

Item No: 7.4	Classification: OPEN	Date: 1 October 2013	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 13/AP/1087 for: Full Planning Permission Address: THE LODGE, OLD COLLEGE GATE, COLLEGE ROAD, LONDON, SE21 7BQ Proposal: Replacement of existing garage type shed with enlarged timber log structure, replacement of smaller garden shed with new shed, remove existing vehicular and pedestrian gates to be replaced with new pedestrian gates and fencing.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 15/05/2013		Application Expiry Date 10/07/2013	
Earliest Decision Date 15/06/2013			

RECOMMENDATION

- 1 Grant planning permission subject to conditions.

BACKGROUND INFORMATION

- 2 This application is being reported to Planning Sub-Committee as the site lies within an area of designated Metropolitan Open Land.

Site location and description

- 3 The application site refers to curtilage structures situated to the side and rear of the Lodge, a grade II listed building situated near to the Old College Gate on the west side of College Road Dulwich. The site is within the boundary of Dulwich Park, a registered park and garden, and within designated Metropolitan Open Land (MOL). It also lies within the Dulwich Village Conservation Area.
- 4 The lodge is Victorian, dating to 1889, and features a two storey construction of red brick at ground and first floor. All elevations of the building feature gables that are characterised by ornamental barge boards. Within the rear garden lie two sheds, the larger structure being corrugated sheet walls and translucent plastic roof, the smaller in timber. The site is enclosed with a modern timber fence and pedestrian gate. A timber vehicular gate is located to the north of the site hung on two vertical steel beams.
- 5 The building and grounds are currently in use as a community facility (Class D1) that was granted planning consent in 2009. The main building and garden (with ancillary structures) provides recreational facilities for children and adults with emphasis on music, sport and art. It also facilitates access to the surrounding open space by

individuals who may otherwise find this difficult.

Details of proposal

- 6 Planning permission is sought for the removal and replacement of the two existing sheds located to the rear of the Lodge. The larger corrugated shed structure will be replaced with a timber cabin building that will have a slightly enlarged footprint and height. It would measure a maximum 4000mm width, 6200mm length and 3100mm at the roof ridge or 2200mm at the eaves. Windows and double doors are proposed to the side and rear and the roof will be sedum covered. An electrical feed will be routed from the main lodge to the new cabin. The smaller shed will be a like for like replacement in terms of size and appearance.
- 7 The existing vehicular gate will be replaced by infill fencing panels to a maximum 1.8m height and new pedestrian gate with 900mm opening. The existing pedestrian gate will be replaced with stable type pedestrian gate.

Planning history

- 8 The subject site has been subject to the following applications relevant to the determination of this proposal:
- 9 13-AP-1087
A contemporaneous listed building consent application reference 13-AP-1087 for the replacement of existing garage type shed with enlarged timber log structure, replacement of smaller garden shed with new shed, remove existing vehicular and pedestrian gates to be replaced with new pedestrian gates and fencing.
- 10 10-AP-1336 & 1337
Planning permission and Listed building consent were **granted** 07/09/2010 for the erection of new boundary wall, railings, timber vehicular gate and decorative steel pedestrian gates to surround the garden area to the north of The Lodge at the Old College Gate entrance to Dulwich Park, involving the replacement of existing timber boundary.
- 11 10-AP-0829 & 0828
Planning permission and Listed Building Consent were **granted** 29/06/2010 for internal alterations to ground floor; enclosure of rear porch by glass door and side panel; additional rear windows to loft to match existing at front.
- 12 10-AP-1069
Repainting of exterior of house in original colours. Listed Building Consent **granted** subject to conditions at planning committee on 29/06/10.
- 13 09-AP-1264
Change of Use from residential (Class C3) to a community facility (Class D1). Planning permission **granted** subject conditions at planning committee on 03/11/09.
- 14 09-AP-1265
Listed building consent for internal alterations to facilitate the use of the existing building as a community facility for children and adults. Listed Building Consent **granted** subject to conditions at planning committee on 03/11/09.

Planning history of adjoining sites

- 15 None relevant to this application

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 16 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 upon the amenity of adjoining occupiers.
 - c) Design, Appearance and impact on the character/appearance of the surrounding Conservation Area.
 - d) The impact of the proposal upon the features of special architectural and historic interest of the Listed Building.
 - e) Impact on the Metropolitan Open Land
 - f) Impact on archaeology

Planning policy

The local Plan:

Core Strategy 2011

- 17 Strategic policy 11 - Open Spaces and wildlife
Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 18 The Council's cabinet on 19th 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 3.15 - Conservation of the Historic Environment

Policy 3.16 - Conservation Areas

Policy 3.17 - Listed Buildings

Policy 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites and Policy

Policy 3.19 – Archaeology

Policy - 3.25 - Metropolitan Open Land

Dulwich Village Conservation Area Appraisal

National Planning Policy Framework (NPPF)

- 19 Section 7 – Requiring Good Design.
Section 8- Promoting healthy communities
Section 9 - Protecting Green Belt land
Section 11 - Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment.

Principle of development

- 20 The main issue is whether the proposal is appropriate development for Metropolitan Open Land (MOL). Saved Southwark Plan policy 3.25 is therefore relevant to the determination of this proposal and states 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.
- 21 The use of the site, which included the main building, garden and ancillary buildings as a community recreational facility for children and adults with emphasis on music, sport and art was granted planning consent in 2009. It was considered that the community use was consistent with adopted policy by improving access to the MOL for individuals who would find access difficult. At the time of the previous consent existing curtilage buildings adopted an ancillary function to the main D1 use. The proposed replacement of these existing sheds with new ancillary sheds is thus appropriate to the site's community (D1) use. The larger shed, in particular, will continue to be used as a storage area for specialist equipment but also has the potential to be used for nursery activities in the event of inclement weather given the improved engagement with the garden area. This is consistent to the use of the site as an existing community facility and would improve the sites connection with the garden facilities. In this respect the proposal is appropriate development for Metropolitan Open Land (MOL).
- 22 Further, the proposed works are relatively minor in nature. The proposed larger shed has been sited to ensure the open nature of the MOL would not be affected, whilst being in a convenient position to allow its use in connection with the wider outdoor facilities. Whilst a slight increase in built volume is proposed, this would not represent a disproportionate increase over the original shed or conflict with the openness of the MOL. Indeed, the additional scale is largely hidden from view behind the main Lodge and existing mature planting. Also, its green roof would further reduce visibility. A like for like replacement of the smaller garden shed and changed boundary treatment would not have a material impact on the MOL. Accordingly, the proposal would provide improved facilities for the existing community facility while preserving the quality of the open space and wider nature of the MOL. The proposal therefore preserves the MOL and its values, and is consistent with Policy 3.25 of the Southwark Plan and Strategic policy 11 - Open Spaces and wildlife of the Core Strategy (2011).
- 23 The principle of replacing non-original sheds and gates is appropriate, therefore, provided there is no loss of amenity to present or future occupiers and the proposed works preserve the setting of the listed building and the character of the surrounding

Conservation Area. These issues are discussed below.

Environmental impact assessment

- 24 The proposed development lies outside the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such will not require the submission of an environmental impact assessment.

Impact on amenity

- 25 The proposed development will not result in any form of detrimental impact on the amenity of neighbouring residential occupiers. The nearest residential property is that located to the north at no.7 College Road, whose side elevation has high level windows. As these are high level, and given the approximate 13m separation to the proposed larger shed, it is considered that there will be no loss of light or outlook experienced. The new pedestrian gate and smaller shed will be located nearer to the side elevation, however, there would be no increase in height or scale over the existing proposed, thus safeguarding the amenity of neighbouring properties.
- 26 The submitted Design and Access Statement indicates the proposed larger lodge could potentially be used as additional space for nursery activities in the event of inclement weather. The potential ancillary use of this space for nursery activities, however, is not considered to result in a significant increase in noise levels given the existing use of the garden area for nursery activities and separation distances to neighbouring properties. As such, the use of the lodge for additional nursery activities is not considered to significantly increase noise levels to unreasonable levels sufficient to warrant refusal of the application.

Design and impact on the listed building & conservation area.

- 27 In accordance with Section 12, paragraph 129 of the NPPF the significance of the application building is in its handsome appearance in an Old English style, its group value with Old College Gate and Dulwich Old College and noteworthy contribution to the entrance to Dulwich Park. To the rear, are two sheds a fence and gates that are not original or significant structures relative to the listed building or conservation area.
- 28 The proposed works seek to remove and replace an existing garage type shed with enlarged timber log structure, replacement of smaller garden shed with new shed, remove existing vehicular and pedestrian gates to be replaced with new pedestrian gates and fencing. The structures to be removed, although located within the curtilage of the listed building, are of no historical or architectural value being later additions to the site and utilitarian in design. Their removal, therefore, is acceptable in principle provided the proposed replacements seek to preserve and enhance the setting of the listed building and the character of the surrounding conservation area.
- 29 The proposed scale and bulk of the proposed timber log structure, while being an enlargement over the existing shed in height and footprint, is considered to have a subordinate relationship to the Lodge and fit within the context of the site. The proposal would represent an increase the length by 900mm and maximum 700mm height over the existing, however it will remain significantly below the first floor windows of the Lodge and occupy less than half its width. This demonstrates subservience and establishes a clear hierarchy in the massing of the existing Lodge and proposed shed.
- 30 Its simple rectangular design and timber materials would not clash with the architectural style of the lodge or result in negative visual impact to Dulwich Park. The timber log structure is considered appropriate design and materials that would have an

enhanced relationship to the listed building over the existing corrugated structure. Indeed, the new lodge was considered a welcome improvement by the Council for British Archaeology. In any case, the new lodge would be largely hidden from public view behind the Lodge itself and existing mature planting. Also, its visual impact will be minimised by the provision of a sedum roof that would reflect the surrounding greened character. In these respects, the proposal would sympathetically integrate to the existing site, preserving the setting of the listed building and wider conservation area.

- 31 The position, scale, design and materials of the proposed smaller shed would match the existing shed. Accordingly, it would have neutral impact on the listed building and surrounding conservation area.
- 32 The new pedestrian gates and sections of fence have been designed to respect the characteristics of the existing modern boundary treatment using materials to match. The proposed height is consistent with the existing boundary treatment and would match the appearance of the existing. In this respect the proposal would preserve the setting of the listed building and Dulwich Village conservation area.
- 33 When assessed against the policy and guidance, the proposal is considered to be acceptable by virtue of its design, scale and proposed materials. In this regard the proposed development preserves the setting of the listed building, the setting of neighbouring listed building and the character and appearance of the Dulwich Village conservation area.

Other matters

Archaeology

- 34 The site lies within the Dulwich Village archaeological priority zone, but the small-scale and shallow groundworks do not require any archaeological action.

Trees

- 35 2 Lilac plants and a chestnut tree have been identified as the closest vegetation to the proposal. The Council's Urban Forrester has examined the scheme and concluded that none the trees would be detrimentally affected as a result of the proposed development. The chestnut, in particular, lies some 11m from the new timber shed which is sufficient separation distance to preserve this tree.

Community Infrastructure Levy

- 36 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. In terms of CIL the proposed development will not be creating any more than 100sqm of new non residential floor space and as such the works are not CIL liable.

Conclusion on planning issues

- 37 Overall, the proposed works are required to improve the use of the site as a community facility for children while preserving the character and appearance of Metropolitan Open Land. The proposal is not considered to have a significant adverse impact on the amenity of neighbouring occupiers and would preserve the listed building and the character and appearance of Dulwich Village conservation area. Therefore, it is recommended that planning permission be granted.

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.
- 39 a) The impact on local people is set out above.

Consultations

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

Consultation replies

- 41 Response received from the Council for British Archaeology which raised no objections in principle. Overall the Committee were of the opinion that the replacement shed should be more in keeping with the existing brick lodge. Notwithstanding, it was viewed as a welcome improvement.

Human rights implications

- 42 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.
- 43 This application has the legitimate aim of replacing existing windows. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 44 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2082-Z Application file: 13/AP/1087 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

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	David Lane, Planning Officer	
Version	Final	
Dated	19 August 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment & Leisure	No	No
Strategic Director Housing & Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	19 September 2013	

APPENDIX 1

Consultation undertaken

Site notice date: 20/05/2013

Press notice date: 23/05/2013

Case officer site visit date: 27/06/2013

Neighbour consultation letters sent: 22/05/2013

Internal services consulted:

Archaeology
Urban Forrester

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

FLAT 9 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
11 COLLEGE ROAD LONDON SE21 7BG
5 COLLEGE ROAD LONDON SE21 7BQ
FLAT 8 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 5 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 6 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 7 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
7 COLLEGE ROAD LONDON SE21 7BQ
DULWICH COLLEGE PICTURE GALLERY COLLEGE ROAD LONDON SE21 7BG
CLOISTERS FLAT 16A GALLERY ROAD LONDON SE21 7AD
PARK RANGERS OFFICE DULWICH PARK COLLEGE ROAD LONDON SE21 7BQ
FLAT 4 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 1 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 10 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
7 WOODYARD LANE LONDON SE21 7BH
8 WOODYARD LANE LONDON SE21 7BH
9 WOODYARD LANE LONDON SE21 7BH
FLAT 11 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 16 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 2 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 3 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 15 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 12 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 13 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS
FLAT 14 EDWARD ALLEYN HOUSE COLLEGE ROAD LONDON SE21 7AS

Re-consultation:

N/A

APPENDIX 2

Consultation responses received

Internal services

No archaeological concerns.

Statutory and non-statutory organisations

Council for British Archaeology

Overall the committee were of the opinion that the replacement shed should be more in keeping with the existing brick lodge. Notwithstanding, it was viewed as a welcome improvement.

Neighbours and local groups

No replies received.