

## Planning Sub-Committee B

Tuesday 25 April 2017

7.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street,  
London SE1 2QH

### Membership

Councillor Cleo Soanes (Chair)  
Councillor Maria Linforth-Hall (Vice-Chair)  
Councillor Nick Dolezal  
Councillor Octavia Lamb  
Councillor Damian O'Brien  
Councillor Sandra Rhule  
Councillor Catherine Rose

### Reserves

Councillor Evelyn Akoto  
Councillor Anne Kirby  
Councillor Eliza Mann  
Councillor Darren Merrill  
Councillor Leo Pollak

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

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#### Contact

Beverley Olamijulo on 020 7525 7234 or email: [beverley.olamijulo@southwark.gov.uk](mailto:beverley.olamijulo@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**  
Chief Executive  
Date: 17 April 2017



## Planning Sub-Committee B

Tuesday 25 April 2017  
7.00 pm  
Ground Floor Meeting Room G02 - 160 Tooley Street,  
London SE1 2QH

### Order of Business

Item No.	Title	Page No.
1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 5
	To approve as a correct record the minutes of the meeting held on 28 February 2017.	
7.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	6 - 10

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
7.1.	DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD	11 - 24
7.2.	DULWICH PARK CAFE, DULWICH PARK, COLLEGE ROAD, LONDON SE21 7EU	25 - 32
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Date: 17 April 2017



## PLANNING SUB-COMMITTEE

### Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. Your role as a member of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the sub-committee will then debate the application and consider the recommendation.

Note: Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

**The arrangements at the meeting may be varied at the discretion of the chair.**

**Contacts:** Director of Planning  
Chief Executive's Department  
Tel: 020 7525 5655; or

Planning Sub-Committee Clerk, Constitutional Team  
Finance and Governance Department  
Tel: 020 7525 7420



## Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Tuesday 28 February 2017 at 7.00 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Cleo Soanes (Chair)  
 Councillor Maria Linforth-Hall (Vice-Chair)  
 Councillor Nick Dolezal  
 Councillor Damian O'Brien  
 Councillor Catherine Rose  
 Councillor Darren Merrill  
 Councillor Leo Pollak

**OTHER MEMBERS**

**PRESENT:** Councillor Ben Johnson

**OFFICER SUPPORT:** Dipesh Patel (Development management)  
 Ciaran Regen (Development management)  
 Craig Newton (Development management)  
 Michael Glasgow (Development management)  
 Margaret Foley (Legal officer)  
 Jonathan Gorst (Legal officer)  
 Beverley Olamijulo (Constitutional officer)

### 1. INTRODUCTION AND WELCOME

The chair welcomed the councillors, members of the public and officers to the meeting.

### 2. APOLOGIES

There were apologies for absence from Councillor Octavia Lamb and Councillor Sandra Rhule.

### 3. CONFIRMATION OF VOTING MEMBERS

The members of the committee present were confirmed as the voting members.

#### 4. DISCLOSURE OF MEMBERS INTERESTS AND DISPENSATIONS

None were declared.

#### 5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7 – development management items
- Members' pack.

#### 6. MINUTES

##### RESOLVED:

That the minutes of the meeting held on 14 December 2016 be approved as a correct record and signed by the chair.

#### 7. DEVELOPMENT MANAGEMENT ITEMS

##### ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation, responses, additional information and revisions.

##### 7.1 HAVEN WAY , LONDON SE1 3DT

##### Planning application reference number: 16-AP-2173

Report: see pages 11 to 35 of the agenda pack and pages 1 to 9 of the addendum report.

Note: This item was deferred from the Planning Sub-Committee B meeting held on 14 December 2016 and was being reheard. Councillors Darren Merrill and Leo Pollak had not been present at the previous meeting, therefore they left the top table and sat in the public gallery.

##### PROPOSAL

*Construction of a roof-top extension to existing building to provide 3no. 3-bed residential units.*

The sub-committee heard an introduction to the report from the planning officer who highlighted the additional comments in the addendum report. Members asked questions of the officers.

The objectors addressed the meeting and responded to questions from members.



The applicant's agent addressed the sub-committee and responded to questions from members.

There were no supporters who lived within 100 metres of the development site who wished to speak.

Councillor Ben Johnson addressed the meeting in his capacity as a ward member and responded to questions from members.

A motion to refuse planning permission was moved, seconded and put to the vote and declared carried as follows:

**RESOLVED:**

That planning permission for application number 16-AP-2173 be refused on the grounds that the development would be detrimental, due to loss of light from skylights in dwellings on fifth floor of the building.

At 9.00pm the meeting adjourned for a five minute comfort break. The meeting reconvened at 9.05pm.

Councillors Darren Merrill and Leo Pollak re-joined the top table.

## **7.2 CAR PARK, PLAY AREA AND GARAGES, DANIEL'S ROAD, LONDON SE15 3NA**

**Planning application reference number: 16-AP-4003**

Report: see pages 36 to 61 of the agenda pack. Pages 4 and 10 to 15 of the addendum report.

Councillor Darren Merrill left the top table and sat in the public gallery. Councillor Merrill did not take part in the decision of this item because he lives within close proximity of the proposed development site and was also a cabinet member who had been involved in a previous decision concerning this site.

**PROPOSAL**

*Construction of two 3 storey residential (Use Class C3) blocks with a total of 19 new council homes. Block A comprises of 5x 3-bed houses. Block B comprises of 3x 3-bed flats, 6x 2-bed flats, 5x 1-bed flat; together with associated communal amenity space, landscaping works, a new 5-space car park and re-provision of playground space.*

The sub-committee heard an introduction to the report from the planning officer who highlighted the additional comments in the addendum report. Members asked questions of the officers.

There were no objectors present at the meeting.

The applicant and applicant's agent addressed the sub-committee and responded to questions from members.

Councillor Merrill spoke in support of the application in his capacity as a local resident and lived within 100 metres of the development site.

There were no ward members present at the meeting for this item.

A motion to grant planning permission was moved, seconded and put to the vote and declared carried as follows:

**RESOLVED:**

That planning permission for application number 16-AP-4003 be granted subject to the conditions outlined in the report and addendum report.

Councillor Merrill re-joined members at the top table.

**7.3 56-60 DENMARK HILL, LONDON SE5 8RZ**

**Planning application reference number: 16-AP-3983**

Report: see pages 62 to 78 of the agenda pack and pages 4 to 5 of the addendum report.

**PROPOSAL**

*Demolition of single storey building to the rear (retrospective), creation of two storey building to accommodate proposed retail space on the ground floor and proposed gym space D1 Use on the first floor. Retention of existing two storey building facing onto Denmark Hill, with existing shop front and two storey building to the rear north-west corner of the site.*

The sub-committee heard an introduction to the report from the planning officer who highlighted the additional comments in the addendum report. Members asked questions of the officers.

There were no objectors present at the meeting.

The applicant addressed the sub-committee and responded to questions from members.

There were no supporters that lived within 100 metres of the development site present at the meeting.

There were no ward members present at the meeting for this item.

A motion to grant planning permission was moved, seconded and put to the vote and declared carried as follows:

**RESOLVED:**

That planning permission for application number 16-AP-3983 be granted subject to the conditions outlined in the report and addendum report.

The meeting ended at 9.40 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 25 April 2017	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

## BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F of Southwark Council's constitution which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

## KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
  - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
  - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
  - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

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

##### **Director of Law and Democracy**

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Gerald Gohler 020 7525 7420
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Simon Bevan 020 7525 5655

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Constitutional Manager (Acting)	
<b>Report Author</b>	Beverley Olamijulo, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
<b>Version</b>	Final	
<b>Dated</b>	10 April 2017	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		10 April 2017

**ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B**  
**on Tuesday 25 April 2017**

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**Appl. Type** Full Planning Application  
**Site** DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON, SE21 7AD

**Reg. No.** 17-AP-0624  
**TP No.** TP/2083-C  
**Ward** Village  
**Officer** Alex Cameron

**Recommendation** GRANT PERMISSION FOR LIMITED PERIOD

**Proposal**

Construction of a detached single storey temporary pavilion building.

***Item 7/1***

**Appl. Type** Full Planning Application  
**Site** DULWICH PARK CAFE, DULWICH PARK, COLLEGE ROAD, LONDON, SE21 7EU

**Reg. No.** 17-AP-0331  
**TP No.** TP/2082-Z  
**Ward** Village  
**Officer** Abrar Sharif

**Recommendation** GRANT PERMISSION

**Proposal**

Construction of single storey side extensions on both sides of rear projection, installation of new window in the rear elevation and the replacement of two windows on the front elevation.

***Item 7/2***

**Appl. Type** Full Planning Application  
**Site** DULWICH COLLEGE, DULWICH COMMON, LONDON, SE21 7LD

**Reg. No.** 17-AP-0414  
**TP No.** TP/2084-C  
**Ward** College  
**Officer** Neil Loubser

**Recommendation** GRANT PERMISSION FOR LIMITED PERIOD

**Proposal**

Construction of a two storey modular building for additional classroom and office space to increase the area of the existing college building.

***Item 7/3***

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6-Apr-2017

Legal Services

<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 25 April 2017	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/0624 for: Full Planning Application  <b>Address:</b> DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD  <b>Proposal:</b> Construction of a detached single storey temporary pavilion building.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 20/02/2017		<b>Application Expiry Date</b> 17/04/2017	
<b>Earliest Decision Date</b> 12/04/2017			

## RECOMMENDATION

1. That planning permission is granted for a limited period until 15 October 2017.

## BACKGROUND INFORMATION

### Site location and description

2. The application site refers to part of the landscaped area within the curtilage Dulwich Picture Gallery, which is Grade II\* listed. The Gallery and mausoleum were originally constructed 1811-14 and then partly rebuilt following damage in World War II. There is also a contemporary cloister and cafe pavilion were added to the gallery by Rick Mather Architects in 2000. The cafe is situated near to Dulwich Old College which is Grade II listed and is within the Dulwich Village Conservation Area. The site is also located on Metropolitan Open Land.

### Details of proposal

3. The proposal is for the construction of a detached, single storey pavilion in grounds of the gallery. The pavilion would house a programme of public events drawing in new audiences through talks, film screenings, art activities and small scale live music or performance. The proposal is for a temporary permission until 15 October 2017.
4. The hours of use proposed are:  
  
Monday to Wednesday: 08:00-22:00  
Thursday to Sunday and Bank holidays: 08:00-23:00.

5. **Relevant planning history**

10/AP/3204 Application type: Listed Building Consent (LBC) - Changes to existing external approach to the main entrance to provide step free access for disabled visitors and staff. Internal modifications to entrance lobby to improve accessibility for visitors coat and bag storage. Decision date 14/01/2011 Decision: Granted (GRA).
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16/AP/1825 Application type: Listed Building Consent (LBC) - Minor rearrangement of internal partitions and removal of existing residential functions including kitchen and bathroom on first floor in Flat 16A. New connection between south range of the old college, and the west wing on first floor only. Relocation of existing disabled accessible WC. Decision date 01/07/2016 Decision: Granted (GRA).
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9700063 and 9700064 - Planning and listed building consent was granted for the erection of a new single storey extension and cloister link to the existing building ancillary to art gallery including cafe/w.c/lecture room together with new access gates on Gallery Road frontage 22/01/97.
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### **Planning history of adjoining sites**

6. None relevant.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

7. The main issues to be considered in respect of this application are:
- a) The principle of the development in terms of land use and conformity with strategic policies.
  - b) The impact of the development on the amenity of the adjoining properties.
  - c) Design Quality
  - d) Impact on adjacent listed building/conservation area.
  - e) All other relevant material planning considerations.

#### **Planning policy**

8. National Planning Policy Framework (the Framework)

Section 7 - Requiring good design

Section 9 - Protecting Green Belt land

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

9. The London Plan 2016

Policy 7.4 - Local Character

Policy 7.6 - Architecture

Policy 7.8 - Heritage assets and archaeology

Policy 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Policy 7.17 - Metropolitan open land

10. Core Strategy 2011

Strategic policy 12 - Design and conservation

Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

11. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 - Protection of amenity

Policy 3.12 - Quality in design

Policy 3.13 - Urban design

Policy 3.16 - Conservation areas

Policy 3.17 - Listed Buildings

Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites

Policy 3.25 - Metropolitan Open Land

Policy 5.2 - Transport Impacts.

#### Summary of consultation responses

12. A total of 9 responses have been received in response to the application, four in objection, two comments and three letters of support.

#### **Objections:**

- Concern about whether the structure would actually be temporary, given that an existing temporary structure was retained for some time.
- The design of the building would not be complementary to the listed buildings.
- footprint and height would block the view of the listed building.
- Impacts of increased noise at night.

*Response: These comments will be addressed within the main body of the report below.*

Concerns have also been raised in relation to the level of consultation undertaken by the council.

*Response: The council sent letters to the closest residents along College Road and Gallery Road and also placed a site notice outside of the premises and placed an advertisement, within the local paper. This level of consultation is in accordance with the council's statement of Community Involvement and exceeds statutory requirements.*

#### **Comments:**

No particular objections provided that there is adequate soundproofing and that the use is for a temporary period only.

#### **Support:**

The design of the proposal is a sensitive balance, respectful of the existing gallery. The proposal would animate the area bringing cultural enrichment. Concerns about soundproofing can be addressed through control on the hours of operation.

#### **Principle of development**

13. Paragraphs 88 to 89 of the NPPF sets out the considerations for development within the Green Belt (as outlined within the London Plan, MOL should be treated as Green Belt). It notes that "when considering any planning application, local planning

authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

14. It goes on to suggest that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
  - 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.
15. While the proposal would not meet the above exceptions, officers are of the opinion that the current proposal is considered as a very special circumstance as a result of its temporary nature, the buildings exceptional quality of design and the cultural benefit enhanced public access to the heritage asset and attracting additional visitors that may not otherwise visit the gallery. For these reasons, officers are satisfied that the proposal is considered acceptable.
16. The application site is situated within Metropolitan Open Land and part (ii) saved policy 3.25 of the Southwark plan states that development will be allowed for:
  - (ii) Essential facilities for outdoor sport and 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;
17. Whilst the pavilion would be relatively large and would have the potential to affect on the openness of MOL, it is for a temporary period up to October (15th) and as such, given the short term nature of the proposal, it is not considered that this is harmful to the openness of MOL. There would also be a public benefit that would result from the development.
18. For these reasons, the principle of the development in accordance with Metropolitan Open Land policies is considered acceptable.

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

19. The proposed single storey structure would be located within the gardens of the gallery, in front of the main gallery building and close to the entrance fronting College road. The proposal would not have a significant impact on the users of the gallery. It would be situated over 50m from any residential properties, a distance that would mean that there would be no adverse impact with respect to daylight, sunlight, outlook or privacy.
20. The hours proposed by the applicant's for the use of the pavilion are:

Monday to Wednesday: 08:00-22:00

Thursday – Sunday and Bank holidays: 08:00-23:00.

It is recommended that the use of the pavilion cease at 22:00 to protect the amenity of local residents.

21. Some concerns have been raised by objectors of potential noise impacts from the development. The applicant's planning statement says that the pavilion would host a varied programme of public events drawing in new audiences through talks, film, screenings, art activities and small scale live music or performance. All programming would draw on the gallery's core exhibition and permanent collection programme for inspiration. The pavilion would also be available for community and private hire use when not being used for public events.
22. Given the scale of the proposed building, the number of patrons that would access the building at any one time (150 capacity has been indicated) and the distance to the nearest dwellings (50m), an unacceptable impact from people noise is not expected.
23. There is the potential for amplified sound to affect residents so officers have recommended a condition that would prohibit its playing after 21:00. It should be noted that pavilion would be located in a courtyard and the nearest dwellings would benefit from acoustic shielding by the building fronting Gallery Road.
24. Overall, subject to conditions on hours of use and amplified sound, the proposal would not result in a detrimental impact on the neighbouring amenities and thus accords with saved policy 3.2 'Protection of Amenity' of the Southwark Plan.

#### **Transport issues**

25. The application site has a Public Transport Accessibility Level of 2 which denotes a relatively poor access to public transport. Notwithstanding this, the site is located within a short walk from both West Dulwich and North Dulwich overground stations. There are also access to buses from College Road. The existing site also contains a small car park and a number of cycle parking spaces.
26. Given the relatively small scale of the building and the temporary nature of the building, officers are satisfied that there would not be a significant impact on the surrounding transport network.

#### **Design issues and Impact on character and setting of a listed building and/or conservation area**

27. Dulwich Picture Gallery is a grade II\* listed building, located within the Dulwich Village Conservation Area. The building was designed by John Soane in 1811-14 however has been remodelled, including the facade extensively in 1911 by ES Hall, and again in 1954 following bomb damaged. A large extension to the north and east, creating a contemporary addition including a glazed cloister was added by Rick Mather Architects in 1997. The significance of the building is its age, architectural composition and materials and notable architects, as well as its historical association with Soane, and its form and detailing as a formal building, set in a loosely formal landscape, visible on a purposeful east/west axis from the street. The building's historic significance is also derived from its use as a purpose built gallery, and its location in a suburban setting surrounding by gardens.
28. Historic mapping suggest that the form and the setting of the building has altered throughout its life. The 1879 map suggests there was limited or no access from the east facade, and the central porch with formal access facing east is not shown until the 1915 map, suggesting the re-ordering of the facades at this time, and the landscape design on an east-west axis following in the 1960s. The visibility of the east facade from the street was altered in 1997 with the completion of extension and gates to College Road. Thus the significance of the building and its setting should be looked in context with the continuous development of the building and its setting, including

extensions and relocation of the principal access.

29. The proposal is for temporary pavilion within the grounds of the gallery, located to the south east area, between the building and the street. The pavilion proposed is 16m x 12m and constructed of a timber frame with canopy and mirror panels, reflecting the surrounding area.
30. Paragraph 126 of the NPPF requires that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. NPPF sets out the presumption in favour of the conservation of designated assets and the aims of the policies within the NPPF are to conserve these assets, for the benefit of future generations. Any harmful impact on the significance of the designated asset needs to be justified on the ground set out in paragraph 133 (substantial harm or total loss) or paragraph 134 (less than substantial harm). The NPPF stresses the importance of good design and states in paragraph 56 that: "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people
31. In terms of the impact on the significance of the building, taking in to account the alterations which have taken place to the building and its setting over its lifetime and the currently existing facade, entrance and experience of the building in an informal landscape setting, this existing setting of the adjacent listed building would still be impacted upon to an extent by the introduction of a structure in the proposed location. While the setting is not the original, the experience of the double frontage with central porch, a primary component of the architectural significance of the asset would be impacted by the location of the pavilion in the proposed area. There would therefore be some minor harm to the significance of the asset by the proposals which affect the setting of the listed building.
32. Mitigating factors in this case are the temporary nature of the proposal, the high quality, and exemplary design of the pavilion and the scope of the project to attract more visitors to the gallery, enhancing its public access offer and thus alerting more of the public to the heritage asset. In accordance with the NPPF, officers are satisfied that, given these mitigating factors, in particular the temporary nature of the building, the proposal would result in less than substantial harm on the setting of heritage assets. On balance, the benefits of the development are considered to outweigh any harm that would occur from the development.
33. In conclusion, whilst some harm would result from the proposed development by alteration of its setting, owing to the "temporary" nature of the building and its high quality design, the impact is considered to be less than substantial harm and thus is considered acceptable for a temporary period until 15 October 2017.

#### **Impact on trees and biodiversity**

34. The proposal is a lightweight structure that has been located within a position that would not impact upon any of the surrounding trees root protection areas.
35. The council's ecology officer has reviewed the submitted Protected Species Assessment letter and confirmed that it adequately covers the issue of the lighting and impacts on bats. As the lighting is quite low level with limited levels of lux extending into the sky, officers are satisfied that it would not result in any detrimental impacts on bats migrating within the area.

#### **Other matters**

36. As the application is for a temporary structure, it would not attract a payment under the community infrastructure levy.

### **Conclusion on planning issues**

37. The building would not have a significant impact on the character and setting of the listed gallery building or the wider conservation area nor would it impact negatively on adjoining occupiers in terms of amenity. Accordingly approval is recommended for a temporary period until 15 October 2017 and subject to the conditions set out in the recommendation.

### **Community impact statement**

38. In line with the council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on groups with the protected characteristics detailed above is expected.

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

41. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
42. This application has the legitimate aim of providing a temporary pavilion structure for use in conjunction with the gallery. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2083-C Application file: 17/AP/0624 Southwark Local Development Framework and Development Plan Documents	Chief Executive's 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 5416 Council website: www.southwark.gov.uk



**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Alex Cameron, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	5 April 2017	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		6 April 2017

**APPENDIX 1****Consultation undertaken****Site notice date:** 20/03/2017**Press notice date:** 02/03/2017**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 03/03/2017**Internal services consulted:**

Ecology Officer

**Statutory and non-statutory organisations consulted:**

Historic England

**Neighbour and local groups consulted:**

The Wardens Flat The Old College SE21 7AD	11 College Road London SE21 7BG
Dulwich Picture Gallery Gallery Road SE21 7AD	12 Gallery Road London SE21 7AD
15 College Road London SE21 7BG	11, College Road Dulwich SE21 7BG
Cloisters Flat 16a Gallery Road SE21 7AD	Bell Cottage 23 College Road SE21 7BG
The Old College 16 Gallery Road SE21 7AD	11 Druce Road London SE21 7DW
Flat 15 Edward Alleyn House SE21 7AS	7 Druce Road London SE217DW
Flat 14 Edward Alleyn House SE21 7AS	7 College Road Dulwich SE217BQ
Flat 13 Edward Alleyn House SE21 7AS	93 Dulwich Village London SE21 7BJ
Flat 16 Edward Alleyn House SE21 7AS	7 College Road Dulwich SE21 7BQ
13 College Road London SE21 7BG	7 College Road Dulwich SE217BQ

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received****Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Bell Cottage 23 College Road SE21 7BG  
11, College Road Dulwich SE21 7BG  
11 Druce Road London SE21 7DW  
15 College Road London SE21 7BG  
7 College Road Dulwich SE21 7BQ  
7 College Road Dulwich SE217BQ  
7 College Road Dulwich SE217BQ  
7 Druce Road London SE217DW  
93 Dulwich Village London SE21 7BJ

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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	Ms E Manwell Dulwich Picture Gallery	<b>Reg. Number</b>	17/AP/0624
<b>Application Type</b>	Full Planning Application	<b>Case Number</b>	TP/2083-C
<b>Recommendation</b>	Grant permission for limited period		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Construction of a detached single storey temporary pavilion building.

**At:** DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON, SE21 7AD

**In accordance with application received on 17/02/2017 16:00:48**

**and Applicant's Drawing Nos.** EX-01 - EXISTING SITE PLANS INCLUDING SITE LOCATION PLAN  
EX-02 - EXISTING ELEVATIONS  
PL-01 - PROPOSED PLANS (INCLUDING ROOF PLAN)  
PL-02 - PROPOSED ELEVATIONS

PLANNING STATEMENT  
PROTECTED SPECIES ASSESSMENT LETTER

**Subject to the following four conditions:**

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

- 1 The building hereby permitted shall not be retained after October 15th 2017 on or before which date the building shall be removed from the site.

Reason

The type of building is not such as the Local Planning Authority is prepared to approve other than for a limited period, having regard to the materials and the of structure proposed amenity in accordance with Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007 and the National Planning Policy Framework 2012.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
PL-01 - PROPOSED PLANS (INCLUDING ROOF PLAN)  
PL-02 - PROPOSED ELEVATIONS

Reason:

For the avoidance of doubt and in the interests of proper planning.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

- 4 The use hereby permitted for the proposed pavilion shall not be carried on outside of the hours 08:00 to 22:00 on

any day. No amplified music/sound shall be generated from within or outside of the structure after 21:00.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

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.



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<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 25 April 2017	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/0331 for: Full Planning Application  <b>Address:</b> DULWICH PARK CAFE, DULWICH PARK, COLLEGE ROAD, LONDON SE21 7EU  <b>Proposal:</b> Construction of single storey side extensions on both sides of rear projection, installation of new window in the rear elevation and the replacement of two windows on the front elevation.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 30/01/2017		<b>Application Expiry Date</b> 27/03/2017	
<b>Earliest Decision Date</b> 25/02/2017			

## RECOMMENDATION

1. That planning permission is granted.

## BACKGROUND INFORMATION

### Site location and description

2. The cafe is located within Dulwich Park - a Grade II registered park - and is single storey building with a pitched roof to the front and a flat roof to the rear. The site is within the Dulwich Wood conservation area and is designated as Metropolitan Open Land.
3. The area to be developed comprises a tarmac surface and is partly covered by vegetation, most notably wisteria growing along the side and rear of the rear part of the building.

### Details of proposal

4. The two single storey extensions, respectively 3441mm and 3382mm wide would extend to the end and be in line with the rear of the existing single storey brick structure. The extensions would be the same height as the existing 2715mm high single storey timber clad, flat roofed structures to the rear.
5. The extensions would be for the purposes of a new cold room, freezer room and toilet and would involve the removal of a window in each flank.

### Planning history

6. None of relevance to this application.

### **Planning history of adjoining sites**

7. None of relevance to this application.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

8. The main issues to be considered in respect of this application are:
- a) the impact on Metropolitan Open Land.
  - b) the impact on the character and appearance of the Dulwich Wood conservation area.

#### **Planning policy**

9. National Planning Policy Framework (the Framework)

Section 9 Protecting green belt  
 Section 11 Conserving and enhancing the natural environment  
 Section 12 Conserving and enhancing the historic environment

10. The London Plan 2016

Policy 7.8 Heritage assets and archaeology  
 Policy 7.17 Metropolitan open land

11. Core Strategy 2011

SP11 Open spaces and wildlife  
 SP12 Design and conservation  
 SP13 High environmental standards

#### Southwark Plan 2007 (July) - saved policies

12. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 – Protection Of Amenity  
 Policy 3.16 - Conservation Areas  
 Policy 3.25 - Metropolitan Open Land.

#### **Principle of development**

13. There is a presumption against inappropriate development on Metropolitan Open Land (MOL). Part 9 of the NPPF sets out the uses of land which are deemed to be appropriate in the Green Belt, which applies also to MOL according the London Plan



policy 7.17 and saved Southwark Plan policy 3.25 both apply to MOL. Within Metropolitan Open Land, planning permission will only be permitted 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.
14. The application site is not within an area of development pressure and it is considered that improved refreshment and public lavatory facilities in a park of this size would form an essential facility for both outdoor sport and outdoor recreational use. The works would improve the functionality of the cafe by way of introducing a new freezer and cold room, and increase the public convenience facilities. This, in turn, would directly benefit members of the public using the park for both the outdoor sport and outdoor recreational use.
15. Also, because the proposed development would be located within the limits of the existing café site (which is already built up) it would not encroach further on any grassed area. The modest extent of the works would hence not impact on the openness of the park.
16. In addition, the works would not result in any disproportionate additions to the building over and above the size of the original building, which would be compliant with Paragraph 89 of the NPPF, in relation to development within Green Belt areas. The principle of the proposed development therefore acceptable.

#### **Environmental impact assessment**

17. Not required.

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

18. The site is located in the middle of Dulwich Park and given the distance between the site and the nearest properties, at least 180m to the south, the proposed development would have no impact on residents.

#### **Design issues**

19. The use of timber cladding, painted white, to match the timber on part of the existing rear extension is acceptable. The new timber sash windows, painted to match the existing windows, would also be acceptable as they would be of a similar design and appearance to the existing windows.

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

20. The proposed extensions and external alterations would respect the context of the Conservation Area by the use of high quality materials that complement the existing building and would make a positive contribution to the character or appearance of the Conservation Area.
21. The primary reason for the designation of Dulwich Park as a Grade II registered Park

and Garden is that it is a public park little altered from its original late nineteenth century layout. No elements of significance its registration would be altered, i.e. the two extensions and the associated alterations to the cafe, these works would not alter the historic layout or nature of the park itself in any harmful way, and as such, its character would be preserved. The works would also be sufficiently distant from any historical assets (listed buildings and structures) within and around the park (Court Lane, Queensbury and Rosebury gates and Rosebury Lodge) so as not to cause any detriment to them.

### **Impact on trees**

22. No trees would be lost, a climbing plant, a wisteria, to the rear and side of the existing single storey timber clad building would be lost but it is considered that the loss would be outweighed by the benefit of extending the cafe which is used by users of the park.

### **Conclusion on planning issues**

23. The proposed extensions and external alterations are considered to preserve the character and appearance of the Conservation Area and would not adversely impact on the Metropolitan Open Land designation of the park.

### **Community impact statement**

24. In line with the council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on any group with the protected characteristics detailed above is expected.

### **Consultations**

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

### **Consultation replies**

26. No responses to the consultation have been received.

### **Human rights implications**

27. 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.
28. This application has the legitimate aim of providing additional internal space to the cafe. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2082-Z Application file: 17/AP/0331 Southwark Local Development Framework and Development Plan Documents	Chief Executive's 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 5457 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Abrar Sharif, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	27 March 2017	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		6 April 2017

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 30/01/2017

**Press notice date:** 02/02/2017

**Case officer site visit date:** 31/01/2017

**Neighbour consultation letters sent:** n/a

**Internal services consulted:**

n/a

**Statutory and non-statutory organisations consulted:**

Garden History Society

**Neighbour and local groups consulted:**

n/a

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received**

**Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

None

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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	Mr R Colicci ECSI	<b>Reg. Number</b>	17/AP/0331
<b>Application Type</b>	Full Planning Application	<b>Case Number</b>	TP/2082-Z
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Construction of single storey side extensions on both sides of rear projection, installation of new rear window in the rear elevation and the refurbishment of existing windows.

**At:** DULWICH PARK CAFE, DULWICH PARK, COLLEGE ROAD, LONDON, SE21 7EU

**In accordance with application received on 27/01/2017 16:04:10**

**and Applicant's Drawing Nos.** Site location plan; 100 T1 EXISTING FLOOR PLAN, 150 T1 EXISTING ROOF PLAN, 200 T1 EXISTING ELEVATIONS, 300 T1 EXISTING ELEVATIONS EAST AND WEST; 100 T1 PROPOSED FLOOR PLAN, 150 T1 PROPOSED ROOF PLAN, 200 T1 PROPOSED ELEVATIONS, 300 T1 PROPOSED ELEVATIONS EAST AND WEST.

**Subject to the following three conditions:**

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

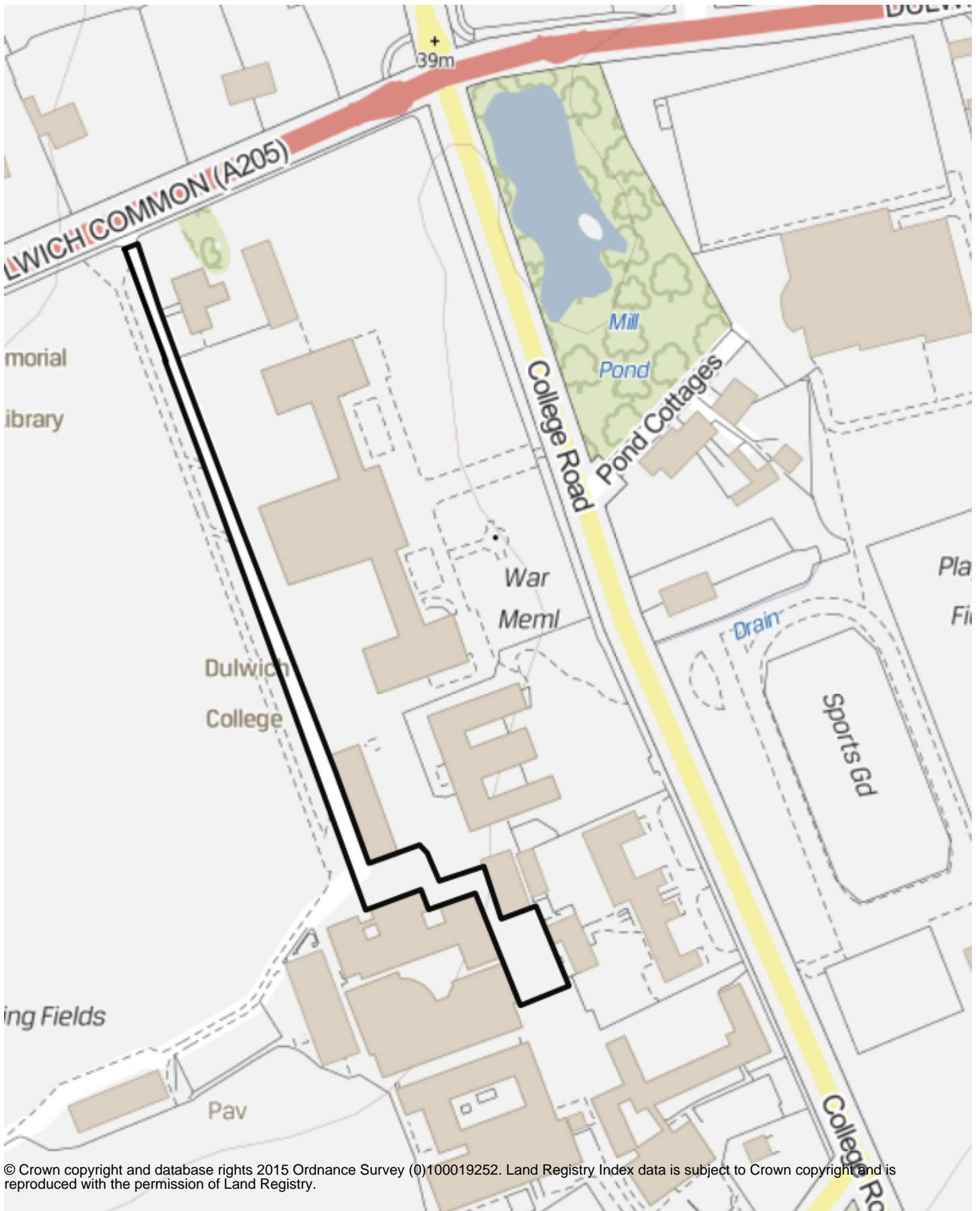
- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
  
100 T1, 150 T1, 200 T1, 300 T1.  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be begun before the end of three years from the date of this permission.  
  
Reason  
As required by Section 91 of the Town and Country Planning Act 1990 as amended.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 The facing materials used in the carrying out of this permission shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.  
  
Reason  
To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

**Statement of positive and proactive action in dealing with the application**

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.



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500 m

Scale = 1 : 2000

6-Apr-2017

Legal Services

<b>Item No.</b> 7.3	<b>Classification:</b> Open	<b>Date:</b> 25 April 2017	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/0414 for: Full Planning Application  <b>Address:</b> DULWICH COLLEGE, DULWICH COMMON, LONDON SE21 7LD  <b>Proposal:</b> Construction of a two storey modular building for additional classroom and office space to increase the area of the existing college building.		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 07/02/2017		<b>Application Expiry Date</b> 04/04/2017	
<b>Earliest Decision Date</b> 08/03/2017			

## RECOMMENDATION

1. That planning permission is granted for a limited period of 18 months.

## BACKGROUND INFORMATION

### Site location and description

2. Dulwich College occupies a large site bounded by Dulwich Common to the north, College Road to the east, Hunts Slip Road to the south and a railway line and Alleyn Park to the west. The site comprises a number of school buildings located on the eastern side of the site, with the western side used as playing fields. This application enquiry relates to the Grade II\* Barry Building within the heart of the Dulwich College Campus.
3. The central school building was constructed between 1866-70 and by the younger Charles Barry in an ornate North Italian Renaissance style. The facades of the building have Portland stone, red brick with cream terracotta embellishments. The roof is a traditional pitched roof covered in clay pan-type tiles; in the centre is a large timber tower with glazed lights. As Grade II\* building the Barry Building is considered to be a national significance.
4. The main college building, the Barry building, is Grade II\* listed and the main entrance gate and piers on College Road, the war memorial and the memorial library are Grade II listed. There are heritage assets in the wider context of the site which are outside the campus. On the opposite side, off College Road are the grade II listed 1 to 6, 9 and 10 Pond Cottages. Dulwich College is also located in the Dulwich Village Conservation Area.
5. The site is located within the:
  - Suburban Density Zone
  - Metropolitan Open Land (MOL)

- Air Quality Management Area
- Dulwich Village Conservation Area.

### **Details of proposal**

6. Planning permission is sought for the construction of a modular building for additional classroom and office space to increase the area of the existing college building. It is expected that the building shall remain on site 60 weeks from the commencement of construction works. The addition of the temporary building would enable refurbishment and restoration of the interiors to classrooms, corridors, offices and stairwells within the Dulwich College Charles Barry Jr Buildings (approved under 16/AP/5043) to be undertaken.
7. The two storey building would be constructed using modern external cladding of goosewing grey colour steel, merlin grey framed glazing, merlin grey fascias and skirting throughout. The building would measure 17,47m in length, 9.76m in width, and 6.84m in height. The proposal would include external stairs to the sides and a ramp to the front elevation.

8. **Relevant planning history**

16/AP/5043 Application type: Listed Building Consent (LBC)  
 Refurbishment and restoration of the interiors to classrooms, corridors, offices and stairwells within the Dulwich College Charles Barry Jr Buildings (North, South and Centre Block). Relocation of external plant into basement level lightwells.  
 Decision date 02/02/2017 Decision: Granted (GRA)

### **Planning history of adjoining sites**

9. None relevant identified

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

10. The main issues to be considered in respect of this application are:
  - a) Principle of development
  - b) Design and appearance
  - c) Neighbour amenity
  - d) Traffic and transportation.

### **Planning policy**

11. National Planning Policy Framework (the Framework)

Section 7 - Requiring Good Design  
 Section 8 - Promoting Healthy Communities  
 Section 9 - Protecting Green Belt Land  
 Section 12 - Conserving and Enhancing the Built Environment

12. The London Plan 2016

Policy 3.16 - Protection and enhancement of social infrastructure  
 Policy 3.18 - Education facilities  
 Policy 7.4 - Local Character  
 Policy 7.6 - Architecture



Policy 7.8 - Heritage assets and archaeology  
 Policy 7.17 - Metropolitan Open Land

13. Core Strategy 2011

SP1 - Sustainable Development  
 SP4 - Places for Learning, Enjoyment and Healthy Lifestyles  
 SP11 – Open spaces and wildlife  
 SP12 - Design and Conservation  
 SP13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

14. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

2.3 Enhancement of educational establishment  
 3.2 - Protection of Amenity  
 3.4 - Energy Efficiency  
 3.12 - Quality in Design  
 3.13 - Urban Design  
 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites  
 3.25 - Metropolitan Open Land  
 5.2 - Transport Impacts  
 5.3 - Walking and Cycling.

**Summary of consultation responses**

15. Transport Team- no objections.
16. Environmental protection team provided comments regarding ventilation but this is a matter that is covered by the building regulations, Part L.
17. No comments from members of the public were received.

**Principle of development**

18. The site is on Metropolitan Open Land (MOL), a large part of which consists of playing fields. The proposed development would not be positioned on any section of the green open space and would affect its use.
19. There is a presumption against inappropriate development in MOL. Part 9 of the NPPF sets out the uses of land which are deemed to be appropriate in the Green Belt, which applies also to MOL. London Plan policy 7.17 and saved Southwark Plan policy 3.25 both apply to MOL. On a strict reading of these policies the creation of classrooms does not fall with the definition of appropriate development and therefore this proposal has been considered as inappropriate development and has been advertised as a departure from the relevant policies of the Development Plan. Paragraph 87 of the NPPF confirms that inappropriate development should not be approved except in very special circumstances. The very special circumstance in this case is that the classrooms are required to facilitate the refurbishment and restoration

of the Grade II\* listed Barry Building that has already been approved; the school would need to accommodate students in these temporary classrooms while the works to the Barry Building take place.

20. The proposed location is within group of school buildings and would not impact on the openness of surrounding MOL; the building would temporary so there would not be a long term impact on the MOL. Finally, the proposal also would allow the continuation of educational facilities for which there is support from other parts of the Development Plan. Therefore, overall it is considered that very special circumstances exist to allow this development to take place.
21. The principle of this development is considered acceptable because of the special circumstance and temporary nature of this development on MOL.

#### **Environmental impact assessment**

22. Not required for an application of this size.

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

23. None anticipated. The development is intended to be temporary for a maximum of 18 months. The development would not result in an increase in the capacity of the school. Classrooms would house students to enable refurbishment and restoration of the interiors to classrooms, corridors, offices and stairwells. The building would be located in a small area of a car park, and not in close proximity to any residential properties.

#### **Transport issues**

24. The classrooms would not allow an increase in the number of students; they would be there for no more than 18 months and no adverse impact on transport is expected.

#### **Design and heritage issues**

25. The proposed modular building would be a temporary structure which would have some harm on the historic setting of the college. This harm would be less than substantial, temporary and outweighed by the public benefit of the restoration of the Barry Building, which the proposed classrooms would facilitate. It would have no long term impact on the character and appearance of the heritage assets or the surrounding area. The structure would comprise a grouping of flexible modular components; neatly tied together to form the necessary sized building, with internal arrangements to meet the end user requirements. The structures would be located above ground on raised footings, with discreet skirting from floor to ground level.
26. The modular finishes would be clean and modern with external cladding of goosewing grey colour steel, merlin grey framed glazing, merlin grey fascias and skirting throughout.
27. The proposed structure would provide an additional 300sq.m of usable floor space, setback over 4.3m from the Medical Centre and 6m from the main building at Dulwich College. Its impact on the appearance of the school and the wider street scene is considered to be acceptable because it would be on the site for no more than 18 months.

#### **Impact on trees**

28. The proposed development will be situated on existing hardstanding for a temporary

period. No trees would be affected by this proposal.

### **Planning obligations (S.106 undertaking or agreement) and Community Infrastructure Levy (CIL)**

29. None are required for an application of this scale and nature. Further, as an educational establishment, the proposal is not liable for either the Mayoral or Southwark CIL.

### **Conclusion on planning issues**

30. The building would not have any adverse impact on the character and appearance of the school or the wider area nor would it impact negatively on adjoining occupiers. Accordingly approval is recommended for a temporary period of 18 months and subject to the conditions set out in the decision notice.

### **Community impact statement**

31. In line with the council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on any group with the protected characteristics detailed above is expected.

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

34. 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.
35. This application has the legitimate aim of providing temporary class room accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2084-C Application file: 17/AP/0414 Southwark Local Development Framework and Development Plan Documents	Chief Executive's 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 5451 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Neil Loubser, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	3 April 2017	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		6 April 2017

**APPENDIX 1****Consultation undertaken****Site notice date:** 13/02/2017**Press notice date:** 09/02/2017**Case officer site visit date:** 13/02/2017**Neighbour consultation letters sent:** 09/02/2017**Internal services consulted:**

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

**Statutory and non-statutory organisations consulted:**

Historic England

**Neighbour and local groups consulted:**

Blew House College Road SE21 7LG	Flat 2 Dulwich College SE21 7LG
Ivyholm College Road SE21 7LG	Flat 1 Dulwich College SE21 7LG
Porters Flat Dulwich College SE21 7LG	Flat 4 Dulwich College SE21 7LG
Medical Centre Dulwich College SE21 7LG	Flat 3 Dulwich College SE21 7LG
Dulwich College Dulwich Common SE21 7LD	Estate Govenors' The Old College SE1 7AE
	25 Kingsthorpe Road London SE26 4PG

**Re-consultation:** n/a**APPENDIX 2****Consultation responses received****Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

None



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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	Mr Jim Hudson Dulwich College	<b>Reg. Number</b>	17/AP/0414
<b>Application Type</b>	Full Planning Application	<b>Case Number</b>	TP/2084-C
<b>Recommendation</b>	Grant permission for limited period		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Construction of a two storey modular building for additional classroom and office space to increase the area of the existing college building.

**At:** DULWICH COLLEGE, DULWICH COMMON, LONDON, SE21 7LD

**In accordance with application received on** 03/02/2017 16:01:02

**and Applicant's Drawing Nos.** Design and access statement ; Site location plan - 003 17 03 REV S-1; 003 17 04 REV S-1 - BLOCK PLAN; Proposed - 003 17 01 REV S-3 - FLOOR PLANS & ELEVATIONS

**Subject to the following three conditions:**

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

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
003 17 04 REV S-1 - BLOCK PLAN; Proposed - 003 17 01 REV S-3 - FLOOR PLANS & ELEVATIONS

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 The building hereby permitted shall not be retained after 23/10/2018 on or before which date the building shall be removed from the site.

Reason:

The type of building is not such as the Local Planning Authority is prepared to approve other than for a limited period, having regard to the materials and the of structure proposed amenity in accordance with Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policy 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007 and the National Planning Policy Framework 2012.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.

The local planning authority delivered the decision in a timely manner.

**PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17**

**NOTE:** Original held by Constitutional Team all amendments/queries to Beverley Olamijulo: telephone 020 7525 7434.

Name	No of copies	Name	No of copies
<b>To all Members of the sub-committee</b>			
Councillor Cleo Soanes (Chair)	1	Environmental Protection Team	1
Councillor Maria Linforth-Hall (Vice-Chair)	1		
Councillor Nick Dolezal	1	Communications	By email
Councillor Octavia Lamb	1	Louise Neilan, media manager	
Councillor Damian O'Brien	1		
Councillor Sandra Rhule	1		
Councillor Catherine Rose	1	<b>Total:</b>	22
<b>(Reserves to receive electronic versions only)</b>		<b>Dated: 17 February 2017</b>	
Councillor Evelyn Akoto			
Councillor Anne Kirby			
Councillor Eliza Mann			
Councillor Darren Merrill			
Councillor Leo Pollak			
<b>Officers</b>			
Constitutional Officer, Hub 2 (2 <sup>nd</sup> Floor), Tooley Street	10		
Jacquelyne Green/Selva Selvaratnam, Hub 2 (5 <sup>th</sup> Floor), Tooley Street	2		
Margaret Foley /Jon Gorst, Legal Services, Hub 2 (2 <sup>nd</sup> Floor), Tooley Street	2		