

Item No. 7.3	Classification: OPEN	Date: 10 December 2013	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 13/AP/3111 for: Full Planning Permission Address: CHURCH OF ST PETER, LORDSHIP LANE, LONDON SE22 8LD Proposal: Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.		
Ward(s) or groups affected:	College		
From:	Head of development management		
Application Start Date 09/09/2013		Application Expiry Date 04/11/2013	
Earliest Decision Date 19/10/2013			

RECOMMENDATION

- 1 Grant planning permission

BACKGROUND INFORMATION

- 2 This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL). It is annotated open space parcel 86 in the Adopted Southwark Plan (Churchyard).

Site location and description

- 3 The application site is a late 19th century Church of St Peter and St Peter's Parish Hall which are Grade II listed. They stand in a prominent location on the busy South Circular Road at the junction of Lordship Lane and Dulwich Common. The site lies in the north-eastern corner of the Dulwich Wood Conservation Area which incorporates Dulwich Common and Dulwich Park, designated Metropolitan Open Land (MOL). The character of the area is one of open recreational space including playing fields, a golf course, allotments and formal gardens, interspersed with trees and woodlands. An avenue of trees on the western side forms part of the Metropolitan Green Chain Walks which links to adjoining Boroughs and the Thames Path.
- 4 The northern gate pier had been demolished and the adjoining railings damaged, while the southern pier, wall and railing were accidentally demolished.
- 5 The site is located within a Green Chain Park, Air Quality Management Area, Suburban Density Zone-South, Dulwich Wood Conservation Area, and Metropolitan Open Land as identified by the Development Plan.
- 6 **Listing of the Church of St Peter:** Church. 1873-75 and 1885. By Charles Barry Jnr. Tower completed 1885 when the west part of the nave was begun. Recently restored.

MATERIALS: Kentish ragstone with ashlar dressings and steeply pitched slated roofs; lavish polychrome interior. **STYLE:** Geometric Gothic. **PLAN:** 6-bay nave, aisles with lean-to roofs, apsed chancel. Tower to north east. Geometrical Gothic style. **EXTERIOR:** gabled entrance in west end of north elevation. Windows are mainly cusped lancets, in triplets to aisles, single to apse with trefoils above, the central one larger; pairs of leaded windows to clerestory. Large traceried west window with stained glass, c1891. Tall buttressed tower with slender slated broach spire has blind arcading above gabled entrance on north face; groups of 3 tall louvred bell openings to each face beneath spire. **INTERIOR:** Have marble columns to nave arcades, coloured brickwork and terracotta diapering. Open timber roof with some painting, especially to chancel. Choir vestry and organ chamber (to right of chancel) now a private chapel (organ relocated to west end). Pews recently dismantled and interior now open-plan. Floor rebuilt in concrete with steps up from lower nave to aisles. **FITTINGS:** Victorian fittings include metal light brackets, pulpit, font, reredos.

- 7 **Listing of the Church of St Peter's Parish Hall:** Parish hall. After 1897. Probably by Charles Barry Jnr. Kentish ragstone with ashlar dressings; steeply pitched tiled roof with louvred fleche for bell with copper spirelet. 3 bays, each with cusped triplet windows; single-storey. 2-bay later extension to east. Open timber roof. Now used for storage. **INTERIOR:** not inspected. Included for group value with the Church of St Peter (qv).

Details of proposal

- 8 Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of 3rd turn down bollards.

Planning history

Reg. No.	Appeal No.	Description	Summary
	APP/A5840/C/03/1108758	Breach of planning control the laying of compacted hardcore as new hardstanding without the benefit of planning permission	Appeal allowed in part
	APP/A5840/C/03/1108759	Breach of planning control the erection of two walls without the benefit of planning permission	Appeal allowed in part
	APP/A5840/C/03/1108760	Contravention of Listed Building Consent for (i) the erection of a wedge shape roof constructed with corrugated metal near the southern end of the Hall (ii) fitting of a fascia board measuring 4m x 1.5m located on the eastern side of the unauthorised roof	Appeal dismissed and the Listed Building Notice upheld
	APP/A5840/C/03/1108760	Contravention of Listed Building Consent for (i) alterations or demolition to the gate pier on the south side of the Lordship Lane entrance, (ii) alterations or demolition of approx 3m of ragstone wall immediately adjoining above pier, including the removal of decorative iron railings that surrounded the wall, (iii) alterations or demolition of pier to the North side of Lordship Lane entrance together with approx 1.5m decorative metal railings that previously surround the wall.	Appeal dismissed and the Listed Building Notice upheld
09/EN/0535		(1) erection of wedged shaped roof construction of corrugated metal near the southern end of the hall and supporting structure associated with said roof (11) fitting of fascia board measuring 4m x 1.5m and located on the eastern side of the unauthorised metal roof.	Pending negotiations
09/EN/0536		The laying of new surfacing materials	Pending submission of

		(hardstanding)	planning application
09/EN/0537		(1) alteration or demolition to the gate pier located on the South Side of Lordship lane entrance (11) Alteration or demolition of approximately 3 metres of the ragstone wall immediately adjoining the pier described in (1); and (111) a alteration or demolition to the gate pier located on the North Side of Lordship Lane together with 1.5 metres decorative metal railings which previously surmounted the adjoining boundary wall.	Subject to the outcome of 13-AP-3006 and 13-AP-3111
09/EN/0538		Erection of x 2 walls without listed building consent	Subject to the outcome of 13-AP-3006 and 13-AP-3111
13/AP/3006		Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of 3rd turn down bollards.	This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL).
13/AP/3111		Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.	This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL).

Planning history of adjoining sites

- 10 None relevant to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11 The main issues to be considered in respect of this application are:
- a] the impact of the development on the Metropolitan Open Land;
 - b] the impact of the development on adjoining occupiers;
 - c] design issues;
 - d] impact on the Dulwich Wood Conservation Area;
 - e] impact on the Listed Buildings; and
 - f] highway safety.

Planning policy

Core Strategy 2011

- 12 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

- 13 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 3.11 – Efficient use of land;
Policy 3.12 – Quality in design;
Policy 3.13 – Urban design;
Policy 3.14 - Designing Out Crime;
Policy 3.15 – Conservation of the historic environment
Policy 3.16 – Conservation areas;
Policy 3.17 – Listed Buildings;
Policy 3.25 – Metropolitan Open Land;
Policy 3.28 – Biodiversity;
Policy 5.2 - Transport impacts

London Plan 2011

- 14 Policy 5.3 - Sustainable design and construction
Policy 7.4 - Local character
Policy 7.6 – Architecture
Policy 7.8 – Heritage Assets and Archaeology
Policy 7.17 - Metropolitan Open Land

National Planning Policy Framework (NPPF)

- 15 Section 7 'Requiring good design'
Section 9 'Protecting Green Belt Land'
Section 12 'Conserving and enhancing the historic environment'

Principle of development

- 16 In principle there are no objections to the repair of the boundary wall to the churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of 3rd turn down bollards. As the site is in Metropolitan Open Land it is necessary to consider whether it is appropriate development. 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. Within MOL, saved policy 3.25 states that appropriate development will include, inter-alia:
- 17 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 included land within MOL.
- 18 The proposals involve primarily repair of existing boundary treatments which are of a similar scale to those which have long existed here and therefore there is no material impact on openness nor is their conflict with the purposes of including this land within MOL. As such, the proposal is considered to be appropriate development in MOL in

accordance with the NPPF and Development Plan policy.

- 19 Furthermore, the development is considered acceptable provided the proposed design and materials of the boundary wall have due regard for the character, appearance and historic fabric of the Grade II Listed buildings and Dulwich Wood Conservation Area.

Environmental impact assessment

- 20 None required.

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

- 21 The design of the boundary wall is not to alter as the main purpose of the project is its repair. It is proposed to use salvaged or matching materials, such as Kentish rag stone, Bath stone, lime mortar and cast iron railing panels.. Accordingly, the proposed reinstatement of boundary wall, cast iron railings and bollards are considered to have a neutral impact on the amenity of surrounding occupiers.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 22 None identified.

Transport issues

- 23 TfL is the highway authority for the A205 Lordship Lane which is directly adjacent to the site.
- 24 Applicant consulted with TFL's transport planners regarding the widening of the vehicular entrance to the site. A revised scheme was negotiated and found acceptable by TFL:
- 25 TFL raised concerns with proposal that sought to widen both the entrance and dropped kerb significantly.
- 26 Drawing number 202, as per the submitted proposal, was the outcome of these discussions. The gates are to be widened less than originally proposed, with widening to take place on both the south and north sides (rather than just the north side) and the dropped kerb to remain the same width.
- 27 Furthermore the proposal includes 3 x new turn down bollards to prevent unauthorised access to the designated parking spaces on the church yard. Layout of the turn down bollards would allow a single vehicle to stop within the allocated space, allows the driver to get out of his vehicle, unlock the bollard, drop it down, and gain access to the parking area.
- 28 The benefits of the new, submitted proposal is that narrowing of the footway on Lordship Lane to the north of the gates, due to the proximity to the street tree pit, is reduced whilst remaining above the absolute minimum 1000mm to allow a wheelchair user to pass.
- 29 The position of the crossover would not result in any safety issues nor would it have a detrimental impact on the classified road, pedestrians or any neighbouring residents.

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

- 30 Section 12, paragraph 129 of the NPPF (2012) requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 31 The principal design of the boundary wall is not to alter as the main purpose of the project is its repair. It is proposed to use salvaged or matching materials, such as Kentish rag stone, Bath stone, lime mortar and cast iron railing panels.
- 32 The stone piers to the south gate way will be reinstated to their original design using mainly salvaged materials from the site. It is however proposed to widen the gap between the two piers to provide safe vehicular access to the site. This will be achieved by reinstating the northern pier approximately 500mm to the north-west of its original position. This will result in the loss of one (lost) cast iron railing panel so that the original relationship between the pier and railing remains unchanged.
- 33 The lost southern pier is to be moved 250mm further south-east, resulting in the exiting wall terminating in the centre of the gate post pier rather at the corner. This is a minor alteration to the relationship between the pier and the wall.
- 34 The proposed works will significantly improve the appearance of the site and the wall by replacing the lost stretches of stonework and iron railings. The enlarged opening / vehicular access from Lordship Lane are not considered to have a negative impact on the appearance of the boundary or the listed buildings.
- 35 The iron railings will be carefully restored and where the panels have been lost, new railings will be cast to match the existing in order to complete the wall. New cast elements will be largely kept in one area, and existing salvaged ironwork moved to a new location in order to create a consistent appearance over the wall elevation. As such, the significant features would be safeguarded.
- 36 It is considered that the nature of the proposals is entirely complimentary to the listed building. The works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of three turn down bollards have been sensitively considered. No original features would be affected or lost by the proposed works.
- 37 Furthermore, the character and appearance of the Grade II Listed buildings have been accounted for within this proposal. The proposal is considered contextually sympathetic, and would preserve the character or appearance of the building, and the important fabric and architectural and historic interest of the boundary wall and railings themselves.

Impact on trees

- 38 None envisaged; however the works will be conditioned to protect trees on site.

Planning obligations (S.106 undertaking or agreement)

- 39 Not relevant to this application

Sustainable development implications

- 40 None identified.

Other matters

- 41 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 this instance as the proposal does not create new floorspace CIL is not payable.

Conclusion on planning issues

- 42 Overall, for the reasons explored above, it is considered that the proposal constitutes appropriate development in MOL, reinstates important contextual features to the listed buildings. It would contribute positively to the character and appearance of the area, and Dulwich Wood Conservation Area. It is therefore considered that subject to the imposition of suitable conditions that the development would be in accordance with the relevant policies of the Development Plan and should be granted.

Community impact statement

- 43 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.

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

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Human rights implications

- 46 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.

- 47 This application has the legitimate aim of replacing existing boundary wall. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by

this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2315-L Application file: 13/AP/3111 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	Neil Loubser, Senior Planner	
Version	Final	
Dated	28 November 2013	
Key Decision	None	
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 and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		28 November 2013

Consultation undertaken

Site notice date: 26/09/2013

Press notice date: 26/09/2013

Case officer site visit date: 26/09/2013

Neighbour consultation letters sent: 23/09/2013

Internal services consulted:

Design and Conservation Team
Transport Planning Team

Statutory and non-statutory organisations consulted:

Transport for London (referable & non-referable app notifications and pre-apps)

Neighbours and local groups consulted:

547C LORDSHIP LANE LONDON SE22 8LB
FLAT 1 545 LORDSHIP LANE LONDON SE22 8LB
547A LORDSHIP LANE LONDON SE22 8LB
547B LORDSHIP LANE LONDON SE22 8LB
FLAT 4 545 LORDSHIP LANE LONDON SE22 8LB
FLAT 5 545 LORDSHIP LANE LONDON SE22 8LB
FLAT 2 545 LORDSHIP LANE LONDON SE22 8LB
FLAT 3 545 LORDSHIP LANE LONDON SE22 8LB
FLAT 6 543 LORDSHIP LANE LONDON SE22 8LB
535A LORDSHIP LANE LONDON SE22 8LA
FLAT 1 543 LORDSHIP LANE LONDON SE22 8LB
FLAT 2 537 LORDSHIP LANE LONDON SE22 8LA
FLAT 3 537 LORDSHIP LANE LONDON SE22 8LA
FLAT 4 543 LORDSHIP LANE LONDON SE22 8LB
FLAT 5 543 LORDSHIP LANE LONDON SE22 8LB
FLAT 2 543 LORDSHIP LANE LONDON SE22 8LB
FLAT 3 543 LORDSHIP LANE LONDON SE22 8LB
MANAGERS FLAT GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF
STAFF FLAT GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF
FLAT 7 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
FLAT 8 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
FLAT 6 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF
FLAT 1 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
FLAT 6 545 LORDSHIP LANE LONDON SE22 8LB
FLAT 3A 545 LORDSHIP LANE LONDON SE22 8LB
FLAT 4 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
FLAT 5 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
FLAT 2 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
FLAT 3 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB
FLAT 1 537 LORDSHIP LANE LONDON SE22 8LA
6 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
7 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
4 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
5 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
10 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
11 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
8 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
9 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
3 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
531A LORDSHIP LANE LONDON SE22 8LA
ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD

1 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
2 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
533 LORDSHIP LANE LONDON SE22 8LA
FLAT 13 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG
FLAT 14 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG
FLAT 11 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG
FLAT 12 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG
549 LORDSHIP LANE LONDON SE22 8LB
535B LORDSHIP LANE LONDON SE22 8LA
535C LORDSHIP LANE LONDON SE22 8LA
FLAT 10 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG
14 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
15 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
12 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
13 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
18 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
FLAT 9 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG
16 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD
17 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD

Re-consultation:

N/A

APPENDIX 2

Consultation responses received

Internal services

Design and Conservation Team - No objections

Transport Team: Even though the Southwark Council's Transport Team provided comments it is not relevant to this application as TfL is the highway authority for the A205 Lordship Lane which is directly adjacent to the site.

Statutory and non-statutory organisations

TfL's Transport Team: Raised no objections. Their comments are:

TfL is the highway authority for the A205 Lordship Lane which is directly adjacent to the site.

TfL has been in previous contact with the applicant's consultants regarding the widening of the vehicular entrance to the site. This followed concerns I raised with a proposal that sought to widen both the entrance and dropped kerb significantly.

Drawing number 202, as per the submitted proposal, was the outcome of these discussions. In summary, the gates are to be widened less than originally proposed, with widening to take place on both the south and north sides (rather than just the north side) and the dropped kerb to remain the same width.

The benefits of the new, submitted proposal are a) that narrowing of the footway on Lordship Lane to the north of the gates, due to the proximity to the street tree pit, is reduced (whilst remaining above the absolute minimum 1000mm to allow a wheelchair user to pass) and b) a s278 agreement with TfL is probably unnecessary (which would have been the case if the dropped kerb was widened).

TfL did request that the appointed contractors ensure that the footway is altered as little as possible and that any damage is put right, and that the works should be carried out with a minimum impact on pedestrian and road safety and the footway must not be blocked during construction. Would be grateful if you could consider how these requirements could be secured through any forthcoming planning permission.

Question the desirability of, and need for, the turn-down bollards, given the relatively isolated site location. However the distance between the rear bollard and the carriageway, at 6.6m, is adequate and greater than the existing gate.

Neighbours and local groups

Letter of support received from Dulwich Society