures, 49.3% of the affordable units would be dual aspect with the private units offering 54.2%. This is a relatively high proportion of single aspect units. However, all single aspect units have a window on the side of a projecting bay which would give some limited benefit in terms of sunlight penetration and ventilation. Whilst these units could not be described as dual aspect, they could be considered an enhanced form of single aspect. The units have good views out onto communal gardens and playspace. Some of the single aspect units would also have views over the new public linear route to the south. There are no physical obstructions immediately in front of the single aspect units. None of the single aspect units are north facing (they have a more north-easterly view). On balance, whilst the relatively low proportion of dual aspect units is a less positive feature of the scheme, it is considered that it does not significantly harm the overall quality of the accommodation.

Amenity space and playspace

270. All new residential development must provide an adequate amount of useable

outdoor amenity space. The Residential Design Standards SPD sets out the required amenity space standards which can take the form of private gardens and balconies, shared terraces and roof gardens. Policy 3.6 of the adopted London Plan requires new developments to make provision for play areas based on the expected child population of the development. Children's play areas should be provided at a rate of 10sqm per child bed space (covering a range of age groups).

Private and communal amenity space

271. The following amount of amenity space would need to be provided as clarified further in the council's SPD:
- For units containing 3 or more bedrooms, 10sqm of private amenity space as required by the SPD;
 - For units containing 2 bedrooms or less, ideally 10sqm of private amenity space, with any shortfall added to the communal space; and 50sqm communal amenity space per block as required by the SPD.
272. In the proposed development, private amenity would be provided for all of the residential units in the form of balconies or terraces. Communal amenity spaces for residents would be provided in the form of roof terraces on the top floor. In addition to the roof terraces, the landscaped areas on the ground floor are accessible to all future occupants.
273. All balconies would have a minimum area of 3sqm with the family sized units having a minimum of 10sqm. Some of the units on the top floors also have larger sized terraces. It is noted that there will be a shortfall in private amenity space for each block but where the full recommended provision of 10sqm per residential unit has not been provided, the shortfall has been added to the communal requirement.
274. The table below summarises the shortfall for each block, what should be provided and what is proposed.

Table: Amenity space shortfall

Block	Total shortfall in private amenity space in each block (sqm)	Communal space per block SPD requirement (sqm)	Total communal space required (sqm)	Communal amenity space achieved
A	62.5	50	112.5	124
B	88.8	50	138.8	112
C	67.6	50	117.6	158
D	65.3	50	115.3	118
E	100.7	50	150.7	162
F	85	50	135	175

275. As seen above, apart from Block B, all the other blocks would achieve the minimum communal amenity space when taking into account the shortfall of private amenity space. Whilst Block B would have a shortfall of 26.8sqm, this is not considered to be a significant amount for this scale of development. Furthermore, the landscaped areas on the ground levels around Block B could be used communally by the future residents. The council's adopted S106 Planning Obligations and CIL SPD does state that in exceptional circumstances where adequate amenity space cannot be provided on site and where this is demonstrated through a Design and Access Statement which has considered reasonable options for the provision of on-site amenity space, the council will seek a s106 planning obligation to help improve

open space elsewhere near to the development site. In this instance, there is no scope to increase the roof of the building to provide the required communal amenity space and any changes to balconies would impact on the design and appearance of the building. The shortfall of 26.8sqm amenity space therefore would require a financial contribution of £5,494 (£205 per sqm) and will be secured by the s106 agreement.

276. The communal green spaces in between and around the residential blocks would be landscaped with planting, grass, trees and footpaths. Children's playspace would also be within these central amenity areas. Members of the public are free to walk through the middle of the site during daylight hours, but the landscaping treatment and orientation of the windows to overlook the central gardens gives the space a semi-private feel. The gardens between Blocks D and E and between Blocks E and F have been separated from the green link by a change in levels incorporating ramps, a set of railings incorporating gates that can be closed at night, and a line of planting. These measures would subtly indicate the difference in character between the fully public green link and the semi-private spaces between the buildings.
277. The original submission had allowed a central pedestrian path through to the stadium building from Abbotswood Road. However, amended plans now show that Blocks A and D would be joined and would omit the route through to the stadium. This would provide further privacy for residents and make it clear that the route to the stadium is via the designated public routes (the road to the north or the green link to the south).

Children's play space

278. The Mayor's SPG 'Shaping Neighbourhoods: Play and Informal Recreation (2012) recommends a standard of 10sqm per child, regardless of age to be provided in major new developments. In line with the Mayor's SPG (using the October 2019 calculator) the development would generate a child yield of 100.6 and therefore would be required to provide 1,006sqm of children's playspace for a range of children across all ages. Approximately half of this is required to be provided as door step play (children under 5) with the remainder allocated for children above this age group.
279. A total of approximately 1,043sqm playspace would be provided across the site. As noted by the GLA in their Stage 1 comments, the provision of playspace is above the overall requirements of the Play and Informal Recreation SPG, when assessed across all age groups.
280. Full details of the design and facilities to be provided within of the child playspace have not been submitted with the application documentation. However areas of play space have been indicated within the private communal courtyards and within the southern green link. The type of play equipment for different age groups would be a mix of interactive landforms that provide for integrated games, timber stepping play, play sculptures, outdoor gym, youth shelters, climbing structures and seating. These play areas are located and designed with an appropriate buffer area so as to avoid disruption to the future occupiers. The playspace is accessible to the future occupiers as well as the public, but whilst the green link would be open at all times, there would be gates that close at night to discourage members of the public entering these areas to protect the amenity of the future occupiers. The gates would enclose the play areas marked E, F and G in the plan below. The central spinal route would however, remain open. A condition is recommended to secure further details of the play equipment in these areas.

Image: Landscape strategy



Conclusions on outdoor amenity space, children’s play space and public open space

281. Sufficient outdoor space has been designated to meet the private amenity and children playspace requirements of the Residential Design SPD and the Mayor's SPG. There is a minor shortfall of communal amenity space for one of the blocks, but this is mitigated by the ground floor communal areas and a s106 contribution in line with the S106 Planning Obligations and CIL SPD. Overall, the residents would have a good level and quality of outdoor space.

Noise and disturbance and Agent of Change

282. The immediate context is characterised by residential uses to the south, the Sainsbury’s retail store to the north, the existing football ground and the adjacent areas of open space.

283. The noise impact assessment submitted considered noise impacts from plant equipment, on match days and from the Sainsbury’s service yard. The existing noise environment and noise levels are primarily characterised by overhead aircraft and noise from local and distant roads. The northern boundary of the site adjoins a supermarket service yard which generates noise during deliveries and loading. The football stadium would also form part of the noise character of the area but only with significant elevated noise levels on match days.

284. The existing recreation and sporting use of the site is a long established and lawful operation. The intensity of use and capacity of the stadium is not substantially greater than the potential of the existing facilities. The current stadium provides a capacity for 3,000 spectators (with a maximum design capacity of 3,334 people) and

this would increase to 4,000 with the proposal to meet current FA requirements for Category A and to enable progression to the National League. Officers do note however that the position of the stadium and football pitch would change, altering the location and source of noise. This section of the report discusses the quality of residential accommodation in terms of noise impacts and the application of the Agent of Change principle.

Noise impact on commercial uses and future residents

285. Paragraph 182 of the NPPF defines the Agent of Change principle as follows: “Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”
286. In the Stage 1 comments, the GLA had noted that the council should secure measures to ensure that the interfaces of the proposed development with the supermarket car park and loading area is well handled with respect to ‘Agent of Change’ principles. The noise impact assessment submitted considered noise impacts from plant equipment, on match days and from the Sainsbury’s service yard. The noise impact assessment concludes that the proposed residential development should not cause any adverse impacts for existing residential and commercial neighbours or hinder the current activities. Further discussion on existing residential neighbours is in a subsequent section of this report.
287. The Sainsbury’s store has submitted an objection detailing the technical reasons why and how the proposed development would impact on their operation of the store. They argue that the proposed residential element of the scheme would be adjacent to, and in some cases overlooks the store’s existing servicing access and yard and other associated plant. In particular the noticeable noise effects of deliveries to external areas of properties (the balconies) are likely to be a cause for complaints from future residents and thereby leading to restrictions being placed upon the existing Sainsbury’s store and conflicting with paragraph 182 of the NPPF. The applicant subsequently provided an updated technical note in response to this.
288. The Sainsbury store was designed without the expectation of having residential near-neighbours. There are no current planning restrictions on the hours of use of its service yard. The council’s Environmental Protection Team (EPT) officer has reviewed the submissions and considers that with the mitigation measures proposed the noise levels experienced by the new residents should not be so severe that they would result in unreasonable restrictions placed on the retail store. The applicant proposes upgraded glazing for windows that overlook the service yard. In relation to road noise it also recommends balcony treatments (glazed gap-free balustrades and absorption on soffits) and whilst it does not mention these for balconies affected by service noise Officers suggest these should also be required for balconies with a line of sight to the service yard. Condition securing these details is recommended.
289. There would also be plant rooms proposed along with the substation. All of the proposed dwellings are to be ventilated by means of whole house ventilation systems with heat recovery (MVHR) units, which enable the flats to be ventilated and cooled without the windows being opened. The windows however can still be opened if the residents chose to do so. It has been assessed that there would not be any significant adverse noise impacts with the windows open during day and

night time hours. Other forms of mitigation will be delivered through the optimisation of the sound insulation of the building envelope. Preliminary glazing performance requirements for windows have been recommended and essentially a more enhanced specification of glazing is proposed principally on the facades with a direct line of sight of the supermarket service yard and the stadium building. In summary, the development proposes adequate mitigation measures to ensure that residents would not be subject to significant adverse noise impacts and thus would not place unreasonable restrictions on the Sainsbury's store.

290. In terms of crowd control and disturbance, the applicant has submitted a draft Stadium management plan and a technical note on match day pedestrian volume detailing how spectators are managed following the introduction of the residential dwellings on the site and the increase in spectator capacity. In summary, match day access to the stadium is proposed via three sets of staffed turnstiles in the northeast, south-east and south-west corners of the pitch. The north-east access is proposed exclusively for away fans in order to allow for segregation of fans in accordance with FA standards. The routing options and limited duration of the events mean noise would remain reasonable and not significantly different to the existing relationship with current residents. The Stadium management plan will deal with public safety, crime prevention and related local transport management issues. One of the components within the stadium management plan would be event management. It is expected that the event management plan will be finalised in consultation with the Police and other emergency services and the council's transport and highways departments. An interim event management plan would also need to be secured for separate phases of the development before works start on the existing grounds.

Image: Navigation for fans





291. Spectator movements would be supported and guided by the presence of marshals and stewards at various points across the site to ensure residential amenity to existing and future residents would not be compromised. This is discussed in more detail in the transport section of the report. The width of the path for the spectators queue is sufficient to cater for the expected footfall to a level of 'comfort' for pedestrians, such that match day attendees are not likely to overspill significantly into the neighbouring landscaped areas.
292. An assessment of the likely queue length at the main turnstiles has been completed. The existing turnstiles are manual, whereas the new stadium will have electronic turnstiles allowing for more efficient movement of people into the stadium. In reality, the queues are likely to be shorter since entry into the stadium will be more efficient. With these measures in place including preventing access through the centre of the site, informing pedestrian flow and having responsibility for a level of traffic control on match days it is considered that residential amenity would be protected.
293. It is considered that there would be sufficient spectator management on match days to ensure noise and disturbance is minimised and that traffic and visitors could be effectively managed through the Stadium Management and this could be secured in the legal agreement.
294. Outside of match days there would still be the use of the leisure facilities and the pitch for schools, community groups and organisations. The disabled parking for the leisure facilities are only available for those displaying a blue badge (visitors and staff). No general parking is available for the leisure use. It is expected that this parking area would be controlled by via a barrier or collapsible bollards to prevent unauthorised access. It would include a call system linking to the leisure centre reception in order that access to parking can be authorised. The management of the parking associated with the stadium and leisure facilities would be outlined in a more detailed Stadium Management Plan and Car Parking Management Plan. The access to the leisure facilities would be either through the northern or southern link (pedestrian route). This would be away from the central pedestrian route, thereby limiting any disturbance to the future residents.
295. The proposed kick-about space is appropriately located to be adjacent to the supermarket service yard and would be in close proximity to Blocks A and B of the proposed residential development. Hours of use for this kick-about space could be controlled by condition. It is considered that with appropriate mitigation measures recommended such as an acoustic barrier, the development would manage noise and any other potential nuisances and would not impact on the nearest future occupants. There would be a need for this kick-about space to be managed which would be done by the housing management company. A management plan is to be secured in the s106 agreement to ensure that the space is well managed, and maintained.
296. Mitigation measures such as alternative ventilation for all habitable rooms and higher than standard specification glazing have been recommended by the

applicant. EPT has also recommended a condition that limits sound level from any plant to not exceed the background sound level.

297. In relation to the lighting of the kick-about space, details will be secured by condition to show what design and model of lighting system could be installed to ensure that this is well-lit after daylight hours for safety purposes and that the system would not unduly impact on the amenity of the nearest future residents.

Summary of quality of accommodation

298. Overall the quality of accommodation would be of a high standard which would exceed minimum floor space requirements, have a good outlook and would have access to private and communal amenity space. Noise and disturbance are also minimised with appropriate mitigation measures.

CHAPTER 7

Amenity of neighbouring occupiers

Privacy, outlook and noise impacts of the proposed development on the nearby occupiers

299. Strategic Policy 13 of the Core Strategy seeks to ensure that all development sets high standards for reducing air, land, noise and light pollution and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live and work. Saved Policy 3.2 of the Southwark Plan states that permission will not be granted for developments where a loss of amenity, including disturbance from noise, would be caused. The Residential Design Standards SPD expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.
300. Daylight and sunlight impacts and overshadowing as a result of the buildings were concerns raised mainly by the residents who live close to the development.

Overlooking/loss of privacy

301. In order to prevent harmful overlooking, the Residential Design Standards SPD requires developments to achieve:
- a distance of 12 metres between windows on a highway-fronting elevation and those opposite at existing buildings, and;
 - a distance of 21 metres between windows on a rear elevation and those opposite at existing buildings.
302. The nearest residential properties are located to the south east of the application site boundary. These are 1-57(odd) Burrow Road, 1-7(odd) Abbotswood Road and 2- 6(even) Abbotswood Road. All of those properties in the estate to the south, including Abbotswood Road, Burrow Road, Buxted Road, Talbot Road, Shaw Road and Hambleden Court maintain their vehicular access via Edgar Kail Way.
303. The nearest of the neighbouring dwellings to the residential element of the scheme would be No.2 Abbotswood Road, the side flank elevation of which would be sited at least 21m to the south of the principal elevation of the proposed residential blocks. The closest facing neighbour elevation with windows serving habitable rooms would be the rear elevations of No.1-9(odd) Burrow Road and these would also be in excess of 21m. These distances would span the area of green link and communal landscaped areas and as they would be in excess of those minimum separation distances outlined within the Residential Design Standards SPD there are no privacy issues for the existing or future residential occupiers from the proposed development.

Outlook

304. The views from the existing residential properties would be of the proposed green link and new housing blocks beyond this. Given the separation distances, it is not considered that the proposed development would adversely impact on the outlook of the existing residential properties.

Floodlight and light spill

305. New floodlighting would be erected at the perimeter of the stadium serving the new pitch. The existing stadium and artificial pitch both already have floodlighting which is an expected component of such recreation facilities. Overspill and glare is already likely to impact on surrounding residents to some extent when the columns are in use; it is acknowledged that the lighting around the artificial pitch has not been used for some time. Two of the new 4 columns of floodlighting are slightly closer to existing homes than the position of the existing lighting columns, but not significantly so, and the use of modern lighting has the potential to reduce its resulting impact. The LED light sources have the ability to be dimmed (such as for community or training use), thereby minimising light spill. Further information has been submitted to show its impact on nearby residential properties and EPT has not raised any objections to this. The floodlighting would be subject to conditions restricting the hours of use.

Daylight and sunlight impacts on neighbours

306. A daylight and sunlight assessment in accordance with the BRE guidelines has been prepared to consider the impacts on neighbours around the perimeter of the site. The assessment utilised the following methodologies outlined below.

Vertical Sky Component (VSC)

307. VSC is a measure of the direct skylight reaching the external face of a window.. For existing buildings, the BRE guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall. The BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected.

No Sky Line (NSL)

308. The second method is the No Sky Line (NSL) or Daylight Distribution (DD) method which assesses the proportion of the room where the sky is visible, and plots the change in the No Sky Line between the existing and proposed situation. It advises that if there is a reduction of 20% in the area of sky visibility, daylight may be affected.

Annual Probable Sunlight Hours (APSH)

309. In relation to sunlight, the BRE recommends that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period (i.e. the proportional reductions should not be greater than 20%). The BRE guidelines state that *'...all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block out too much sun'*. The APSH figures are calculated for each window, and where a room is served by more than one window the contribution of each is accounted for in the overall figures for the room. The acceptability criteria are applied to overall room based figures.

Overshadowing, sunlight to amenity spaces

310. Open spaces should retain a reasonable amount of sunlight throughout the year. The BRE states that for an amenity space to "appear adequately sunlit throughout the year, at least half of the area should receive at least 2 hours of sunlight on 21

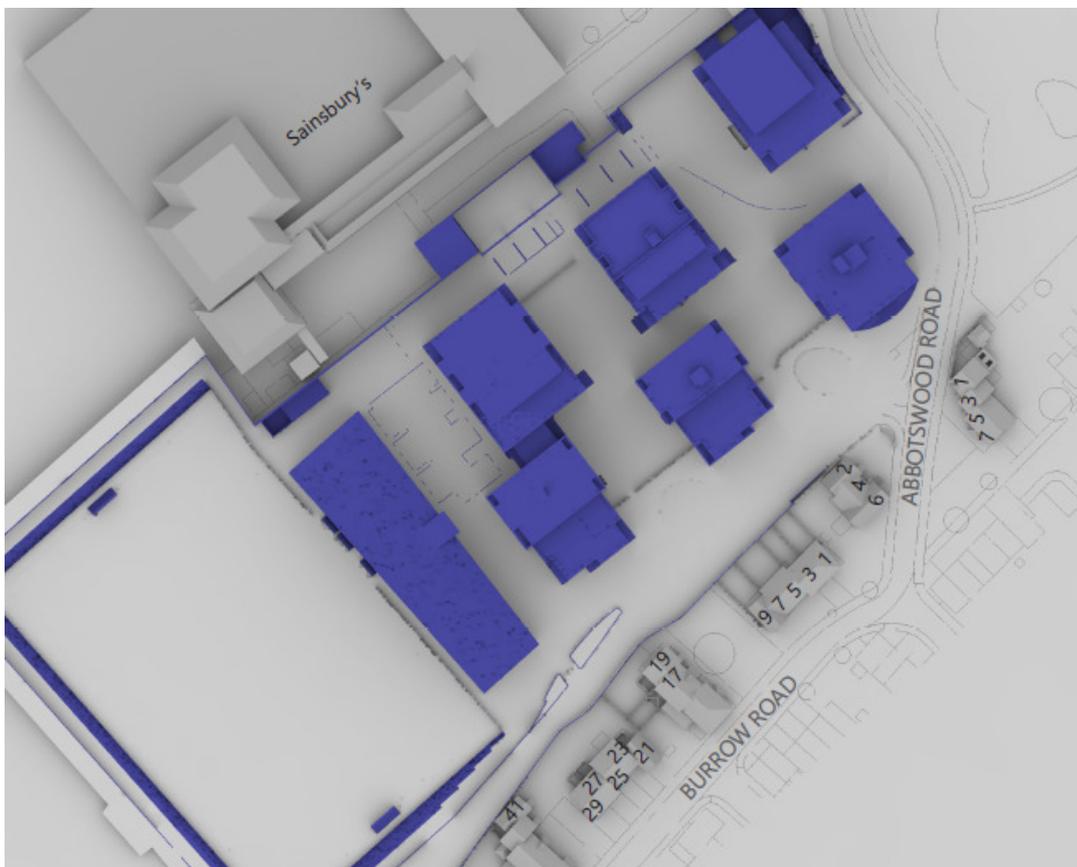
March". Where this is not achieved, the difference between the area achieving 2 hours of sun on 21 March should be no less than 0.8 times its former value. In this instance, the gardens to the existing residential properties would be located to the south of the development site and therefore have not been tested.

311. The BRE Guidelines also state that residential properties warrant detailed consideration in terms of daylight and sunlight effects, but that properties of a commercial nature have a lower requirement. As such, the submitted daylight and sunlight assessment relate to existing residential properties only.

312. The following properties have been considered within the applicant's assessment:

- 1-7 Abbotswood Road (even and odd numbers)
- 1 - 9 Burrow Road (odd numbers only)
- 17-29 Burrow Road (odd numbers only)
- 41 Burrow Road.

Plan: Location of these residential buildings in relation to the application site



313. The table below sets out the VSC results for the nearby residential buildings which were tested for VSC losses.

Table: VSC values and losses

Property	Number of windows that would experience a VSC reduction (as a percentage of the baseline VSC value)			
	A loss of up to 20%	20% to 30% (minor adverse impact)	30% to 40% (moderate adverse impact)	40% or over (substantial adverse impact)
1 - 7 Abbotswood Road	44	1	0	0
1 - 9 Burrow Road	19	0	0	0
17 - 29 Burrow Road	54	0	0	0
41 Burrow Road	9	0	0	0

314. It can be seen from the above that all but one of the properties' windows would have compliance with the BRE guidance, with windows retaining at least 0.8 times their value. In most cases, the ratio of loss is 0.9 of the former value. In some cases, many of the rooms would retain 100% of their VSC value. There is one window that would experience a loss of 0.3 of its former value (or retains a proportion of 0.7) at No. 2 Abbotswood Road, but this window serves a bathroom which is not considered to be a habitable room.
315. The applicant also carried out the NSL assessment on the rooms. In total, 5 No. rooms (out of 82) experience some loss, but these are all at least 0.9 times their former value. The results of the VSC and NSL tests demonstrate excellent compliance with the BRE guidelines.

Table: NSL values and losses

Property	Number of rooms that would experience a NSL reduction (as a percentage of the baseline NSL value)			
	A loss of up to 20%	20% to 30% (minor adverse impact)	30% to 40% (moderate adverse impact)	40% or over (substantial adverse impact)
1 - 7 Abbotswood Road	10	0	0	0
1 - 9 Burrow Road	10	0	0	0
17 - 29 Burrow Road	3	0	0	0
41 Burrow Road	1	0	0	0

Sunlight

316. In line with the BRE guidelines, those windows within 90 degrees of due south have been assessed under the APSH sunlight assessment. A total of 27 have been tested – this is a smaller number than were tested for daylight because many of the surrounding houses do not face within 90 degrees of due south. All those windows that have been tested show that they all retain high levels of direct sunlight, compliant with the BRE guidelines.

Overshadowing

317. The gardens of the neighbouring properties are located to the south of the site and therefore would not be significantly overshadowed by the development. A test showing any overshadowing on St Francis Park has been carried out by the applicant. The proposed flats would be located across the road on Abbotswood Road and is at least 15m away. The development is also located to the south-west of St Francis Park. There would be no overshadowing of the park as a result of the development.
318. Overall, there would not be any significant adverse impact on neighbours' access to daylight or sunlight. This is due to the location, distance and orientation of the existing residential properties and therefore affects relatively few existing homes. As shown above, a very high level of compliance would be achieved with only one window seeing a reduction of 0.3 of its current VSC value and that serves a non-habitable bathroom.

Noise impact on existing residents

319. The main 3G artificial playing surface in the new stadium does have the potential to be more intensively used as a result of modern playing surfaces. This therefore does have the potential to increase disturbance through use late into the evening to 10pm.
320. The current main turf pitch is used only once or twice a week for formal matches (outside of the current Covid-19 suspension). The artificial pitch had been used previously for club training, but this use ceased in August 2017 due to the poor state of the playing surface. The new pitch would be used for both training and matches by the various DHFC teams, and also for use by schools, clubs and other local organisations. It could be used as two 5-a-side pitches simultaneously, further increasing the intensity of use. The impacts on residential amenity would therefore change, in part due to the more intensive use, and in part because of the relocation of the pitch and the more open nature of the enclosing fence. The closest residential dwellings to the new stadium would be Nos. 41 - 51 Burrow Road located just to the south.
321. The noise impact assessment concludes that the proposed development should not cause any significant adverse impacts for existing residential and commercial neighbours of the site. Noise and disturbance resulting from the use and operation of the main stadium is unlikely to be significantly more intrusive than existing conditions and the impact assessment demonstrates the impact on the worse case scenario. Peaks of operation would be on match days when the club draws large numbers of spectators and this is an expected circumstance at a football ground. Officers note that the new pitch would be used more intensively than the existing artificial pitch as this would be hired out for other organisations and clubs to train and use outside of match days up until 10pm, but these are likely to draw smaller crowds.

322. It is possible that matches could be more frequent as the Women's and Youth teams are developed and there is now a capacity of 4,000 available. The indicative Programme of Use also shows that there would likely be two evenings that would run till 10pm with the other days ending by 9pm. As such, Officers recognise the potential impacts from the proposed pitch to be more intrusive. Nevertheless, it should be highlighted that the existing artificial pitch currently has no mitigation and no time use restrictions. There is no fencing that limits access to the artificial pitch. Those neighbouring residents are potentially exposed to much more unmanaged noise now than the proposed scheme in the baseline condition. The proposed improvements and better management of the pitch use would therefore assist in terms of managing the noise impacts, although the intensity of use, and the extended hours in winter due to the new floodlights, would change the pattern of usage.
323. It is considered appropriate to restrict the hours of operation of the main stadium playing surface. Other mitigation measures such as no use of the electronic public address system outside of the Club's match times and restriction on floodlighting hours can be used. This could be effectively controlled by way of conditions.
324. The new kick-about space is located to the north and is not visible from the existing residents on Burrow Road or Abbotswood Road and is therefore shielded by the new residential blocks.

Impact of the mast

325. The proposal would move the existing mast away from nearby residential occupants, and thus any impact on these neighbours would be less than as existing. As demonstrated under permission ref 19/AP/7058, the proposal to relocate the mast is not considered to present any significant risks to these properties in terms of daylight/sunlight, outlook, or a sense of enclosure; due to the relatively lightweight construction of the mast. The applicant has included a declaration that the proposal would comply with ICNIRP (International Commission on Non-Ionizing Radiation Protection) Public Exposure Guidelines, and this would address the concerns raised from the public consultation.

Health impacts

326. A comment was made in the public consultation that the 3G pitch could potentially present a health hazard due to the materials used which is commonly rubber crumb. However, the pitch would be designed to meet certain specification and requirements. The risks are considered to be very low or of negligible level of concern for human health and no objections have been raised by Sport England.

CHAPTER 8

Design and layout

327. Sections 12 and 16 of the NPPF relate to design and the conservation of the historic environment. Strategic Policy 12 of the Core Strategy states that all development in the borough will be expected to "achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in". Saved Policy 3.12 'Quality in design' of the Southwark Plan asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. Saved Policy 3.13 of the Southwark Plan asserts that the principles of good urban design must be taken into account in all developments which includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape.
328. Of significant importance in this case are the implications of the development on the openness of the site, and its contribution to the setting and quality of the surrounding open space including its impact on the adjacent MOL. The character of the wider area is influenced by both the mansion-style blocks of the East Dulwich estate to the east and the two storey housing to the south. A key building is the large format Sainsbury's store, with its expansive car park. One other local building which stands as a distinctive element is the seven storey Hambledon Court building at the end of Burrow Road, a remnant of the hospital which stood here until the late 1980s.
329. The main design comments received from public consultation related to the density, scale or height of the development and how it does not take the existing character of the area into consideration.
- Access, site layout and density
330. The application site is divided into three distinct parts being the residential development to the east in the position of the existing stadium and car park, the new football ground re-orientated by 90 degrees and situated broadly in the position of the existing artificial pitch, and the green link replacing the private road to the south.
331. The housing development is a campus style estate layout, with the six blocks set within landscape, and a vehicular access to the stadium to the north. The linear route to the south excludes traffic (except emergency vehicles) and is designed as a parkland style route for pedestrians and cyclists, with opportunities for play and fitness. The resulting arrangement is a logical and coherent plan which appropriately zones the different uses within the development. The new housing overlooks the linear public route, and would offer passive surveillance of the route, which would be open to the public at all times. This degree of surveillance would improve the safety of this well-used route linking housing to the west with the supermarket, rail station and bus routes.
332. Following discussions with the applicant, amended plans have been received to overcome concerns regarding the width and layout of the southern green link. The setback of the blocks has increased the width of the route to provide for a more generous space. In addition, the route widens to incorporate play areas close to the

housing blocks, which are available to the public as well as the new residents.

333. As well as providing an enhanced pedestrian and cycle access to Greendale, this link would provide legible access to the stadium for visiting fans. It is considered that there is adequate separation between the public and private areas of the landscape, so that the internal areas feel private, while the public can access the open space, stadium and other play areas.
334. Members of the public are free to walk through the middle of the site during daylight hours, but the landscaping treatment and orientation of the windows to overlook the central garden gives this space a semi-private feel.
335. The gardens between Blocks D and E and between Blocks E and F have been separated from the green link by a change in levels incorporating ramps, a set of railings incorporating gates that can be closed at night, and a line of planting. These measures subtly indicate the difference in character between the fully public green link along the south, and the semi-private spaces between the buildings. Blocks A and B have also been separated from the fully public street using a line of planting and railings with gates, and this creates a semi-private garden between the blocks.
336. The existing site includes a 1m - 1.1m level change from the north to the south. The scheme addresses this by levelling this out.
337. The layout of the stadium building proposed between the residential blocks and the pitch is considered an appropriate location which meets the requirements of the FA and separation of the uses.

Photo: Photo of existing footpath looking west from Abbotswood Road



Image: Computer generated Image of the green link looking west



Height, scale and massing

338. Saved policy 3.13 of the Southwark Plan highlights that buildings should be appropriate to the local context and should not dominate their surroundings inappropriately. The GLA's comment was that the height strategy for the masterplan is a sound approach in terms of optimising the development potential of the site and responding to the nature of the surrounding context. This however would be subject to considerations with respect to architectural quality, and an assessment of views. This development has sought to respond positively to both the larger format of buildings to the north and east, which are typically 3-6 storeys, and the low rise housing to the south. However, it must also be recognised that the need to optimise the potential of sites in order to deliver new homes means that a more intensive form of development would be expected under current policies, even in suburban areas.
339. The arrangement of the housing as distinct and separate blocks reduces their dominance in local views. They are seen within the context of their landscaped setting. The exception to this is the link between Blocks A and D, but this link is a lightweight structure, visually distinct from the two blocks to which it is joined. This helps this block to read as separate elements when viewed from the Greendale fields above the stadium building. In this view it is also seen in the same context as the Sainsburys store, which although lower is clearly visible in the view over the open space. Initial concerns over the height and scale of development have been overcome following the receipt of amended plans. This includes cutting back the top floors of Blocks A and B. The communal amenity space would be provided at the top floor set backs. The lift and stair access to the roofs has also been omitted. Block D has moved further to the north and is now conjoined with Block A.
340. The applicant has submitted a Townscape and Visual Impact Assessment (TVIA) Addendum report to look at impact of the proposed development on townscape, heritage and views. A total of 11 viewpoints have been chosen to illustrate the effect of the proposed development and is discussed further below.
341. The redesign also provided an additional, set-back top floor of Block C, making this a building 6 storeys in height. It is clear from short range, local views that the set back top floor of Block B is not highly visible and therefore not overly dominant or overbearing. It would sit alongside the other six storey blocks at the northern part of the site (Blocks A to C) and responding to the less sensitive relationship with the supermarket to the north.

Architectural design

342. Developments should achieve a high quality of both architectural and urban design. New buildings should embody a creative and high quality appropriate design solution which responds to the local context and does not dominate its surrounds inappropriately. Saved policy 3.13 requires proposals to have regard to the existing urban grain and be designed with regard to their local context. Developments should make a positive contribution to the character of the area and provide active frontages.
343. Officers were previously concerned regarding the lack of detail of the elevations, including around the entrances, balconies and lack of variation between each block. An architectural design solution for this issue has increased detailing to the entrances and elevations, including taking each pair of buildings and applying

glazed bricks and colour coordinating doors with fret cut metal screens, contrasting brick banding and bronze fenestration framing. Balcony treatments across each block are now consistent and reflect the design of each pair of blocks helping to unify the design and appearance of the architectural treatment. All entrances now open onto the central spine route and there is stronger horizontal banding using stone features and brick at upper floors. Blank facades facing the spine route have been enlivened with glazed or textured brickwork.

344. The kick-about games space has a fret cut lattice fence with brick piers separating it from the footway and carriage way and additional barrier planting has been added to the area around Block C.
345. Overall the urban and architectural design is compliant with saved policies 3.12 and 3.13 and the NPPF section 12 Achieving Well Designed Spaces.

Stadium building

346. The proposed football stadium incorporates the main stand and stadium building, boundary treatment and terracing. It sits between the proposed residential blocks and Greendale fields to the south west. The building would have a palate of:
 - White pigmented GRC or concrete base.
 - Grey metal wall and roof cladding.
 - Expressed glulam frame (Glued laminated timber made from layers of timber glued together with durable, moisture-resistant structural adhesive)
 - Curtain walling
 - Timber fins.

Image: View of stadium from the north



Image: View of stadium from the west



347. The stadium building is three storeys high and has been designed with a strong base finished in concrete panels whilst the upper level has a lighter finish with timber louvres, glulam frame and glazed sections of the façade. The building has a strong horizontal and linear feel and the slanted roof provides for an interesting roofscape. The roof of the building also cantilevers beyond the structure of the main building to provide shelter for the main stand. The rest of the building is clad in metal which would give it a more lightweight feel.
348. Overall the design of the stadium has adopted a minimalist and simple form which provides good orientation and a logical layout. Key to the success of the design will be the quality of the materials used which should be robust and the positioning of the signage which has been incorporated into the design at the outset. Details are to be secured by condition.

Scale and appearance of mast

349. The relocation of the mast and equipment and any minor upgrades to the telecommunications equipment will not have a significant impact on the character of the wider area.

Heritage assets

350. The site is not located within a Conservation Area, and there are no conservation areas in close proximity to it. The nearest conservation areas - the Sunray Estate and Camberwell Grove Conservation Areas - are located approximately 300-350m from the site at their closest points. The proposed development would not impact on the setting of any heritage assets.

Townscape impact and views

351. The views in the TVIA have been updated to reflect the proposed development's amended massing and detailed design. Out of the 11 views provided in the

submitted TVIA, 5 of them would be most visible. Officers have therefore selected views that are considered to be most sensitive, prominent and potentially have impact on the townscape. These are views 1 - 5 as indicated in the map below.

Map: Viewpoint location map



352. *View 1: Greendale playing fields*

Existing

This viewpoint is located towards the western edge of Greendale Playing Fields. The foreground of View 1 is occupied by the overgrown grass of the playing fields, and has an open character. Some of the existing club buildings on the site are visible beyond, including temporary buildings and changing facilities, together with floodlights and the communications mast on the site. The western edge of the supermarket located to the north of the site appears towards the left side of the view.

Image: Existing view from Greendale playing fields



353. Proposed

In the proposed view, the proposed development would appear in the middle distance, with the three storey stadium building and stands being most visible and the residential buildings located further east, in the background of the view. The open character of the Greendale fields in the foreground of the view would remain.

The appearance of the floodlights around the new pitch would be consistent with the existing character of the view.

The residential accommodation would be slightly taller than that of the supermarket to the north of the site in this view, but there would be a clear stepping down in the heights of the blocks towards the south.

Image: Proposed view from Greendale fields



354. *View 2: Greendale fields, north-west of the site*

Existing

This viewpoint is located north-west of the site in Greendale fields and the foreground of the view consists of the overgrown grass of the fields and a footpath through it. It has an open character. The existing artificial pitch within the playing fields lies in the middle ground, though not highly visible and is mainly marked by the presence of the floodlight. Views of the existing fence surround it in places.

The tops of existing club buildings and a floodlight on the site are visible beyond, and a communications mast. The western end of the supermarket including a prominent blank wall appears on the left side of the image.

Image: Existing view from Greendale, North west of the site



355. Proposed

The foreground of the view would consist of the mesh fence around the new pitch with the canvas banners down. A mesh fence around the new football pitch would appear close to the viewpoint. New planting along the fence would provide some softening of the fence.

The proposed stadium building, stands and pitch would be clearly visible with a simple horizontal roofline, located beyond the fence but is on the eastern edge outside of Greendale fields. The sunken pitch and terracing to the west (on MOL) would be partly visible but largely maintains open character.

The floodlights would be consistent with the existing character of the view, and there would be fewer than at present.

The residential buildings would appear beyond the playing fields, in the middle distance and their apparent height would be less than that of the supermarket from this view. The height of the apartment blocks would be seen to step down towards the south. The glazed link block that joins Blocks A and D together is not clearly visible.

Image: Proposed view from Greendale, North west of the site



356. *View 3: Along the road to the south*

Existing

This viewpoint is located towards the western end of the access road along the south of the site. The foreground of this view is dominated by the access road to the south of the site, a sub-station, the mast and the wall and stand along the southern edge of the pitch. The Club buildings and the supermarket are partially visible in the middle ground of the view, while the five storey apartment blocks with pitched roofs of the East Dulwich Estate are visible in the background of the view.

Image: Existing view along the road to the south



357. Proposed

This view looks along the proposed route through the southern part of the site, with a fence to the football pitch immediately adjacent to the north, and the proposed residential buildings beyond to the east. The stadium building is prominent in the foreground but would not dominate this view with a gentle sloped roof and a glazed south elevation to give it a lightweight feel.

It is considered that the quality of this view would be enhanced with a more defined pedestrian route with associated soft landscaping and trees. The proposed residential blocks would screen the five storey buildings on East Dulwich Estate, but it is not a protected view.

The residential blocks closest to the southern boundary would be 4 storeys in height, stepping up to 6 to the north. This scale on the southern side would appear at a scale that would appear comfortable within the background of the view.

Image: Proposed view along the road to the south



358. *View 4: St Francis Park*

Existing

This viewpoint is taken on the eastern edge of St Francis Park, looking west. The open space of the park occupies the foreground of this view, with trees around the edge of the park providing a sense of enclosure. Floodlights and the communications tower on the site are visible in the background of the view. Part of the supermarket is also visible.

Image: Existing view from St. Francis Park



359. Proposed

The residential blocks would appear in the background of the view and their height appearing lower than the more prominent taller existing trees in the foreground. The block that is most visible is 6 storeys on the northern edge of the site, but stepping down towards the proposed southern green link. The design of the buildings has been articulated and would appear to be distinct and separate blocks and therefore reducing their dominance in local views. They are seen within the context of their landscaped setting.

Image: Proposed view from St. Francis Park



360. *View 5 : Dog Kennel Hill, looking along Edgar Kail Way*

Existing

This viewpoint is located on the eastern side of Dog Kennel Hill looking west towards the road junction with Edgar Kail Way. Dominating the foreground of this view is the road junction, traffic lights and the supermarket sign. Trees within St. Francis Park and bordering Sainsbury's store occupy much of the middle ground of the view. The existing car wash on the eastern part of the site is visible in the middle distance, and the communications mast is seen further away. On the whole, this view appears cluttered.

Image: Existing view from Dog Kennel Hill



361. Proposed
The residential Block C would appear in the background of the view. The rest of the residential blocks to the south are partially screened by the trees in St Francis Road. In some ways the development would provide an element of enclosure in the middle distance of the view and marks the entrance to the development site.

Image: Proposed view from Dog Kennel Hill



362. From the assessment of the more prominent views set out above, it is considered

that the scale of development envisaged would not have a significant effect on the townscape or the setting of conservation areas which are further from the site.

363. The proposed development would not fall within any of the Borough views or protected Strategic views.

Comments of the Design Review Panel

364. An earlier iteration of the scheme at pre-application stage was presented to the Design Review Panel (DRP or “the Panel”) on 13th May 2019. This scheme had proposed a slightly different layout for 231 residential units. Like the current scheme, the layout included a vehicle access to the north and a linear park route to the south. A row of terraced houses were proposed on the northern boundary between the proposed vehicular access road and the Sainsbury’s service yard.
365. The Panel generally supported the pedestrian access route and welcomed its incorporation into the green link. They also supported the block layout. However, they raised concerns over the location and alignment of the access road which would disrupt the amenity of the area for residents. In response to this, the row of terraced houses has been omitted in the current scheme. The access road has also been re-aligned.
366. The Panel also questioned how the landscaped public spaces, which can be accessed by all, would be separated from the private spaces, which are available only to residents. The Panel asked for a comprehensive access strategy for the development which would define how each block is accessed and clarify the separation of public and private spaces. .
367. In response to this, the applicant has provided a landscape and access strategy that gives a clearer definition between private, semi-private and public spaces. The inclusion of railings to the south preserve the sense of openness of the site whilst better distinguishing what is public from what is private.
368. The Panel had stressed that the landscape should be designed with a sense of hierarchy and purpose. They also noted that the layouts did not appear to include adequate defensible space or private amenity for ground floor units. In response, the applicant has provided improved landscaped courtyards, with clearer pedestrian paths, sufficient defensible space and spaces that have different characters. Block A, B, D and E all have communal front doors which open onto the central green space. The central part of the site would also be kept free of vehicles.
369. The Panel also asked that the designers define the areas in the courtyard that will provide communal amenity for residents and asked that the areas to provide for facilities like door-step play to be defined, and show how these spaces will be accessed and enjoyed by residents.
370. The Panel questioned the width and character of the green link which is the main pedestrian and cycle access to the stadium. The Panel questioned the location of the kick-about space which was located between Blocks E and F which would be disruptive to future occupants. The applicant has amended and relocated the kick-about space to the north of the site, which is a significant improvement.
371. The Panel were not able to comment on the architectural expression or the detailed internal layouts because these had not been presented to them. In conclusion, the applicant has addressed the majority of the points raised by the Panel and the

scheme has improved as a result of their input.

Designing out crime

372. The Metropolitan Police Design Adviser raises no objection to the scheme. It is considered that the layout provides good passive surveillance. Condition relating to Secure by Design accreditation is recommended.

Trees and landscaping

373. The application is accompanied by an Arboricultural impact Assessment (AIA) and landscape design statement. The AIA submitted with this application assesses the impact of the proposals on trees, including due to changes in levels through the sinking of the pitch. Overall, the proposal will require the removal of the following trees:

7 x Category B trees
11 x Category C trees
2 x Category U trees
4 x groups

The total stem girth loss would be 5,167cm.

374. No TPO or other protected trees are adversely affected. All Category A trees are to be retained and protected from construction activity. It is proposed to remove 7 Category B trees as these are located within the footprint of the proposed football stadium so their retention is not possible.
375. The Category C trees and groups are located within, or close to, the footprint of the proposed football stadium so their retention is not possible. G1 is a dense mix of semi-mature species including cherry, field maple, Norway maple and hawthorn and are relatively small trees. Two Category U trees would be removed. Extensive new tree planting is proposed which includes several large canopied species such as London Plane, Sweet gum, Field Maple and Hornbeam, 2 of which are native species. There would be 107 semi-mature trees proposed across the site.
376. The total number of trees proposed on the site would replace the loss, but Officers have discounted the roof top tree planting and whips and feathers. Therefore, overall there is a net loss of 577cm in stem girth. This could equate to 36 trees with 14-16cm girth replacements. Whilst it would be preferable to plant these on-site, it is not possible to secure these without compromising on the layout of the development and ensuring that the trees sustain long term health. In order to mitigate this, the applicant has agreed to plant these off-site within the vicinity of the site. This will be secured as a financial contribution of £1,050 per tree, totalling £37,800 via thes106 agreement. These trees are likely to be along surrounding streets.
377. The canopies of all retained trees are located sufficiently far from proposed building works and sufficiently high over access routes throughout the site that they would not be impacted upon by any construction activity. Consequently no pruning works are required to facilitate construction activity or access throughout the site. A number of trees on the neighbouring site at Burrow Road already has an agreed plan for a pruning programme over the next six years. Tree protection measures are specified throughout the accompanying AIA that will ensure no negative impact on retained trees due to construction activity.

378. No building foundations are proposed within the Root Protection Area (RPA) of any retained tree. Officers note that the new football pitch will extend into the very edge of the theoretical RPA of one of the trees, but only approximately 3% of the RPA shall be affected so the potential impact is considered to be negligible. In order to minimise the impact on roots, mitigation measures have been recommended.
379. Concerns have been raised by local residents regarding the loss of trees. In particular comments have been made regarding the existing amenity value of the mature trees to be removed and that new trees to be planted would take time to mature. Residents argue that the trees have only been valued in a superficial and subjective manner and in view of the climate emergency a better method of assessment is needed such as I-tree. The majority of the objections received comment that the loss of trees would also worsen climate change and air pollution.
380. The council's Urban Forester has reviewed the proposals and considers that with the replacement planting and mitigation measures off-site the proposals are satisfactory. However, full details of tree planting should be secured by way of condition including pre-commencement meetings with the Urban Forester. Details of protection measures of retained trees would also be necessary. The hard and soft landscaping condition would also require details of tree pits for this development. Subject to replacement planting, any impact from the proposals upon the visual amenity of the local area as a result of the proposed tree removals, is to be mitigated.

CHAPTER 9

Transport and highways

381. The NPPF requires transport issues to be an integral consideration in the determination of development proposals. It places emphasis on locating new development within accessible and sustainable locations, maximising sustainable transport opportunities, reducing parking provision, ensuring safe and suitable access to sites can be achieved for all users and maximising opportunities to enhance access and permeability. Paragraph 111 of the NPPF also requires any development that might generate significant amounts of movement to be accompanied with a travel plan and transport assessment/statement to assess the likely impacts. This is further reinforced in Policy 6.3 of the London Plan 2016.
382. In terms of Southwark policies, strategic policy 2 of the Core Strategy 'Sustainable Transport' states that the council will encourage walking, cycling and the use of public transport rather than travel by car, and saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions.
383. The site has a public transport accessibility level (PTAL) of 3, which is considered a good level of access. The applicant has also carried out a manual assessment of the PTAL rating and demonstrates the site could qualify to have a rating of 4. It is close to East Dulwich train station plus bus routes on Grove Vale. It is around a 12-15 minute walk to Denmark Hill station, which gives access to a larger number of destinations, including the Overground. The site is located within the Controlled Parking Zone Q (CPZ) which is effective between 11:00 - 13:00 Monday to Friday and Abbotswood Road and Edgar Kail Way are subject to single or double yellow line restrictions. A Transport Assessment (TA) has been submitted in support of the application.
384. Objections raised from public consultation regarding transport matters relate mainly to the additional stress on public transport from the trips to the stadium and the residential development. It is argued that there is inadequate car parking on the site potentially leading to overspill parking on surrounding roads, impacting on highway safety and obstructing emergency vehicle access.

Site access

385. The primary public routes through the site are along the shared surface road to the north of the site and the pedestrian link to the south through the green link. Both of these routes are accessed off Abbotswood Road. In addition to these two main routes, access for residents is provided through the centre of the site from east to west. In addition, a north-south walking route is proposed through the communal areas of the residential development, allowing access from the green link to the Sainsbury's site, strengthening the connection between the sites.
386. To improve the separation distance between vehicle access to the site and the junction of Abbotswood Road and Edgar Kail Way, and to create an efficient layout for proposed residential blocks the proposed development relocates the site access south of its current position. The applicant's consultants have carried out vehicle swept path analysis demonstrating that all vehicles entering and leaving this site could do so in a forward gear.

387. The northern access road would be maintained through a service charge levied on future residents. The applicant does not wish it to be adopted by the council's Highway authority. The construction of this route would be carried out by the developer and shall meet the Southwark's Streetscape Design Manual (SSDM) requirements (ie. be built to adoptable standards).
388. The green link provides separate pedestrian and cycle routes, as well as play space and planting. The existing route is well used, but the environment is poor and lacks any surveillance. This improved link would significantly enhance the attractiveness of this route, which then links onwards to Greendale and Nairne Grove. There would also be a new footpath that would connect the green link around the western edge of the proposed pitch to the rest of the wider Greendale fields. This public green link is proposed to be maintained and managed by the council's Parks and Leisure team and a contribution of £527,682 would be secured to allow for this, which should ensure adequate maintenance for at least the initial 20 years.
389. There is an existing footway on the eastern side of Abbotswood Road (alongside the boundary of St Francis Park). The development would create a new 2m wide footpath adjacent the site on the west side of Abbotswood Road which would benefit movement north-south. This further improves pedestrian safety and reduces potential conflicts between pedestrians and vehicles.

Trip generation

390. Concerning the vehicle movements ensuing from this development, the football stadium's capacity is being increased by 672 from the existing 3,334 to 4,006. The average match day spectator number is currently 2,740 and is projected to increase to around 3,292 (an increase of 552). The maximum capacity indicated above in the submitted Transport assessment is greater than the 4,000 described in the submission and in this report, but this difference is very marginal and would not significantly change the assessment that has been undertaken.
391. The applicant's consultants have carried out spectators' travel origin surveys on 9 match days which show that 92% of the spectators are from London, with 68% of these travelling from Southwark/Lambeth/Lewisham and the residual 24% being from other London boroughs. In terms of the means of transport the additional spectators would use, the applicants' consultants have undertaken a travel survey during a home match on 13 April 2019 to which 2,841 spectators attended with 384(14%) responses and found that only 26(6%) of the spectators interviewed travelled by car. By applying these proportions to the 552 additional spectators, Officers have estimated that 33(6%) of these are likely to travel by car while the remaining 519 (94%) use sustainable transport modes to travel to and from this site during the off-peak traffic hours on match days. The additional 33 spectator car trips are not considered to be significant. In terms of looking at the maximum capacity (4,006), that would mean an increase from the existing 207 spectators travelling by car to 240 spectators that might be expected to travel by car overall as a worst case scenario. Furthermore, the preliminary travel plan submitted indicates that the preliminary 5 year targets set out for match day stadium trips would see a reduction in vehicle trips (down to 2%). In terms of coach movements, only 2 coaches carrying 80 passengers in total and resulting in 4 two-way coach movements were observed.
392. The applicant has forecasted vehicular trips for the residential/leisure aspects of this development in the morning and evening peak hours. Officers' own interrogation of comparable sites' travel surveys within TRICS travel database has revealed that the

residential aspect of this development would generate 22 and 32 two-way vehicle movements in the morning and evening peak hours respectively while its additional leisure facilities would create 3 and 10 two-way vehicle movements in the morning and evening peak hours, correspondingly. Overall, it is projected that this development proposal would produce 25 and 42 net additional two-way vehicle movements in the morning and evening peak hours correspondingly.

393. Notwithstanding the above, Officers consider that these levels of additional vehicular traffic would not have any noticeable adverse impact on the prevailing vehicle movements on the adjoining roads on match and non-match days.
394. Whilst transport implications and low levels of proposed car parking (discussed below) have been raised by local residents it is not considered to warrant grounds for refusal given the existing use and the good public transport accessibility of the location. A residential and stadium travel plan would seek to control any potential impacts, reducing vehicle trips and this could be effectively secured through the s106 agreement.
395. The GLA had requested further clarification to enable assessment of whether highway or public transport mitigation is required for the stadium. They commented that the residential component of the development could potentially place additional strain on existing bus routes in the morning peak and have requested a financial contribution to support one additional peak hour northbound bus journey. The council's own Transport Planning team has considered this and have been in discussions with the applicant. Given the considerable demand for public transport expected from this development during match days and weekday morning/evening peaks hours, the applicant will be expected to make contribution towards public transport improvements in the vicinity of this development. Following negotiations on this matter, an agreed contribution of £135,000 towards local bus services would be secured and this payment would be staggered over the 3 years from first occupation of any part of the development. The two northbound/southbound bus shelters on Grove Vale would also need to be enhanced by way of renewal and inclusion of bus count down facilities and a single sum of £20,000 will be secured.

Car parking

396. Saved Policy 5.6 (Car Parking) requires all developments to minimise the number of spaces provided and for developments to justify the amount of car parking sought. At present, the football club has a total of 46 car parking spaces which are used on match days. When accessing the existing leisure facilities, users can park in the spaces adjacent to the building. Coaches currently park along the private service road to the south. Two coaches on average are parked on site during matches.
397. In the proposed development, there would be a total of 19 disabled car parking spaces, 1 car club space, a servicing lay-by plus 2 coach parking spaces. 12 of the car parking spaces would be allocated for the proposed stadium and leisure facilities and these are located within the area immediately adjacent the north-east corner of the stadium building. Should demand require, the parking area has additional capacity to accommodate 12 additional vehicles in a managed / stacked arrangement. For the purposes of FA ground grading this includes the ability to enable parking for up to four visiting directors, and parking for match officials. If disabled parking is not fully booked, then residual spaces will be used in the first instance. The remaining 7 disabled spaces would be on the shared surface street allocated for the residential use.

Residential parking

398. Although there is limited parking control in this vicinity and this development proposal involves the loss of 27 existing car parking spaces, the submitted car parking surveys on surrounding streets plus the adjacent Sainsbury's car park show that on average, approximately 63% of the available on-street car parking spaces were unoccupied during the weekday overnight/early morning survey while approximately 43% were empty on average at the peak parking demand hours (1500hrs and 1600hrs on Saturday). This shows that there is capacity on the surrounding roads. In any case, national and local planning policies encourage walking, cycling and the use of public transport rather than travel by car so car parking provision should be minimised. It is acknowledged that there is a CPZ in place on weekdays and it is recommended that a condition restricting the future residents from obtaining parking permits be imposed. Despite the GLA's comment on expanding the CPZ, Officers do not consider that a contribution towards the expansion of the local CPZ is necessary or reasonable in this instance.
399. The parking standard for residential development in Inner London with PTAL 4 is a maximum of 1 space per unit according to Policy 6.13 of the London Plan 2016. Policy T6 of the Intend to Publish London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport. However, car-free development should still provide disabled persons parking . In terms of the disabled parking provision, it is considered that the level of disabled car parking is considered sufficient. The Draft London plan's Policy T6.1 states that:
- "Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:*
- 1. ensure that at least one designated disabled persons parking bay per dwelling for three per cent of dwellings is available from the outset*
 - 2. demonstrate on plan and as part of the Car Parking Design and Management Plan, how the remaining bays to a total of one per dwelling for ten per cent of dwellings can be requested and provided when required as designated disabled persons parking in the future. If disabled persons parking provision is not sufficient, spaces should be provided when needed either upon first occupation of the development or in the future".*
400. The scheme proposes a total of 7 No. disabled bays for the residential element of the scheme, which equates to 3% of the total number of units.
401. The applicant has indicated and demonstrated on a plan that a further 16 disabled parking spaces (7%) could be provided if demand requires in the future. Sufficient flexibility has been accommodated within the landscape design to accommodate various methods of phasing the expansion of disabled parking. This complies with the draft Policy T6.1.
402. It is considered appropriate to ensure the spaces are distributed equitably (11:26:63 ratio respectively) between intermediate, social rented and private units and this is to be secured in the S106 agreement. All the spaces would be equipped with active electric vehicle charging points in line with London Plan planning policies. The management and allocation of the residential disabled spaces would be carried out by the housing management company, which the details shall be secured in the s106.

403. There are car club vehicles in the vicinity of the site and a new car club bay is proposed within the site. The applicant has committed to providing three years free membership per eligible resident which is welcomed.

Stadium and leisure facilities parking

404. As noted above, 12 of the spaces proposed in front of the stadium building are reserved for the Club and the leisure facilities. No general parking will be provided for either the stadium or leisure use other than for up to four visiting directors and match day official parking which will be accommodated within un-booked disabled parking spaces. Should demand require it, the parking area has additional capacity to accommodate 12 additional vehicles in a managed / stacked arrangement. It is understood that currently an average match generates one disabled space requirement, with the maximum number required at any one time being four spaces. Disabled car parking will continue to be managed by prior booking of a parking space with DHFC. Other than those who are mobility impaired, all other members of staff and visitors will travel by non-car modes.
405. The proposed stadium car parking area includes the provision of two dedicated coach parking bays for full sized coaches (circa 15m in length). These are located to the northern corner of the stadium building. Swept path analysis demonstrates that coaches can safely enter and exit the spaces with adequate manoeuvring space.
406. The applicant has submitted an initial Stadium management plan and a stadium travel plan. As briefly mentioned above, spectator and pedestrian movements would be supported and guided by the presence of marshals and stewards at various points across the site. The marshals would be responsible for managing crowding, preventing unauthorised access during match day events and where necessary holding. The applicant has confirmed that they anticipate up to 8 stewards to be present on turnstiles pre-match and six post-match, with up to 20 stewards / marshals being present in total. They will also be responsible enforcing and managing the stadium parking on match days. These measures seem appropriate and the stadium management plan, with the events management plan embodied within that should be further developed prior to occupation and should be secured in the s106. An interim events management plan shall also be secured for each phase of construction to ensure that access to and from the stadium can be appropriately managed.

Cycle parking

407. London Plan policy 5.2 requires 1 cycle parking space for 1 bedroom flats and 2 cycle spaces for each larger unit. It also sets a requirement of 1 space per 40 units for visitors. The standards also require 1 space per 8 staff and 1 visitor space per 100 sqm for community facilities. However, cycle parking for stadia are not set out in local or the London Plan. Southwark Plan policy 5.3 stipulates that all cycle parking should be secure, convenient and weatherproof.
408. The applicant has proposed a total of 482 cycle parking spaces across the site. This comprises 402 spaces for residents and 80 spaces for stadium and leisure visitors (6 long-stay, 74 short-stay). The cycle stores for residents are proposed within each block for convenience and easy access. A separate cycle store is also proposed in Block G adjacent to the games area for blocks that cannot provide sufficient space within its own building. In total, 52 cycle spaces for the residents would be in Block G which also comprises oversized bicycles. The blocks that have a slight under-provision (Blocks B, C and D) would have access to the cycle store in

Block G. The overall provision complies with the standards recommended in the New Southwark Plan. However, it is considered reasonable to recommend a condition securing further details to ensure that there is a sufficient Sheffield cycle racks for those less physically able to use the double stack systems. A condition is also recommended to secure details of the residential visitor cycle spaces and it is envisaged this would be located within the landscaped areas.

409. Though the GLA had pointed out that more visitor cycle spaces for the stadium should be provided (from the proposed 80 to 120 spaces), the applicant responded that the higher demand associated with a match day only occurs for circa 3.5% of any week when two match days are held. The applicant pointed out, if fully occupied, the 80 cycle parking spaces represents 2% of the total stadium capacity whereas current demand is only 1% as recorded by survey in April 2019. Any overprovision of the stadium cycle spaces may cause a negative impact to the prevailing environment and contradict the Healthy Streets approach by overprovision of largely redundant at grade infrastructure. The applicant's Transport Assessment states that the proposed monitoring and expansion of short-stay cycle parking would be provided upon observation of demand for three consecutive home matches. This can be provided in the stadium travel plan and it is considered reasonable to seek details of how additional short-stay cycle parking spaces for the stadium use could be provided in the travel plan. The council's Transport planning team considers that the adequate numbers have been provided.

Refuse store

410. Refuse stores are adequately sized to accommodate recycling and general waste arising from the development. These should be secured by way of condition and refuse collection considered within the servicing delivery plan.

Delivery and servicing

411. All delivery and servicing requirements for the stadium and leisure centre will be undertaken outside of match day operations. Delivery and servicing movements will be undertaken via the proposed access road. Loading and unloading activities can take place from within the stadium car parking area, and it is proposed for vehicles to utilise the dedicated coach parking areas which will not be in use.
412. Delivery and servicing movements for the residential development will take place in the same manner during non-match days. The residential development benefits from an additional delivery / servicing area, formed as a lay-by from the internal access road. On collection day, an operative of the appointed management company will be responsible for the transport of refuse to consolidated holding / collection points within the site. Vehicle tracking diagrams have been submitted to show access, egress and turning movements within the site is possible. It is considered appropriate to require the submission of a service and delivery plan should planning permission be granted.
413. The anticipated servicing activity would be 42 deliveries (two-way movements) per day. As a precautionary measure, a Delivery and Servicing Management Bond will be secured so that highways impacts can be monitored over the course of the first two years of operation.

Travel plan

414. The Transport planning team has reviewed the submitted Framework Travel Plan which sets out the residential and stadium travel demands and impacts and a strategy encouraging sustainable travel. An obligation requiring the implementation

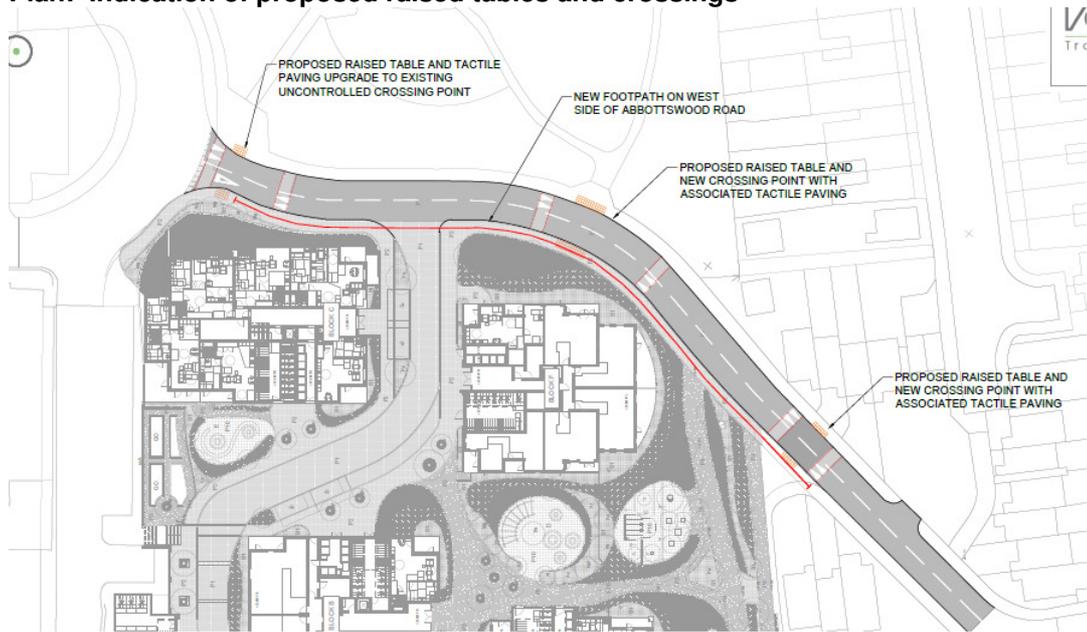
of an approved travel plan prior to occupation of the proposed development would be included in the s106 along with a Travel Plan Coordinator to be appointed prior to occupation to implement the travel plan for each use.

415. A Construction Logistics Plan (CLP) should also be secured by condition to ensure that construction traffic is managed appropriately without impacting on existing residents, club supporters and vehicles including buses going to the adjoining Sainsbury's as well as minimising the transport impact of the construction phase.
416. London Plan Policy T2 relates to 'Healthy Streets' and seeks development that delivers patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. The Healthy Streets Approach recognises the importance of promoting and facilitating active modes.
417. The submitted Transport Assessment demonstrates that the Healthy Streets approach has been prioritised with the proposed improvements encompassing the green link and enhanced crossing facilities meeting the Healthy Street criteria. In the applicant's Healthy Street evaluation, it was identified that certain pedestrian routes that would require improvements include a requirement for pedestrian crossing on Melbourne Grove around its bendy section and that would require a contribution of £20,000.

Wider transport and highway works and improvements

418. Other highway works proposed would be secured via a section 278 (s278) agreement with the council's Highways authority. Following discussions between the applicant and the council's transport and highways teams, the works have been amended and agreed. Of note are three raised tables along Abbotswood Road, two new uncontrolled crossings on the raised tables on Abbotswood Road, removal of the mini-roundabout junction with Abbotswood Road. The removal of the roundabout is due to the closure of the existing access road and formation of a new linear route. It is considered that the removal of the mini-roundabout enables greater levels of space to be given back to pedestrians / public realm. This would also facilitate the new proposed uncontrolled crossing.

Plan: Indication of proposed raised tables and crossings



419. Other works that have been suggested by the council's transport planning team included improvements to raised entry treatment at St Francis Road junction with Dog Kennel Hill which would require a s106 financial contribution which has been agreed by the applicant.

CHAPTER 10

Sustainable development implications

420. Policy 5.2 of the London Plan requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor's energy hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. Of note is that residential buildings must now be carbon zero, and non-domestic buildings must achieve a 35% reduction in carbon dioxide emissions against part L of the Building Regulations 2013.
421. The applicant has submitted a revised energy statement following the GLA's Stage 1 response, which provides some clarifications and amendments. The site is not adjacent to any existing or planned District Heat Networks (DHN); therefore, any plant will have to be incorporated within the development but with the potential for future connection to a DHN. Savings were achieved from energy-efficient measures, site-wide heat pumps and photovoltaics to produce a site-wide reduction of 66% against Part L. The measures are outlined below.
422. Be lean (use less energy)
Energy efficiency measures include a range of passive and active measures are proposed. The regulated carbon saving achieved in this step of the Energy Hierarchy is 9% for the domestic element and 0% for non-domestic element (the stadium).
423. Be clean (supply energy efficiently)
In-keeping with the GLA requirements the individual gas-fired boilers were replaced with central boiler plant distributing over a site-wide network capable of connecting to a district heating scheme at some possible future time. However, this inevitably increased the CO₂ emissions due to pipework distribution losses and pumping power. It was not possible to achieve any savings from the Be Clean stage.
- Be Green (low or carbon zero energy)
424. For the Be Green stage a number of renewable technologies have been appraised in terms of their technical, physical and financial feasibility, as potential renewable systems for use on the project. The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install Photovoltaic (PV) panels and Heat Pumps. The proposal includes an area of 200sqm for the stadium and 495sqm for the residential of PV panels.
425. The saving for the domestic element would be 56%. For the non-domestic elements, this would be a 66% reduction over the site wide baseline level.
426. The overall predicted reduction in CO₂ emissions from the baseline development model (which is Part L 2013 compliant) is approximately 65% for the domestic element, which represents an annual saving of approximately 148 tonnes of CO₂. For the non-domestic element there would be a reduction of 66%, representing an annual saving of 273 tonnes of CO₂. The level of savings for the stadium significantly exceeds the minimum 35% against Part L which is welcomed.
427. To enable the domestic element to meet zero carbon target, a one-off carbon

offset payment of approximately £142,320 will be required in line with Southwark's Core Strategy and London Plan Policy. This figure is based on a shortfall of 1 tonne CO2 per year for a period of 30 years at a rate of £60/ tonne of CO2. The applicant has agreed to make this contribution, which would be secured through the S106 agreement and would therefore make this aspect of the scheme fully policy compliant.

Overheating

428. The Mayor provided detailed comments on cooling and overheating and a response was provided by the applicant. The GLA had considered the additional information and notes that the applicant has confirmed that they will be preparing an operational guide for the user/occupiers of each apartment, which will highlight measures to be taken in the future that would assist in future overheating during heatwaves (that does not need to be designed for now). It is suggested this would be centred around keeping windows open during cooler evening / night periods, using the MVHR unit with the heat exchangers off, closing the windows / drawing curtains / blinds during the day. This is welcomed by the GLA.

BREEAM

429. The submitted BREEAM Pre-Assessment Report confirms a BREEAM target of 'Very Good' for the stadium, with potential to achieve 'Excellent' through further design development. This complies with Core Strategy Strategic Policy 13 which notes that community facilities should achieve 'Very Good'. This element will be conditioned.

Ecology

430. Saved policy 3.28 of the Southwark Plan states that the Local Planning Authority will take biodiversity into account in its determination of all planning applications and will encourage the inclusion in developments of features which enhance biodiversity, requiring an ecological assessment where relevant. The adopted London Plan (Policy 7.19) notes that, where possible, development proposals should make a positive contribution to the protection, enhancement, creation and management of biodiversity. London Plan policy 5.10 also states that all major developments should incorporate sufficient green infrastructure to improve their environmental credentials and biodiversity value.
431. In respect of Sites of Importance for Nature Conservation (SINCs), Saved Policy 3.28 notes that developments that would damage the nature conservation value of SINCs will not be permitted unless, and exceptionally, where mitigation and/or compensatory habitat to offset impacts on biodiversity are provided. SINCs are sites which are recognised as being of particular importance to wildlife and biodiversity and are divided into Sites of Metropolitan, Borough and local Importance.
432. To the north-east of the application site, separated by the Sainsbury's Superstore, is Dog Kennel Hill SINC. This is of local importance. In the emerging New Southwark Plan, Greendale Playing Field is proposed for part of a new Borough Importance-grade SINC (referred to as Greendale SINC in this report). This designation excludes the astroturf pitch. This designation follows a SINC review carried out by The Ecology Consultancy which was commissioned by the council in 2014 and published in 2016. The 'SINC Review and Borough Ecological Survey' (2016) (referred to as the 'SINC Review report') was also informed by the 'Greendale Open Space Ecological Appraisal' carried out by LUC in 2014 (referred to here as the 'LUC report').

433. The SINC review report highlighted that:

“The main habitats at this site are a mosaic of species-poor semi improved grassland, scrub and tall herbaceous vegetation dominated by false oat grass, rough meadow grass and bramble. These habitats are common and widespread but the site contains a large amount of the area present in the borough. Anthills are numerous within the rough grassland and provide structural diversity. Plants recorded include hoary cinquefoil, ivy broomrape, dog rose, honeysuckle, evening primrose, welshed thistle, and hop. A number of Southwark BAP species have been recorded on site including hedgehog, stag beetle, common frog and house sparrow. The site forms continuity of habitat between Dog Kennel Hill SINC to the north and open space and SINC to the south including James Allen School playing fields and rail-side habitats. This habitat corridor is likely to be of value to foraging bats and reptiles if present in the wider area. The site probably offers one of the few remaining accessible areas of natural habitat in the local area as most nearby open spaces are managed for amenity and recreation.”

434. The above SINC review report continues to say that “the little managed and semi natural nature of the site is what sets this site apart for nature conservation”.

435. For the reasons outlined above from the SINC review, it was considered that Greendale fields should be designated as a SINC and is proposed in the NSP. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework. Emerging P59 ‘Biodiversity’ of the NSP has no unresolved objections and the policy could be given some weight. P59 states that developments must contribute to net gains in biodiversity through the enhancement of the conservation value of SINC and that SINC and populations of protected species and priority habitats/species should be protected. It goes on to say developments should include features such as green and brown roofs, green walls, soft landscaping, nest boxes, habitat restoration and expansion, improved green links and buffering of existing habitats.

Map: Map from the SINC Review report showing the habitat survey map of Greendale fields



- | | |
|--|-----------------------------------|
| GiGL SINCe | Borough Open Land |
| Metropolitan Open Land | Other Open Space |
| Vegetated wall/Tombstone | Tree |
| Native hedge | Non native hedge |
| Orchard | Scattered trees |
| Non-native broadleaved woodland | Native broadleaved woodland |
| Scrub | Planted shrubbery |
| Roughland | Amenity grassland |
| Basic grassland | Allotments (active) |
| Acid grassland | Tall herbs |
| Improved or re-seeded agricultural grassland | Neutral grassland (Semi improved) |
| Ruderal or Ephemeral | Bare artificial habitat |
| Bare soil and rock | Running water |
| Water | Typha etc swamp |
| Reeds/water | Wet Marginal Vegetation |
- GLA Other features (29)
- | | |
|-------------------------------|---------------------------------------|
| Buildings | Restricted access (Construction site) |
| Biodiverse green roof | Sedum dominated green roof |
| Neutral grassland (herb rich) | Marshy grassland |
| Other | |
| Target note | |

436. The council also published the 'Greendale Management Plan' in August 2017 which was aimed at the management and maintenance needs of the site to ensure safe public access is deliverable and that the ecological value of the landscape is enhanced to increase the biodiversity. Whilst it is not a document that has any status in planning policy terms, this management plan notes that Greendale's unmanaged nature of the landscape has created a semi-natural open space providing ideal habitats for shelter and foraging for a variety of fauna. Greendale is of considerable local significance for its value as a tranquil open space and as an important ecological conservation area (further confirmed in the SINC Review report). Poor semi-improved grassland is the most common habitat type recorded throughout and dense scrub is the second most common habitat type recorded at Greendale. This formed much of the boundary vegetation along with scattered trees especially in the north, north-west and west. The applicant has submitted an ecological assessment which assesses the ecological interest of the site and recommends any necessary mitigation measures.
437. Loss of Greendale proposed SINC
The proposed development would result in a total area of approximately 830sqm being lost from the proposed Greendale SINC (see image below Ecological features and area of SINC to be lost and hatched in purple). However, part of this 830sqm would be a footpath around the side of the pitch and does not constitute any built form. Along this footpath the western side of the pitch would be new native planting to increase the floristic diversity and hence elevate their biodiversity value. A large number of objections received highlighted the impact that the proposed stadium would have on the green corridor that is used by hedgehogs, stag beetles and bats, which are listed as important indicator species in the Southwark Biodiversity Action Plan. Many respondents feel that the loss of part of the SINC land would be unacceptable and essential wildlife habitat should be preserved.
438. Officers note the partial loss of the SINC and the concerns raised by members of the public and local groups. Officers also note the comments made regarding the impact on the identified species (stag beetles, hedgehogs and bats). In response to this, the mitigation and enhancement measures are further discussed in the proceeding paragraphs. Bat activity was recorded in a bat survey and noted that the species were Common Pipistrelle and Noctule and this is addressed in paragraph 446.
439. It should also be noted that the LUC report shows evidence of hedgehogs in the wider Greendale Fields area and is mainly outside of the application site. This is further discussed in the latter part of this section.
440. The LUC report notes there are Yellow meadow ant hills present in the wider Greendale fields outside of the application boundary. The council's Ecology Officer has confirmed that there is an area of Yellow meadow ant hills present in the area of the proposed SINC that would be lost, but the impact overall on the population of these ant species would be small. The council's Ecology Officer further confirms that the partial loss of this SINC area is of limited ecological significance. There are no species in the semi - improved grassland that is rare and the habitats could be re-created. Through the proposed mitigation and enhancement measures including habitat provision these losses can be offset.

441. The development is considered to have the potential to offer ecological enhancement for the site and Greendale Fields. The existing football stadium has limited ecological value as does the adjacent artificial pitch, and it is these portions of the site which form the main developed areas of the proposal. It is considered that the proposed development and creation of new habitats of conservation value, new diverse landscape planting, bird and bat boxes and green roofs within the development site and other ecological enhancements for local wildlife would provide biodiversity net gain. Two loggeries for stag beetles are indicated to be provided as part of the enhancement works within the wider Greendale SINC but locations are not yet confirmed as this sits outside of the application site. The measures outlined within the application site would seek to avoid and mitigate any identified effect and provide biodiversity gains for the site. This would complement the existing value of Dog Kennel SINC and the emerging Greendale SINC. The measures would be secured by condition including the submission of an ecological management plan and ecological monitoring scheme.
442. Notwithstanding the above, Officers do acknowledge that there will be a loss of a portion of the proposed Greendale SINC in terms of area and the applicant has further agreed that a financial contribution of £50,000 which would be used for further ecological enhancements around the rest of the Greendale fields, Dog Kennel Hill open space and Greendale access road (to the south) and this amount is considered reasonable and necessary. The type of ecologically-focussed works shall be agreed in consultation with local groups and the council's Parks department and the requirement for the applicant to take part in such consultation would be secured in the s106 agreement.

Image: Ecological features and area of SINC to be lost



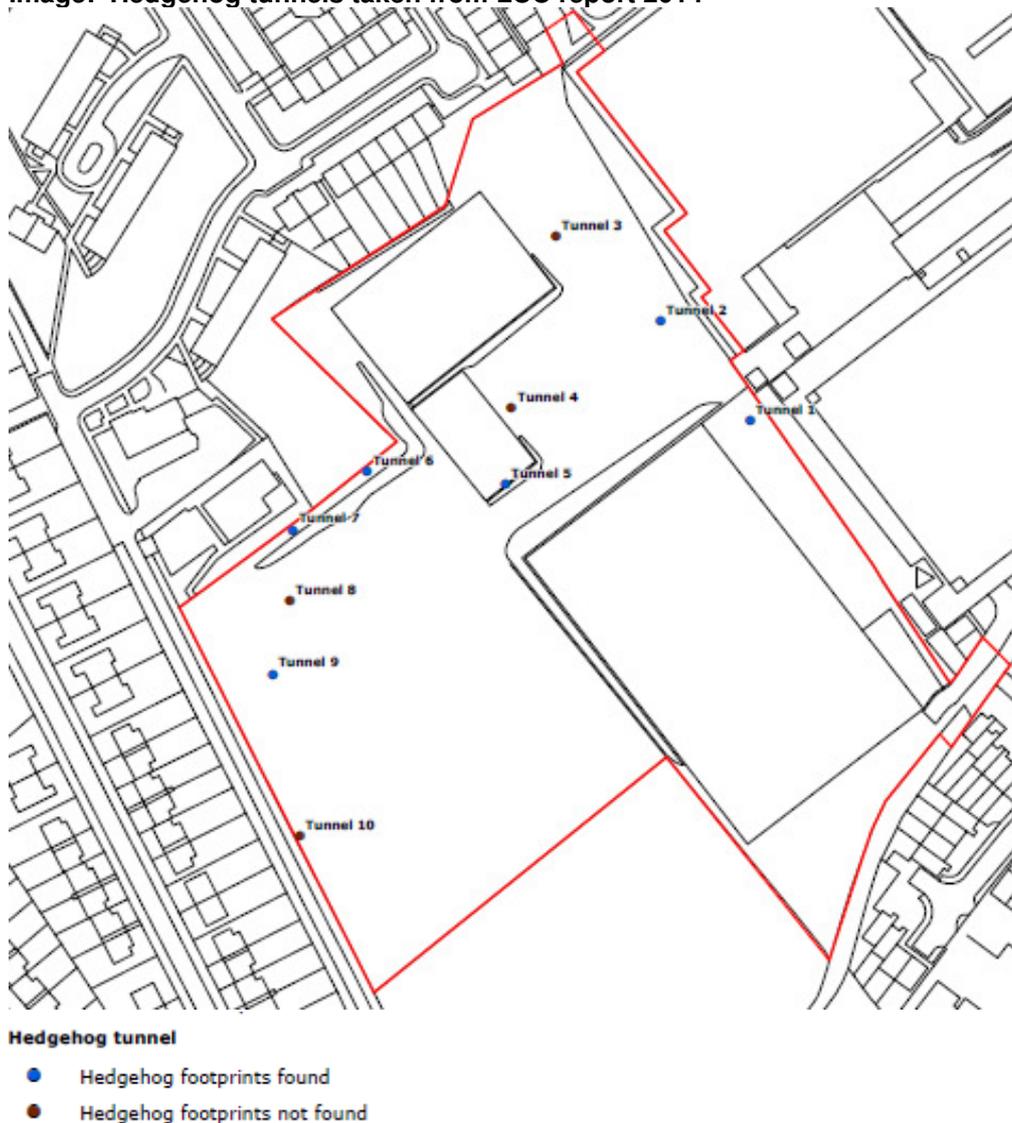
Bats and other species

443. All bats are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and included in Schedule 2 of the Conservation of Habitats and Species

Regulations 2017. A further bat addendum was submitted along with the applicant's Ecological Assessment. The assessment found that the majority of the site provides very limited and poor habitats for foraging and commuting bats. There are some limited opportunities afforded by the trees and scrub habitats in the south and west of the site. The proposed development will result in the initial loss of limited areas of suitable foraging habitat, but those trees with noted low to moderate bat roosting suitability shall be protected and retained as part of the proposals. Furthermore, the mitigation and enhancement measures proposed shall more than offset this loss through habitat provision overall delivering net gains in both foraging and roosting opportunities. The development proposes a large number of trees, planting, green space and green roofs around and on the blocks. This will improve the site for foraging and commuting bats as it will attract more insects. A condition requiring submission of details for a minimum of 8 mixed nest boxes and 10 bat tubes and 12 swift bricks is also recommended.

444. Concerns were raised by local residents that the potential noise and lighting for the games would also have a negative impact on birds and other wildlife on site. It is accepted that it is not possible to reduce the lighting levels any further due to lighting requirements for the sports pitch. There was lighting in this location for many years so it is a re-introduction rather than new lighting. The proposed usage and the lighting plan shows that for the period of May and June the lights will not be in operation. This is an important time for bats so it is beneficial there would be no lighting during these months.
445. As there is no lighting currently in operation there is a likelihood of some local disturbance to nocturnal wildlife during the months July to September when the lights first come into operation. The proposed lighting does spill into Greendale Fields. The lighting level illuminating the trees on the southern boundary is at 10 lux however the bat activity levels from the Bat survey (July 19) were not high and the bats recorded were Common Pipistrelle and Noctule both of which are common species and are light tolerant. Furthermore, as discussed in earlier sections of this report, the LED light sources have the ability to be dimmed (such as for community or training use), thereby minimising light spill.
446. The ecological assessment also assesses other habitats and mitigation measures. Local objections have raised concerns that previous surveys have found other species on Greendale. Hedgehogs are not a protected species, but they are a priority species under section 41 of the Natural Environment and Rural Communities Act 2006. The presence of hedgehogs was indicated in the SINC review report and the evidence for this was drawn from the LUC report 2014. The survey carried out by LUC in 2014 used hedgehog tunnels and recorded over 5 days. As can be seen in the map below (taken from the LUC report), the presence of hedgehogs were mainly seen in the wider fields outside of the application site. One of the tunnels was placed on the eastern edge of the astroturf pitch but there was limited evidence of hedgehog as footprints were only recorded for Day 1.

Image: Hedgehog tunnels taken from LUC report 2014



447. The applicant has also in their Ecological Assessment confirmed the surveys undertaken on the presence of hedgehogs. In their background records, it was found that 60 records of Hedgehog were returned by the data search. The closest record relates to a location approximately 0.2km southwest of the site and dates from 2014. The most recent record dates from 2017 and relates to a location approximately 1.2km south of the site.
448. In the applicant's habitat survey and faunal survey it was found that no hedgehogs were recorded during the surveys with the vast majority of the site (existing football ground and astroturf pitch) considered unsuitable for this priority species. It was noted however that the habitats on the margins of the site, namely scrub and grassland areas provide some limited suitability with the species known to be present in the wide area. The applicant's Ecological Assessment notes that the use of the marginal areas by hedgehogs, principally in the west is considered likely. The council's Ecology Officer has found the surveys to be adequate, meet best practice and no further surveys were required.

449. The council's Ecology officer has reviewed this and confirms that the proposed specific mitigation is compliant with legislation and is sufficient to negate the requirement for further surveys. These include marginal planting areas that will offer new resources for hedgehogs once established. Continued dispersal hedgehog gateways will also be provided in fences on boundaries of the site and linking suitable habitats. There will also be hedgerow hedgehog houses, with details to be secured by condition.
450. The public consultation responses also highlighted the presence of Stag beetles. Stag Beetles are protected internationally, under Annex II of the council Directive 92/43/EEC. The species is also protected nationally under Section 9 of the Wildlife & Countryside Act (1981), making it illegal to trade in the species without an appropriate licence. The applicant carried out background survey and a single detailed survey and showed no Stag Beetles having been recorded. However, a site review by the applicant was also completed in April 2019 and this identified three potential areas that could provide the suitable deadwood conditions to support Stag Beetle. This likely interest is centred on an old tree stump of a now felled Poplar tree to the south-west of the application site (see the image Ecological features and area of SINC to be lost).
451. In terms of mitigation and enhancement measures for any Stag beetle, the applicant will provide two new loggeries. The applicant also confirms that an appropriate mitigation strategy shall be devised as required to ensure any present population can be successful translocated or safeguarded in-situ as part of the proposals. The provision of a variety of new planting in various habitat types centred around a diverse species mix including early flowering and nectar rich species will provide new opportunities for a variety of insects. Furthermore, a variety of insect boxes and invertebrate 'hotels' / walls shall be created to further elevate the site's entomological interest. This shall be conditioned. Officers also note that the majority of the likely features of interest can be fully retained in situ being associated with the Poplar tree line on the south-west boundary of the site.
452. The responses received from public consultation raised the possibility that the proposal would encroach on nesting of Whitethroat birds. The submitted ecological assessment notes that the buildings within the site provide limited opportunities for birds. However, the site offers opportunities for nesting birds within the trees and scrub habitat. The council's Ecology Officer further confirms that the presence of Whitethroat birds are outside of the application site but within the wider Greendale Fields. Mitigation and enhancement measures have been proposed including ensuring that where any suitable nesting habitat is required to be removed this should be completed outside the nesting period and should any active nests be identified these must be appropriately safeguarded until any fledglings have flown the nest. Bird nesting boxes of various designs shall be erected on retained trees or incorporated into the fabric of the buildings and will be secured by condition. Overall it is considered that through an increase in suitable habitat for nest building and foraging net gains shall be delivered for locally present bird species.
453. The results of the surveys have shown that there are negligible opportunities for other species such as reptiles, amphibians and badgers. The development is not likely to have a significant adverse effect on designated sites in the locality.

454. In conclusion, Officers recognise that there will be the partial loss of the proposed Greendale SINC in terms of area. This proposed SINC is identified in the NSP and given the stage of the plan preparation and no unresolved objections to draft policy P59 of the NSP, this can be given some weight. However, as discussed in the above paragraphs, adequate mitigation measures are proposed to offset this impact. This proposed SINC covers the wider Greendale fields which have seen a number of Southwark BAP species recorded on site including hedgehog, stag beetle, common frog and house sparrow. The SINC Review report and the LUC report confirmed this, but the BAP species were recorded predominantly outside of the application site boundary (the application red line boundary) and are seen in the wider Greendale fields. The SINC review report notes that the proposed Greendale SINC forms continuity of habitat between Dog Kennel Hill SINC to the north and open space and SINC to the south including James Allen School playing fields and rail-side habitats. It also notes that this habitat corridor is likely to be of value to foraging bats and reptiles if present in the wider area. However, this corridor appears to be further north of the Greendale SINC where it would link with the Dog Kennel Hill SINC. The submitted ecological assessment confirms that there are no records of those BAP species within that area of SINC to be lost. Furthermore, the council's Ecology Officer confirms that the area that is to be lost (north of the pitch) is of limited ecological significance and that the habitats could be re-created elsewhere.
455. In total, 8 mixed nest boxes, 10 bat tubes, 12 swift bricks, 3 insect boxes and 4 hedgerow hedgehog houses shall be conditioned to secure the mitigation and enhancement measures. Planting and landscaping including biodiverse roofs shall also be conditioned which would offer biodiversity gains. In addition, a condition is recommended to secure the submission of an Ecological Mitigation and Management Plan (EMMP) to be approved. This EMMP shall identify habitats to be retained, enhanced and created with specific details (numbers, locations, specification and design of the habitats) for proposed nesting and roosting features. The EMMP shall also detail appropriate and proportionate measures to safeguard protected and priority species and also set out (where the results from monitoring show that conservation aims and objectives of the EMMP are not being met) how contingencies and/or remedial action will be identified. The EMMP will contain an ecological monitoring requirement for a minimum of 10 years.
456. The additional mitigation measure in the form of a financial contribution towards further ecological enhancements is considered acceptable. It is also concluded that the net biodiversity gains on the site would be a benefit and conditions would secure this including an ecological monitoring and management plan.

Image: Indicative habitat provisions



Contaminated land

457. The applicant has submitted a contaminated land desk study report to determine the potential for contamination. The conclusion is that there is considered to be a low risk from contamination at this site. However, conditions will be recommended in the event that potential contamination is found at any time when carrying out the development. It shall be reported to the Local Planning Authority with a scheme of investigation and risk assessment, a remediation strategy to be implemented and a post-remediation verification report.

Archaeology

458. The site is not located in a designated Archaeology Priority Zone (APZ). However, due to the size of the site, it was recommended that an archaeological desk-based assessment be provided in order to understand the significance of any archaeology which may be present on site. The report concludes that the potential for surviving Post-Medieval and Modern remains within the site is low to moderate, and that any potentially surviving buried archaeological remains dating to the Post-Medieval and Modern period, within the site boundary, would be of low significance. Officers are satisfied that it is not necessary to reserve any further archaeological mitigation work in this case.
459. One detailed comment has been received from public consultation suggesting that this is an important site given some theories and evidence that show there might have been an important ancient battle ground and an Iron Age road on the site. Following further consultation with the council's Archaeology officer, it was confirmed that historic environment records show that there are no Roman or Romano-British sites or findspots within a close proximity to the area of development.

Air quality

460. The site is located in an air quality management area (AQMA) as is the vast majority of the borough. This means the air quality is poor, with high levels of pollutants including particulate matter (PM10) and nitrogen dioxide (NO2). Southwark Plan saved Policy 3.6, Air Quality, states that planning permission will not be granted for development that would “lead to a reduction in air quality.” London Plan (2016) Policy 7.14 states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality. Residents have raised concerns over the air quality which could be made worse by the development and loss of existing trees. The applicant has submitted an air quality assessment (AQA) considering the impacts of dust during demolition and construction. It also considers the air quality once the development is completed and impacts arising from traffic associated with the operation of the development. It is concluded that the development is unlikely to raise any significant or other residual adverse impacts on existing neighbours and future residents. A construction dust assessment has been undertaken for the stages of construction activities. EPT has reviewed this and considers that the mitigation measures as outlined should be secured by way of condition. It is also recommended that a demolition and construction management plan be required by the s106 agreement, in order to ensure that any construction impacts are minimised.
461. A more detailed comment was received from Friends of Greendale (FOGD), which raised concerns over the applicant’s submitted AQA (see details in the consultation chapter of this report). The air quality concern primarily relates to the positioning of the kick-about space next to the Sainsbury’s delivery area and any plant inside this area. The argument was that the children, young people and adults using this kick-about space will be exposed to pollution and the possibility of a diesel lake effect and the submitted AQA has not addressed the potential receptors and is therefore flawed.
462. The council’s EPT Officer and the applicant have reviewed this objection. EPT confirms that the assessment methodology followed the appropriate legislative background and expert guidance and was also reviewed by a member of the Institute of Air Quality Management so meets the required appropriate expertise. The applicant’s AQA includes air quality modelling for the whole area around the development including transport data for the whole area provided by the applicant’s transport consultants, which included vehicle trips in and out of Sainsbury’s and the local buses. The consultants used a number of data sources in their model including air pollution monitoring carried out by Southwark (automatic monitors and diffusion tubes), published DEFRA background concentrations, and 5 months of their own diffusion tube monitoring around the site including the service yard access lane adjacent to the kick-about space location. The receptor positions modelled included some adjacent to either end of the delivery road and at residential building facades close to the kick-about space. The play space or delivery areas were not explicitly modelled but are within the area modelling. The modelling for the current scenario shows these areas to be well within the national objectives.
463. EPT also noted that the national Air Quality Standards/Objectives against which the modelled results are compared in the assessment are based on locations where the ‘public is regularly present and likely to be exposed over the averaging time of the objective’. This is the reason that the facades of the residential buildings were used. Officers agree that the kick-about space would not be used for periods meeting the

averaging times for the various pollutant species considered.

464. Furthermore, the results of the modelling showed 2023 to have lower concentrations of air pollutants than 2017. FOGD's objection states that there would be a 'canyon effect' in air pollution terms. A canyon would normally be where the structures either side of a road are as high or higher than the width of that road thereby forming a barrier to dispersion of emitted pollutants within it. The boundary wall to the development site and kick-about space is not that high so the canyon effect would be diminished. Notwithstanding this, such canyons cause the pollutants to be retained within them and to disperse out poorly, but the kick-about space is not within the canyon but outside it. The argument that there would be a 'diesel lake' referred to is not a concept within guidance. It appears to be effectively a type of canyon effect but when there is a substantial valley or cutting in which traffic is located, which is not the case at this location.
465. The number of HGVs that service Sainsbury's is relatively low and spread across a day. Similarly the number of coaches is limited in number and duration. Later in 2021, before the development is completed, the Ultra Low Emission Zone (ULEZ) will come into force so that all HGVs, coaches, minibuses and vans will have to be of a standard which will significantly reduce pollutant emissions from their movements. FOGD also raised concerns on the effect of the buses on the kick-about space. The buses come no closer to this space than about 90m so their emissions would be part of the background levels at the kick-about space.
466. In the FOGD's submitted document, there is reference to a failure to include stack height, diameter, emissions velocity and exit temperature for the delivery area. However, Officers consider that the application of these parameters is not pertinent to a diffuse area source of emissions but to point sources such as flues from boilers or industrial processes.
467. Officers would also highlight that it is common within inner London for play areas and parks to be next to or close to heavily trafficked roads which would have more exposure to air pollutants, such as St. Francis Park off Dog Kennel Hill. Given the evidence and EPT's assessment, Officers are satisfied that the applicant's AQA meets the requirements and that levels of air pollutants would meet the standards so as not to significantly harm the users of the kick-about space.

Flood risk

468. The application site is situated within Flood Risk Zone 1, which has a low risk of flooding, and the application has been accompanied by a Flood Risk Assessment (FRA). A small number of representations received from public consultation raised concerns that the sunken pitch could potentially lead to flooding and have an impact on the flow of groundwater. With regards to the groundwater flood risk to the site, the Strategic Flood Risk Assessment produced by the council indicates that the site is not at risk of flooding from groundwater. No site specific groundwater testing or monitoring has been undertaken, however the British Geological Survey's records identifies a borehole approximately 40m immediately to the south of the proposed new pitch in Burrow Road. This borehole records a standing water level approximately 30m below the ground level, This is well in excess of the excavation depths shown on the plans and means the site is at a low risk of flooding from

groundwater. Further details on groundwater risks are detailed in the Flood Risk and Mitigation section of the FRA.

469. The site is within a Critical Drainage Area. Both the proposal and the submitted FRA have been reviewed by the council's Flood and Drainage Team. Comments were also made by the GLA and the applicant has submitted a response. The proposed development will use a combination of traditional piped drainage systems and sustainable urban drainage systems (SuDS). The proposed SuDS features will reduce the rate of discharge by providing attenuation during heavy rainfall events, reducing the risk of flooding to itself and downstream /surrounding properties. The development has been divided into five sub-catchments and the new stadium and pitch will have a separate drainage system discharging into the Thames Water sewer. Overall the strategy would ensure surface water runoff will be safely contained within the development boundary for up to and including the 1 in 100 year rainfall event including an allowance for climate change (plus 40%). The peak rate of surface water discharge from the development will conform to London Plan Policy 5.13 and will discharge runoff to a total greenfield run-off rate of 10 litres/ second into the Thames Water combined sewer running parallel to the southern boundary.
470. The council's Flood and Drainage engineer has not raised any objections to the scheme and has recommended conditions to secure the final design for the proposed surface water drainage system including detailed design, size and location of attenuation units and details of flow control measures. It has also been suggested that prior to occupancy a maintenance schedule that details the frequency and method of maintaining the drainage infrastructure is submitted for approval so that its functionality in the future is maintained to the standard specified in the drainage strategy. In terms of water consumption, Officers have recommended a condition which requires dwellings to meet a certain water usage per day.

Socio-economic impacts

471. In accordance with adopted planning policies there would be a requirement for this development to deliver during the construction phase 46 sustained jobs to unemployed Southwark residents, 46 short courses, and take on 12 construction industry apprentices. It is only if those targets are not met (to the satisfaction of the council) that there would be an employment and training contribution to meet the shortfall. Given the type of development, there is no job requirement for the end use of the development. However, the development will bring in employment associated with the running of the stadium and leisure facilities. The above would be secured by the s106 agreement along with an employment, skills and business support plan.
472. Many of the respondents have highlighted the benefits of the existing club on existing businesses as it boosts local trade. The increase in capacity would allow for greater number of spectators to visit thereby further boosting the local economy.

CHAPTER 11

Planning obligations (S.106 undertaking or agreement)

473. Saved Policy 2.5 'Planning obligations' of the Southwark Plan and policy 8.2 of the London Plan advise that Local Planning Authorities should seek to enter into planning obligations to avoid or mitigate the adverse impacts of developments which cannot otherwise be adequately addressed through conditions, to secure or contribute towards the infrastructure, environment or site management necessary to support the development, or to secure an appropriate mix of uses within the development. Further information is contained within the council's adopted Planning Obligations and Community Infrastructure Levy SPD. A S106 Legal agreement is currently being drafted which should include clauses to secure the following:

Planning obligation	Mitigation	Applicant's position
Affordable Housing		
AFFORDABLE (SOCIAL RENT AND INTERMEDIATE) HOUSING PROVISION	<p>Provision of 73 affordable units on the site, comprising the following mix:</p> <ul style="list-style-type: none"> • 52 units (13 x one-bedroom flats, 22 x two-bedroom flats, 17 x three-bedroom flats) to be social rent tenure • 21 units (8 x one-bedroom flats, 3 x two-bedroom flats, 10 x three-bedroom flats) to be intermediate tenure. <p>Prior to implementation of any part of the development a grant application to be made under the Mayor's Homes for Londoners: Affordable Homes Programme 2016-21 to seek grant to support additional affordable housing (minimum of 38%):</p> <p>Minimum provision of 77 affordable units on the site, comprising the following mix:</p> <ul style="list-style-type: none"> • 56 units (15 x one-bedroom flats, 22 x two-bedroom flats, 19 x three-bedroom flats) to be social rent tenure • 21 units (6 x one-bedroom flats, 3 x two-bedroom flats, 12 x three-bedroom flats) to be intermediate tenure. <p>Income thresholds and eligibility criteria for the tenures would be included.</p> <p>Restrictions on occupancy of market units to ensure early delivery of affordable housing units.</p> <p>Suitable marketing of the intermediate units for the duration of the Intermediate Housing Pre-</p>	Agreed

	<p>Completion Marketing Period and the Intermediate Housing Marketing Period to households within Southwark's local income thresholds.</p> <p>Affordable Housing Monitoring: £132.35 per affordable property, 73 x 132.35 = £9,661.55</p>	
VIABILITY	<p>Early Stage Review Mechanism to be included, as per the requirements of the Mayor.</p> <p>Late Stage Review Mechanism at 75% occupancy</p>	Agreed
EQUAL ACCESS FOR ALL RESIDENTS TO GROUND LEVEL COMMUNAL GARDENS, KICK-ABOUT SPACE, PLAY SPACE, PUBLIC LINEAR ROUTE	<p>Equal access for all residents, irrespective of the tenure of their dwelling, to all external spaces.</p>	Agreed
WHEELCHAIR HOUSING PROVISION	<p>Provision of 22 No. wheelchair housing units (10 No. social rent and 12 No. open market).</p> <p>Suitable marketing of the designated Wheelchair Accessible Units for the duration of the Marketing Period for Wheelchair Accessible Dwellings.</p>	Agreed
ESTATE MANAGEMENT PLAN	<p>Submission of an Estate Management Plan which shall set out the ongoing maintenance and management of all private, non-adopted roads, unadopted shared surfaces and pedestrian and/or cycle routes, disabled parking spaces within the development unless/until adopted pursuant to any highway agreement. Management and maintenance of SUDs. This should also include a management plan for the Kick-about space.</p>	Agreed
Delivery of stadium and pitch		
STADIUM LEASE	<p>Transfer of the freehold of the stadium building and related facilities to the council on completion.</p>	Agreed
PITCH LEASE	<p>Lease of the pitch to the Club to be agreed with the council.</p>	Agreed
PHASING AND DELIVERY	<p>Submission of a Phasing Plan prior to implementation.</p> <p>Not to implement the residential units until the stadium and pitch has been completed and is suitable for use as a football pitch.</p>	Agreed

	Not to implement the new stadium until the pitch has been completed and is available for use by the Club.	
PITCH MANAGEMENT PLAN AND COMMUNITY USE AGREEMENT	<p>Submission of Pitch management plan which shall include pricing, hours of use, management responsibilities and mechanism for review.</p> <p>Submission of Community Use Agreement in consultation with relevant stakeholders and groups and the council prior to implementation.</p> <p>Submission of a Management and Maintenance Scheme for the facility including management responsibilities, programme of use, a maintenance schedule and a mechanism for review.</p>	Agreed
SINKING FUND	A Sinking Fund from Meadow for the first 3 rotations of the pitch replenishment works. This works out to be 9 years x £1,500, totalling £13,500.	Agreed
Trees, Landscaping and Ecology		
CAPITAL SUM FOR THE ADDITIONAL TREES PAYMENT	A sum of £37,800 paid by the developer for a minimum of 36 No. off-site trees.	Agreed
CAPITAL SUM FOR ECOLOGICAL ENHANCEMENTS	<p>A sum of £50,000 to go towards ecological enhancements and improvements across Greendale, Dog Kennel Hill open space and Greendale access road.</p> <p>The works to be subject to consultation with local groups and stakeholders.</p>	Agreed
CAPITAL SUM FOR THE MAINTENANCE AND MANAGEMENT OF PUBLIC GREEN LINK	A sum of £527,682 for the maintenance of the green link including play and equipment and landscaping over a 20 year period.	Agreed
GREEN LINK	<p>Delivery of public green link and access along this route for pedestrians and cyclists.</p> <p>Access to be maintained at all times during construction</p> <p>Completion of public green link prior to occupation of 90% of residential units.</p>	
PLAY SPACE	Delivery and completion of play space and communal amenity space prior to occupation of 90% residential units.	Agreed
KICK-ABOUT SPACE	Delivery of the kick-about space (Block G).	Agreed

	Not to occupy more than 50% of the residential units until this has been completed and is ready for use.	
COMMUNAL AMENITY SPACE SHORTFALL CONTRIBUTION	A sum of £5,494 towards public open space, children's play and sports facilities within the vicinity of the site.	Agreed
Employment and workspace		
LOCAL ECONOMY: CONSTRUCTION PHASE JOB/CONTRIBUTIONS	<p>Development to:</p> <ul style="list-style-type: none"> • Deliver 46 sustained jobs to unemployed Southwark residents, • Deliver 46 short courses, and; • Take on 12 construction industry apprentices during the construction phase. <p>Or make the pro-rata Employment and Training Contribution which, at maximum, would be £221,200. This breaks down as:</p> <ul style="list-style-type: none"> • £197,800 against sustained jobs; • £6,900 against short courses, and; • £16,500 against construction industry apprenticeships. <p>Submission of an employment, skills and business support plan.</p>	Agreed
Transport and Highways		
PUBLIC REALM AND WORKS TO THE NEARBY ROAD NETWORK	<p>Prior to implementation, the developer is to submit the Section 278 specification and estimated costs to the Local Highways Authority for approval. This shall comprise the following works, and all shall be constructed in accordance with SSDM standards:</p> <ul style="list-style-type: none"> • The new 2.0 metres wide footway (on the west side), the two proposed uncontrolled pedestrian crossings, raised table, associated tactile paving, road markings and drainage at Abbotswood Road should be constructed. • Repave the footway including new kerbing fronting the development. • Construct proposed new vehicular access using materials in accordance with SSDM requirements. • Reconstruct any redundant vehicle crossovers as footway along Abbotswood Road. • Promote a TMO to extend the existing waiting restrictions where the 'mini-roundabout' will be removed. • Upgrade street lighting to current LBS 	Agreed

	<p>standards, including on private roads.</p> <ul style="list-style-type: none"> • Rectify any damaged footways, kerbs, inspection covers and street furniture due to the construction of the development. <p>Prior to commencement of highway works, the developer is to enter into a Highway Agreement for the purposes authorising the works etc.</p>	
DELIVERY AND SERVICING MANAGEMENT BOND	<p>For a period of two years from 75% occupancy the daily vehicular servicing activity of the site is to be monitored and returns made on a quarterly basis. If the site meets or betters its own baseline target (42 two-way movements per day) the Bond will be returned within 6 months of the end of the monitoring period. If the site fails to meet its own baseline the bonded sum will be made available for the council to utilise for sustainable transport projects in the ward of the development.</p> <p>The Delivery and Servicing Management Bond will be £22,400.</p> <p>The Bond is to be paid to the council prior to occupation of any part of the development.</p> <p>The council will retain £1,600 of the £22,400 Bond for assessing the quarterly monitoring.</p> <p>Submission of delivery and servicing management plan.</p>	Agreed
TFL BUS CONTRIBUTION	A sum of £135,000 staggered over three years towards improvement of TfL bus services.	Agreed
BUS COUNTDOWN FACILITIES	A sum of £20,000 towards local bus stop improvements and countdown facilities.	Agreed
OFF-SITE HIGHWAYS WORKS	<p>A sum of £20,000 towards Highway improvements to Melbourne Grove.</p> <p>A sum of £37,000 towards implementing a raised entry treatment at St. Francis Road's junction with Dog Kennel Hill and associated footway resurfacing to either side of the junction on Dog Kennel Hill.</p>	Agreed
CAR CLUB SCHEME	Prior to occupation of the residential units, the Car Club bay within the development to be provided and maintained. Membership of a Car Club Operator scheme (to be one of the council's approved car club partners) for a period of 3 years from the date of first occupation will be available to the primary occupier of each of the dwellings.	Agreed

CPZ	Restriction on future resident's eligibility for car parking permits.	Agreed
DELIVERY OF PUBLICLY-ACCESSIBLE REALM	<p>To provide full unrestricted public access to the Public Realm.</p> <p>Publicly-accessible realm is to be designed to incorporate principles of Secured by Design.</p> <p>Publicly-accessible realm to be designed to an adoptable standard and delivered prior to occupation. A commuted sum to be secured should additional works are required to meet the SSDM requirements.</p> <p>.</p>	Agreed
CAR PARKING AND MANAGEMENT	Submission of Car Parking Management Plan prior to above grade works.	Agreed
STADIUM MANAGEMENT PLAN	Submission of Stadium Management Plan along with the events management plan prior to each phase of construction.	Agreed
TRAVEL PLAN	Submission of Stadium and Residential Travel Plan prior to implementation of each part of the development.	Agreed
Construction and demolition		
DEMOLITION, CONSTRUCTION	Submission of Demolition and Construction Environmental Management plan prior to implementation.	Agreed
Energy		
FUTUREPROOFING FOR CONNECTION TO DISTRICT CHP	Prior to occupation, a CHP Energy Strategy must be approved setting out how the development will be designed and built so that all parts of it will be capable of connecting to any future District CHP.	Agreed
CARBON OFFSET	<p>£142,320 in-lieu payment (calculated on the basis of the most recent Energy Strategy).</p> <p>Development as built is to achieve the respective carbon reduction for the non-domestic, domestic elements, as set out in the submitted Energy Strategy.</p>	Agreed
Others		
St Olaves and St Saviours	Use reasonable endeavours to secure a lease for a term of not less than 125 years of the St Saviour's and St Olave's Pitches for community use on such terms as may be agreed between with St Saviour's and St Olave's School and DHFC.	Agreed

Administration fee	Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum.	Agreed

474. In the event that a satisfactory legal agreement has not been entered into by 31 January 2021, it is recommended that the director of planning refuses planning permission, if appropriate, for the following reason:

“The proposal, by failing to provide for appropriate planning obligations secured through the completion of a S106 agreement, fails to ensure the delivery of the stadium securing the long term future of DHFC, adequate provision of affordable housing and mitigation against the adverse impacts of the development through projects or contributions in accordance with saved policy 2.5 'Planning Obligations' of the Southwark Plan (2007), strategic policy 14 'Delivery and Implementation' of the Core Strategy (2011), policy 8.2 'Planning obligations' of the London Plan (2015) and the Planning Obligations and Community Infrastructure Levy SPD (2015)”.

Mayoral and borough community infrastructure levy (CIL)

475. 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 investments in London as a whole, primarily Crossrail, while Southwark’s CIL will provide for infrastructure that supports growth in Southwark.
476. In this instance a Mayoral CIL payment of £1,185,103.57 and a Southwark CIL payment of £4,482,319.47 would be required. These are pre-social housing relief figures and accordingly would be reduced if a CIL Social Housing Relief claim is submitted after the grant of planning permission.

CHAPTER 12

Community involvement and engagement

477. This application was accompanied by a Statement of Community Involvement. The applicant has submitted an Engagement Summary in line with the council's Development Consultation Charter. The documents confirm that the following public consultation was undertaken by the applicant prior to submission of the application:
478. Meetings with local stakeholders and community groups;
Private preview exhibition for local councillors;
Two Public exhibitions;
Two rounds of leaflet drops;
Two rounds of DHFC fans Question and Answer sessions;
Publication in the South London Press;
Site visit and walkabout with Friends of Greendale.

These were carried out between January and June 2019.

479. Additional channels for engagement included a free phone telephone enquiry line for anyone wishing to find out more about the proposals including providing comments. A dedicated website was created to be accessible to all (<http://www.championhillproposals.com>). This website comprises the details of the proposals, FAQs and downloads of the exhibition material.
480. The first exhibition was held on 1 and 2 February 2019 and the second exhibition was held on 10 and 11 April 2019 and both were held at the Champion Hill site. The exhibitions consisted of A1 boards being displayed including feedback forms. A total of 130 people attended the first exhibition and 34 feedback forms were completed. The second exhibition was attended by 31 people and 10 feedback forms were received.
481. The applicant had also written to a number of local schools and local organisations and community groups surrounding the site to schedule meetings to discuss the proposals.
482. The key themes raised as result of the public consultation included:
- Strong support for the securing a future of the Club at Champion Hill stadium but provision should be made for future expansion if there is promotion;
 - Objection to the use of Greendale/MOL;
 - Impact on the MOL;
 - Concern over the density of the scheme;
 - The linear park is still too narrow;
 - Discussion over the terracing and whether it should be covered and potential expansion;
 - The kick-about space is not large enough and should be accessible for all;
 - Ensure safety outside of daylight hours;

- The facilities should be available for community use;
 - Reduction in sporting community facilities;
 - Height considered to be excessive in this location.
483. Principal changes as a result of the above consultation with fans and local community and other stakeholders include:
- The height of the apartment buildings has been lowered from 8 storeys to 4 and 6;
 - The town houses have been removed to increase the sense of openness across the site;
 - The distances and spaces between buildings have been increased;
 - The MUGA (which is now a kick-about space) is now proposed at ground level and is fully accessible;
 - Amended building layouts with improved landscaping and connectivity through the site for pedestrians and cyclists and;
 - New trees and inclusion of an outdoor gym.
484. As part of its statutory requirements the Local Planning Authority sent just over 1,200 letters to surrounding residents, displayed a number of site notices in the vicinity, and issued a press notice publicising the planning application. Adequate efforts have, therefore, been made to ensure the community has been given the opportunity to participate in the planning process.
485. Details of consultation and any re-consultation undertaken by the Local Planning Authority in respect of this application are set out in the appendices.

Community impact and equalities assessment

486. This section of the report examines the impact of the proposals on those with protected characteristics, with a particular focus on the council's legal duties under Section 149 of the Equality Act (2010).
487. 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.

Officers have taken this into account in the assessment of the application and Members must be mindful of this duty when determining all planning applications.

Potentially affected groups

488. *Age*

Officers do not have the statistical data to fully verify and understand the demographics of those using the artificial pitch. However, from the consultation responses, a substantial number of objections referred to the loss of the existing artificial pitch which is used by families and in particular children or youth. Without re-provision and/or other mitigation, the loss of the existing pitch on the application site could potentially give rise to impacts on those with protected characteristics, which in this instance is the younger age group. It is noted that the local younger population uses this artificial pitch more than others for informal play including ball games and cricket. It has also been argued by the community that this pitch is 'freely accessible'.

489. The development would replace the informal artificial pitch with an all weather 3G pitch. The pitch would need to be booked on a formal basis, but the pitch would be of a significantly better quality. It would also become a safer environment with better surveillance and ground conditions. It is acknowledged that the pitch would now need to be paid for, but these would be at a reduced cost for the local community. The provision of the informal kick-about space in Block G would also be a positive aspect of the scheme, providing a higher quality space for sports and recreational activities that is accessible to all members of the public free of charge. The provision of the play areas open to the public is also a benefit of the scheme.

490. *Disability*

The current stadium has poor disabled access. The development has been designed to assist people with mobility impairments. Measures which would be incorporated include level access to buildings, wheelchair accessible and adaptable residential units and wheelchair accessible parking spaces. The new footpaths within the linear park would have improved surfaces and ramped level changes which would improve access to Greendale for those with disabilities.

491. *Sex*

The Club is developing the capacity of its womens team, and is keen to further develop its football programme for girls. The new facilities would increase the scope for women and girls to participate in football and other sports.

Ethos of the Club

492. As noted in the consultation responses, the Club has a positive reputation for promoting equality and elimination of discrimination. It is highlighted that the Club has a strong local community ethos and contributes significantly in a positive way by engaging all groups of the community through outreach projects, working with schools and charities. It is also known to be inclusive and fosters social cohesion. Charity events are run to raise funds for local community groups and charities. A significant number of supporters that have written in have commented on the work the Club does on issues such as mental health awareness, promoting diversity and

fighting racism, misogyny and homophobia, and all other kinds of discrimination. The proposed development provides a means to support DHFC's objectives of supporting charities, educational, health and community initiatives in the local area and encourage equal opportunities, tying in with the vision for East Dulwich set out in the NSP and its associated Integrated Impact Assessment. The safeguarding of the Club would be a significant positive benefit in this regard.

Positive impacts

493. Further to the above described, a range of other positive impacts have also been identified and are summarised as follows:

Affordable housing: A minimum of 73 affordable units, including social housing and intermediate housing. This would increase to 77 affordable units in the event that the grant application is successful.

Accessible/adaptable housing: 10% of all housing (i.e. a minimum of 22 units) including wheelchair parking.

Employment and training opportunities: Groups/mechanisms would be established to ensure that local people (and hard to reach groups) are given support to take advantage of jobs and training opportunities.

Improved and more accessible public realm: The current disabled access to the stadium is relatively poor. The proposed development has been designed to assist people with mobility impairments. Physical measures such as the level surfaces, resting places and high quality lighting proposed could particularly benefit disabled people. The link from St Francis Park to Greendale fields would have better passive surveillance. There would be improved connections to which would benefit older people, disabled people, young people, women and children.

New sports facilities: The existing and future residents of all age groups in the local area are likely to benefit from the new sports facilities proposed.

Conclusion on Equality implications

494. Officers are satisfied that equality implications have been carefully considered throughout the planning process and that Members have sufficient information available to them to have due regard to the equality impacts of the proposal as required by Section 149 of the Equality Act 2010 in determining whether planning permission should be granted.

Human rights implications

495. 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.
496. This application has the legitimate aim of redeveloping this site for a sports and recreational use and residential buildings, together with publicly-accessible realm. 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

497. 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.
498. 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.

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

Was the pre-application service used for this application?	YES
If the pre-application service was used for this application, was the advice given followed?	IN PART
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

CHAPTER 13

Conclusion

Comparison between the 2016 scheme and proposed development

500. *The 2016 scheme*

A full description and suggested reasons for refusal for the 2016 scheme is provided in the planning history section of this report. The 2016 scheme had proposed the pitch to be laid as a 3G all weather surface and enclosed by a solid boundary fence/wall of between 1.83m and 2.6m in height (when measured from the external ground level outside of the stadium). The pitch would be slightly sunk. 4 flood light columns were also proposed to be located to the perimeter of the ground at 27.5m in height. 155 new residential units would be provided in blocks of between three and six-storeys in height, and would include 56 residential car parking spaces within a raised podium. The units would be arranged in three principal linear blocks with private courtyards on the podium providing communal amenity space. A MUGA was also proposed. The publicly accessible route to the south was approximately 2,447sqm but had also included a shared surface route for both pedestrians and vehicles to enter the residential blocks.

501. The pitch under the 2016 scheme had a permanent solid boundary enclosure which limited the views across Greendale fields. It was considered that views into, out of, and across the football pitch will be restricted as a result of the 2016 development. The scale of the enclosure, which extended further north and south than the existing pitch, was considered to have the effect of visually shrinking the apparent scale of the open space, disrupting the openness of the views and the enjoyment of the open space.

502. In the current scheme, the canvas banners would be removable and only installed during match days for a maximum of 5 hours, thereby limiting the impact of the fencing. This solid element would be to a maximum height of 1.83m. Views into, out of and across the pitch would therefore be maintained to a significant extent at all other times.

503. The 2016 development had proposed a similar green link, but this adjoined a shared surface access road for cars and pedestrians which would have seen cars entering and exiting this southern part of the site. The current application would be for pedestrian and cyclists only (except for essential emergency vehicles) and in qualitative and design terms is a better solution. The omission of the podium and the new configuration of the blocks mean that there are breaks between the housing blocks which provide views in and out of the residential gardens and play areas. The current scheme also includes provision, during daytime hours, of a public route through the site providing a more direct route from Greendale to the Sainsbury's store.

504. The 2016 scheme had the housing arranged as three long blocks which would appear as an unrelenting mass in views across St Francis Park from the east and across the MOL of Greendale fields from the west. It was considered that the length and height of these blocks would be particularly dominant in this context. The breaks between the blocks in the current scheme (and the change to a lighter-weight design for the link between blocks A and D) reduces the visual prominence of the buildings and enables them to sit more comfortably in this context

505. As discussed in the design chapter of this report, the current proposed layout and design of the buildings have been arranged and designed to provide visual breaks and the height steps down from north to south. The views as seen across Greendale Fields would be of distinct blocks that are articulated and have breaks in between.
506. The 2016 application had proposed 25 affordable units which equated to 16% of the new homes as affordable dwellings when measured by habitable rooms, failing to deliver a policy compliant level of affordable housing units and insufficient justification of the significant shortfall had been provided. The current proposal would provide a minimum of 35.4% affordable habitable rooms which meets policy requirements.
507. Although the replacement sports facilities are similar in the 2016 and current proposals, the 2016 scheme did include a larger MUGA, when compared to the kick-about court in the current scheme. As such, this involved a lesser loss of sport pitches. However, the additional information provided with the current application about the community use strategy, has provided greater comfort to Sport England which has not objected to the current proposal.

Restrictions in the 1990 s106 Agreement

508. A significant number of objections raised from public consultation have highlighted that the existing stadium and turf pitch has a restrictive covenant in place to ensure it can only be used for "leisure or recreational or educational purposes". The proposed development would therefore go against this covenant and would see a large, non-ancillary development on land designated as Other Open Space.
509. The current application is recommended for approval and the merits of the scheme are discussed elsewhere in the report. If Members are minded to approve this application a separate deed of variation application would be required to modify the obligations in respect of the 1990 Agreement. It should be noted that the restrictive covenant relates to the land of the existing football pitch and not the artificial pitch. The phasing of the scheme is that the proposed football pitch on MOL is to be constructed first followed by the construction of the stadium building, during which time the Club would continue to play on their existing ground. As such, the covenants would still serve a useful purpose since DHFC would still occupy the facilities, and in the absence of any replacement facility being agreed the clause is still necessary to protect the Club's interests. Only in the event that the new ground and stadium are permitted, completed and a suitable long-term lease is agreed with the Club would these clauses cease serving a useful planning purpose. If this application were to be approved, the applicant would be required to submit a separate application to vary the 1990 s106 agreement and lift the restrictive covenants in order to carry out the development of the existing stadium.

Overall conclusion and planning balance

510. The application has been assessed against the relevant policies of the development plan, which in this instance comprises the London Plan 2016, Core Strategy 2011 and the saved policies of the Southwark Plan 2007. Section 38 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. This report has set out the areas where this application complies with the development plan, and where it does not, what material considerations exist that

justify any failures to comply.

511. The report makes clear that policies at national, regional and local levels give significant protection to land designated as MOL. The report sets out that the playing pitch would be considered an appropriate use on MOL, and its terracing, circulation areas, floodlights and fencing would be essential facilities needed to support the use for competitive football and extend its use by the public. The extent to which the fencing affect the openness of the MOL has been minimised by the use of solid fencing only at the lower levels, and only for the minimum amount of time necessary to satisfy the requirements of the FA. . Like the GLA, officers have concluded that sufficient very special circumstances, linked to the protection of the Club and the increased potential for participation in sport, can justify the impact on MOL and any other wider harm caused by the development..
512. The proposed residential development on land designated as OOS would result in a loss of open space in terms of area and the report recognises that in this respect the development does not comply with the development plan. However the existing OOS, being the turf football pitch, is currently not visible by the general public, and the frequent mowing means it has limited value in terms of biodiversity. The replacement open space, namely the linear route with access to adjacent play spaces, would be a significant benefit in qualitative terms. The quality of the new public space has several advantages in terms of visual amenity, public access, biodiversity, the range of users and public safety. So whilst the proposal does not fully accord with saved policy 3.27, the wider benefits for sport, healthy living and biodiversity are mitigating factors which have been taken into account.
513. In terms of sports facilities, the development would provide a 3G playing surface within the new stadium; replacement gyms and squash courts within the stadium building; and a multi-functional kick-about space. There is also a small outdoor gym within the green link. Sport England as the statutory consultee raised no objections to the scheme and recognised that the proposals have the potential to improve and enhance community sport on this site and prevent the closure of the Club. The provision of an artificial 3G pitch allowing its use throughout the year at a vastly increased intensity for the community will secure sport-related benefits for the local community and also meet identified sports development priorities. Evidence submitted by the applicant in relation to the management and maintenance of the pitch shows how the community use hours could be accommodated whilst also ensuring the Club's training and matches could take place. The business plan, community use agreement and maintenance schemes would be secured in the s106 agreement.
514. The development would also provide 219 new homes, a minimum of 73 of which would be affordable. 52 of the homes would be for social rent and 21 would be for shared ownership.. This equates to 35.4% affordable homes when measured by habitable rooms. The affordable housing being offered is significantly in excess of the maximum viable amount, as confirmed by expert assessors commissioned by the council. The applicant has confirmed that any partner Registered Provider (RP) would be required to apply to the GLA for housing grant, and if grant was secured the amount of affordable housing would increase to 38%. In addition, any permission would be subject to viability reviews in the event of a delayed start, and prior to full occupation of the development, enabling any improvement in viability above a threshold profit level to be captured as additional affordable homes; this would also be able to account for any housing grant secured for the scheme. The

delivery of new homes, and the contribution to affordable housing are positive aspects of the development which should be accorded significant weight in determining the application.

515. The housing mix across the development would accord with the requirements of the Core Strategy including wheelchair units. The overall quality of the housing is sufficient to demonstrate that the density would not harm the amenity of future occupiers. It is also consistent with the broader approach to optimising development through high quality design as set out in the emerging NSP and draft New London Plan. The proposed residential units would meet residential design standards in terms of floor areas demonstrating good quality of accommodation. The units would also be provided with adequate private amenity space, communal amenity space and childrens' play space. Only one block has a shortfall in communal amenity space which is relatively small in area and would be mitigated by the generous landscaped gardens on the ground floor level. There will be good levels of crowd management on match days to ensure that amenity for the occupants and existing neighbours are not significantly harmed. The proposed layout and orientation of the residential blocks and the mitigation measures for individual dwellings would ensure that the noise from existing activities would not harm their amenity. This would include existing commercial activities such as the deliveries and running of the Sainsbury's store would not be hindered in line with the Agent of Change principle.
516. The development would not harm local amenity, minimising impacts on daylight, sunlight and privacy to neighbouring residents. The noise impact assessment concludes that the proposed development should not cause any significant adverse impacts for existing residential and commercial neighbours of the site. The use of modern lighting to replace the 6 columns has the potential to reduce the impact on nearby residential properties and the council's EPT has not raised any objections to this subject to appropriate conditions.
517. The layout and arrangement of the development is a logical and coherent plan which appropriately zones the different uses within the development. The new housing overlooks the linear public route, and would offer passive surveillance of the route, which would be open to the public at all times and improves public safety. As well as providing an enhanced pedestrian and cycle access to Greendale, this link would provide legible access to the stadium for visiting fans. The arrangement of the housing as distinct and separate blocks reduces their dominance in local views. The height strategy is designed to step down from the north to south which provides a good response to the local context. The buildings have been designed with modulation and articulation as well as detailing specific to each block.
518. The proposals would not harm the setting of any heritage assets or any protected views. As noted in the assessment, the impact of the stadium building and new housing would be visible from Greendale, but the open character of Greendale is generally maintained.
519. The car-free scheme with the exception of wheelchair parking spaces is welcomed for this site and the scheme would have a travel plan and stadium management plan to ensure that car trips to the site would be minimised. The provision of cycle stores and a new improved cycle route would encourage the existing and future residents to use this sustainable mode of transport. Local highway improvements would also provide for safer streets for pedestrians and better connectivity. Adequate measures would be secured to improve local bus infrastructure and

construction impacts would be managed by condition.

520. There will be some loss of existing trees, but this will be replaced within the site and there would be only a small net loss in canopy cover on site as measured by stem girth. This calculation has discounted the proposed roof top trees and the smaller whips and feathers which are included as part of the overall greening of the scheme. The net loss is to be mitigated by the planting of off-site trees within the vicinity of the site. The development proposes a large number of trees, planting, green space and green roofs around and on the blocks which would improve the potential of the site for foraging and commuting bats. There will be some loss of the area of the proposed Greendale SINC, but this area was found to be of limited ecological significance. Through the proposed mitigation and enhancement measures including habitat provision these losses can be offset. The existing football stadium has limited ecological value as does the adjacent artificial pitch, and it is these portions of the site which form the main developed areas of the proposal. It is considered that the proposed development and creation of new habitats of conservation value, new diverse landscape planting, bird and bat boxes and green roofs within the development site and other ecological enhancements for local wildlife would be beneficial. A financial contribution towards further ecological enhancements around the rest of the Greendale fields, Dog Kennel Hill open space and Greendale access route (to the south) would be secured and the type of ecologically-focussed works shall be agreed in consultation with local groups and the council's parks department.
521. The air quality assessment demonstrates that the development is unlikely to raise any significant or other residual adverse impacts on existing neighbours and future residents. Local objection to the air quality and health of the future users of the kick-about space has been considered and Officers found that there would not be significant adverse impact.
522. The development would include energy efficiency measures as well as renewable energy technologies to achieve carbon dioxide emissions savings. The scheme would achieve site-wide savings of 66% and a offset payment towards the Carbon offset Green Fund shall be secured. There will also be review in the s106 agreement to explore whether connecting to a future district heating network is technically feasible and commercially viable.
523. The council's public consultation generated a large number of responses, and whilst the many respondents opposed the principle of the development, the majority of responses are in support of the application. The responses have been analysed, with the majority of objections citing concerns around the development on MOL and the loss of the artificial pitch. Many of the objections also raised the potential harm to ecology and wildlife. The report summarises these concerns, and sets out where these could be addressed by conditions or other mitigation. The application was supported by the GLA as the strategic planning authority.
524. Dulwich Hamlet Football Club is regarded a 'community club' with significant community outreach projects. The Council Plan states that the council will do all that it can to secure the future of Dulwich Hamlet FC on its current Champion Hill site. The area vision for East Dulwich in the NSP reflects that the Club has a valuable community function and goes on to say that development in East Dulwich should provide a new stadium for DHFC. The Club won the Football Supporters' Association National Community Award in December 2019 by making a positive impact in the local community. The Club positively support anti-racism and LGBT+

initiatives, and the enhanced facilities can expand their outreach work as well as participation in sport. The new stadium would have multiple benefits for the Club: it would stabilise and improve their financial position by reducing running costs and increasing potential for income generation; it would increase the number of competitive teams the Club could maintain; it would increase their capacity to work with schools and clubs to offer coaching and training; and it would meet the FA requirements for the National League if the Club is able to gain promotion. The Club, who are joint applicants, have stated that this proposal would give them the best chance of securing a long term future at Champion Hill.

525. Many of the objectors have pointed to the popularity of the artificial pitch during the Covid lockdown. Site visits do confirm that the pitch is very well-used at the moment and its size and open access is able to accommodate many different groups at once, playing ball games, riding bikes, and walking dogs. The remainder of Greendale fields is less easily accessible because much of it is heavily planted or overgrown. In determining this application, the Committee is being asked to balance the benefits of open access for informal use, against the benefits of more controlled access for formal sport. The area is not one with an open space deficiency, with large nearby parks including Goose Green, Ruskin Park and Dulwich Park with space for informal sport and play. The borough has a recognised need for additional 3G football pitches. Balancing informal play with formal sport, both of which contribute to healthy lifestyles, is a factor in weighing the benefits and dis-benefits of the scheme.
526. Taking all of the issues into account, it is concluded that this would constitute a sustainable form of development which complies with a large number of development plan policies. Nevertheless, Officers also acknowledge that the proposed development would result in the introduction of residential use on OOS which would not comply with the adopted development plan or emerging policies. It therefore does not accord with the development plan when read as a whole. Planning decisions should be based on the presumption in favour of conformity with the development plan, unless there are clear material considerations which indicate otherwise. In this case, the benefits of the development, as set out in the report and including the protection of DHFC and the enhancement of its role in the community, the delivery of housing and affordable housing, and the contribution to sport and healthy lifestyles, can be judged to outweigh the presumption in favour of the development plan.
527. The development supports a priority of the Council Plan in terms of securing the future of DHFC at Champion Hill. The issues raised by the objectors have been taken into account, as has the Public Sector Equalities Duty to have regard to the impact of the development on those with protected characteristics and to foster good relations between different groups. The impacts that have been identified would not be of a significant scale and are capable of being mitigated through detailed design, through conditions, or through provisions in the s106 agreement. On balance it is considered that the benefits of the overall development outweigh the harm caused, and it is therefore recommended that planning permission is granted subject to conditions and completion of the s106 agreement, and subject to referral to the Mayor of London.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: Application file: 19/AP/1867 Southwark Local Development Framework and Development Plan Documents	Chief Executives Department, 160 Tooley Street, London, SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5729 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Wing Lau, Team Leader - Planning	
Version	Final	
Dated	8 July 2020	
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		9 July 2020

SITE VISIT	
Case officer site visit date:	Various throughout 2019 and 2020