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| Item No. 7.1 | Classification: OPEN | Date: 10 June 2015 | Meeting Name: Planning Sub-committee A |
| Report title: | Development Management planning application: Application 15/AP/0156 for: S.73 Vary/remove conds/minor alterations Address: THE CROWN AND GREYHOUND, 73 DULWICH VILLAGE, LONDON SE21 7BJ Proposal: Variation of condition 2 (approved plans) of planning permission dated 15/04/2013 [application no.12/AP/2620 for the 'Refurbishment and extension of existing building comprising erection of rear extensions at basement, ground and first floor levels and external alterations to main building, demolition of existing rear garage and erection of 2-storey building in its place, to provide a restored public house and function rooms and 20 bedroom hotel with associated landscaping and car parking (Use Class A4/C1)'] to include reconfigured car parking spaces and the introduction of an electrical substation and gated access to the wilderness garden from the car park. | | |
| Ward(s) or groups affected: | Village | | |
| From: | Head of Development Management | | |
| Application Start Date 29/01/2015 | | Application Expiry Date 30/04/2015 | |
| Earliest Decision Date 22/04/2015 | | | |

RECOMMENDATION

1. That this application is referred to Members for consideration due to the number of objections; and that planning permission (variation of condition 2) is granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site relates to public house known as the 'Crown and Greyhound' on the east side of Dulwich Village. The building is Grade II listed and is located within the Dulwich Village conservation area. Permission exists for extensions and alterations to the existing building and construction of a new building to comprise a refurbished public house and hotel (see below). This proposal relates to the car parking area and effects the rear landscaped part of the site known as 'the wilderness'.

Details of proposal

3. The application seeks to vary the approved development to accommodate the need for an electricity substation that was not anticipated when planning permission was originally obtained. As a result of this requirement and given the constraints of the site, the applicant has opted to site the substation within the customer car park. As a result

the layout of the parking area has changed, but it is noted that the overall number of space has remained the same. The application also seeks permission for a entrance gate to facilitate vehicular access through to the wilderness garden at the rear. However, the agent has confirmed this is for maintenance purposes only and no other changes are proposed to this part of the site.

4. The proposal was subject to reconsultation as part of the proposal relates to the installation of vehicular access gates in the boundary wall between the car park and the wilderness garden that was not originally included in the original description of development.

Relevant planning history

5. This proposal was originally submitted as a non-material amendment (see application 14/AP/4269 below), however, as the proposal consisted of new development not previously approved by the council, the applicant was advised to submitted a minor material amendment application instead, which is now the subject of this application.

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| <p>12/AP/2620 Application type: Full Planning Permission (FUL) Refurbishment and extension of existing building comprising erection of rear extensions at basement, ground and first floor levels and external alterations to main building, demolition of existing rear garage and erection of 2-storey building in its place, to provide a restored public house and function rooms and 20 bedroom hotel with associated landscaping and car parking (Use Class A4/C1). Decision date 15/04/2013 Decision: Granted with Legal Agreement (GWLA)</p> |
| <p>12/AP/2621 Application type: Listed Building Consent (LBC) Refurbishment and extension of existing building comprising erection of rear extensions at basement, ground and first floor levels and internal and external alterations to main building, demolition of existing rear garage and erection of 2-storey building in its place, to provide a restored public house and function rooms and 20 bedroom hotel with associated landscaping and car parking (Use Class A4/C1). Decision date 15/04/2013 Decision: Granted (GRA)</p> |
| <p>12/AP/2775 Application type: Conservation Area Consent (CAC) Partial demolition of rear extensions of the public house and buildings within its curtilage. Decision date 15/04/2013 Decision: Granted (GRA)</p> |
| <p>14/AP/4269 Application type: Variation: non-material changes (VNMC) Non-material amendment to planning permission 12-AP-2620 for: (Refurbishment and extension of existing building comprising erection of rear extensions at basement, ground and first floor levels and external alterations to main building, demolition of existing rear garage and erection of 2-storey building in its place, to provide a restored public house and function rooms and 20 bedroom hotel with associated landscaping and car parking (Use Class A4/C1) to allow for amendment to layout of car parking spaces. Decision date 13/01/2015 Decision: Not Agreed - for app types VLA & VNMC (NAGR)</p> |
| <p>14/AP/4271 Application type: Listed Building Consent (LBC) Introduce an entrance to the new hotel from the car park, through the curtilage listed wall. Decision date 09/02/2015 Decision: Granted (GRA)</p> |
| <p>14/AP/4080 Application type: Full Planning Permission (FUL) Relocation of the principal Crown and Greyhound kitchen to the ground floor dining room and associated rerouting and relocation of the kitchen extract system and</p> |

external flue.

Decision date 23/03/2015 Decision: Granted (GRA)

14/AP/4081 Application type: Listed Building Consent (LBC)

Relocation of the principal Crown and Greyhound kitchen to the ground floor dining room, insertion of a new staircase leading to the basement, associated rerouting and relocation of the kitchen extract system and external flue and removal of a partition wall on the second floor'.

Decision date 23/03/2015 Decision: Granted (GRA)

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) Whether the proposed sub-station and gate would preserve the character and appearance of the conservation area (and setting of the listed building);
 - b) Whether the revised parking layout is acceptable; and
 - c) Whether there would be any material impact on residential amenity.

Planning policy

8. This application should be determined in accordance with the development plan unless other material considerations indicate otherwise; and the following central government guidance, regional and local plan policies are particularly relevant:

National Planning Policy Framework (the Framework)

Requiring good design

Conserving and enhancing the historic environment

Core Strategy 2011

Strategic Policy 12 – Design and conservation

Southwark Plan 2007 (July) - saved policies

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 3.15 Conservation of the historic environment

Policy 3.16 Conservation areas

Policy 5.2 Transport impacts

Policy 5.6 Car parking

Principle of development

9. The principle of the development is established through the extant planning permission which this proposal seeks to vary, subject to the detailed considerations of the revised parts of the proposal which are set out below.

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

10. A number of concerns have been raised by local residents that the installation of vehicular access gates to the wilderness area would have a detrimental impact on residential amenity by way of the increased use of such a space which acts as a buffer between the application site and nearby residential properties.
11. Existing access to this space is via a single gate which allows for pedestrian access into this part of the site. The proposed installation of vehicular access gate is to allow for the maintenance of this part of the site and no parking or sitting out areas are proposed. On the basis that the gate is required for maintenance purposes only this would not give rise to any significant concerns in respect of noise and disturbance or other amenity impacts. In order to ensure this remains the case in the future a condition will be added to the permission to ensure that the gate is only used in association with access for maintenance vehicles.

Transport issues

12. Some concerns have been expressed by the Transport department in relation to the revised layout of the parking spaces required to accommodate the sub-station. These concerns relate to parking space no. 5 where vehicles are likely to struggle to enter and exit the space without manoeuvring multiple times. Spaces 6 and 7 will require vehicles to reverse a substantial distance before being able to turn to leave in a forward gear. Spaces 21-23 appear to be situated partially within a verge.
13. Spaces 21-23 are shown in the same position as previously proposed. Spaces 6 and 7 would require vehicles to reverse for approximately 20m, however, this is not considered to be harmful to residential amenity given that vehicles would reverse in a straight line and the parking area otherwise has good visibility. Whilst space no. 5 would be difficult to manoeuvre in and out of, overall this is not considered to be sufficiently harmful given that there is an overall increase in parking as part of the approved development compared to existing.

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

14. The new electricity substation building is modest in size and being single storey in nature and necessary for the proper functioning of the hotel. It has been sensitively sited so as not to be visible from the street scene and sited in the car park adjacent to existing buildings. Details of the appearance of this structure will be sought by condition, as no details have been provided with the application.
15. The proposed vehicular access gate to the wilderness area would result in some minor loss of fabric to the boundary wall, but the proposed gate is sympathetic and similar in detailing to a door granted previously in the wall under permission 14/AP/4271. Additional details of the gate that have been submitted during the course of the application are considered sufficient, and no further details should be required by condition in this respect.

16. The installation of the gates to the wilderness area would provide for the good management of this amenity area. A condition can be secured to ensure this is for access for maintenance purposes only. In reality this part of the site benefits from substantial tree cover and is unlikely to present any significant security issues of the type suggested in the public consultation exercise.

Impact on trees

17. The proposed substation and revised parking layout has been sensitively designed so as to not impact on the root protection area of the Horse Chestnut Tree which is adjacent to the parking area as shown on the submitted plans. A condition to ensure the tree protection measures are undertaken is suggested as part of any permission.

Conclusion on planning issues

18. The proposed substation building and access gates would preserve the character and appearance of the Dulwich Village conservation area and would not be harmful to the setting of the nearby Grade II listed building. The revised parking layout is acceptable in highway terms and on balance the proposal would not have a material impact on residential amenity. As such the application is recommended for approval.

Community impact statement

19. 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: None.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: None.

Consultations

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

Consultation replies

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

Summary of consultation responses

22. Ten objections have been received in relation to this proposal on the following basis:
- Proposed vehicular access gates into the wilderness would increase the usability of this space contrary to the amenity (noise and disturbance) and security of nearby residents.

Noted: The proposed gates and their use would be the subject of a condition to ensure issues around residential amenity and security are not compromised.

- The need for the gate was questioned, given the previously unmanaged nature of

this space.

Noted, however, this is not a reason to withhold permission and no objections were raised by transport officers.

Human rights implications

23. 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.
24. This application has the legitimate aim of providing enhanced visitor accommodation and maintenance access arrangements. 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

24. None.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--|--|--|
| Site history file: TP/2292-B Application file: 15/AP/0156 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 4424 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 | Matthew Harvey, Planning Officer | |
| Version | Final | |
| Dated | 26 May 2015 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Strategic director, finance & 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 May 2015 | |

APPENDIX 1

Consultation undertaken

Site notice date: 30/03/2015

Press notice date: 19/02/2015

Case officer site visit date: n/a

Neighbour consultation letters sent: 26/02/2015

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

Ancient Monuments Society
Council for British Archaeology
The Society for the Protection of Ancient Buildings
The Victorian Society

Neighbour and local groups consulted:

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| 13 Court Lane Gardens Dulwich Village SE21 7DZ | 8 Court Lane London SE21 7DR |
| 258 Turney Road Dulwich SE21 7JP | 32 Court Lane London SE21 7DR |
| The Crown And Greyhound 73 Dulwich Village SE21 7BJ | 22 Court Lane London SE21 7DR |
| 67 Dulwich Village London SE21 7BJ | 20 Court Lane London SE21 7DR |
| 65 Dulwich Village London SE21 7BJ | 2 Court Lane London SE21 7DR |
| 93 Dulwich Village London SE21 7BJ | 24 Court Lane London SE21 7DR |
| 75-77 Dulwich Village London SE21 7BJ | 30 Court Lane London SE21 7DR |
| 97 Dulwich Village London SE21 7BJ | 28 Court Lane London SE21 7DR |
| 95 Dulwich Village London SE21 7BJ | 26 Court Lane London SE21 7DR |
| 63 Dulwich Village London SE21 7BJ | Burbage Road Via Email |
| 86 Dulwich Village London SE21 7AQ | Via Email |
| 76 Dulwich Village London SE21 7AJ | 115 Dulwich Village London SE21 7BJ |
| 74 Dulwich Village London SE21 7AJ | Via Email |
| 96-98 Dulwich Village London SE21 7AQ | 155 Court Lane London SE21 7EE |
| 61 Dulwich Village London SE21 7BJ | 112 Court Lane London SE21 |
| 59 Dulwich Village London SE21 7BJ | 12 Court Lane London SE21 7DR |
| 57 Dulwich Village London SE21 7BJ | 75 Danecroft London SE24 9PA |
| 96a Dulwich Village London SE21 7AQ | Via Email |
| 85-87 Dulwich Village London SE21 7BJ | Via Email |
| 94 Dulwich Village London SE21 7AQ | Via Email |
| 89 Dulwich Village London SE21 7BJ | Via Email |
| 89a Dulwich Village London SE21 7BJ | Via Email |
| 73a Dulwich Village London SE21 7BT | Via Email |
| Second Floor Flat 96-98 Dulwich Village SE21 7AQ | 34 Mount Adon Park Dulwich SE22 0DT |
| Flat 91 Dulwich Village SE21 7BJ | 25 Kingsthorpe Road London SE26 4PG |
| 88 Dulwich Village London SE21 7AQ | Estates Governors' The Old College SE21 7AE |
| 78 Dulwich Village London SE21 7AJ | 101 Dulwich Village London SE21 |
| 79 Dulwich Village London SE21 7BJ | 61 Stradella Road London SE24 9HL |
| 80 Dulwich Village London SE21 7AJ | 166 Croxted Road London SE21 8NW |
| 70 Dulwich Village London SE21 7AJ | Email X |
| Email X | 149 Court Lane SE21 |
| 91 Dulwich Village London SE21 7BJ | 258 Turney Road London SE21 7JP |
| 84 Dulwich Village London SE21 7AJ | By Email |
| 82 Dulwich Village London SE21 7AJ | 71 Court Lane London SE21 7EF |
| 72 Dulwich Village London SE21 7AJ | 41 Dovercourt Road London SE22 8SS |
| 88a Dulwich Village London SE21 7AQ | By Email |
| Ground Floor 80 Dulwich Village SE21 7AJ | By Email |
| Living Accommodation 73 Dulwich Village SE21 7BJ | 59 Calton Avenue London SE21 7DF |
| 10 Court Lane London SE21 7DR | 170 Friern Road London SE22 |

16 Court Lane London SE21 7DR
14 Court Lane London SE21 7DR
First Floor 78 Dulwich Village SE21 7AJ
First Floor And Second Floor 75-77 Dulwich Village SE21 7BJ
87 Dulwich Village London SE21 7BJ
84b Dulwich Village London SE21 7AJ
2a Court Lane London SE21 7DR
Flat C 91 East Dulwich Grove SE22 8PU
Flat B 91 East Dulwich Grove SE22 8PU
Flat A 91 East Dulwich Grove SE22 8PU
18 Court Lane London SE21 7DR
4 Court Lane London SE21 7DR
36 Court Lane London SE21 7DR
34 Court Lane London SE21 7DR
6 Court Lane London SE21 7DR
62 Dulwich Village London SE21 7AJ
60 Dulwich Village London SE21 7AJ

84 Turney Road London SE21 7JH
76-80 Whitfield Street London W1T 4WZ
7 Ludgate Broadway London EC4V 6DX
19 Dekker Road London SE21 7DL
C/O 27 Dulwich Village SE21 7BN
C/O 27 Dulwich Village London SE21 7BN
188 Turney Road London SE21 7JL
29 Turney Road London SE21 7JA
11 Court Lane Dulwich SE21 7DH
By Email
15 Glanfield Road Beckenham BR3 3JS
5 Glengall Road London SE15 6NJ
39 Lavengro Road London SE27 9EQ
By Email
25 Kingsthorpe Road London SE26 4PG
8 Court Lane Dulwich SE217DR
10, Court Lane London SE217DR

Re-consultation: 23/03/2015

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

10 Court Lane London SE21 7DR
10, Court Lane London SE217DR
14 Court Lane London SE21 7DR
14 Court Lane London SE21 7DR
16 Court Lane London SE21 7DR
18 Court Lane London SE21 7DR
18 Court Lane London SE21 7DR
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18 Court Lane London SE21 7DR
18 Court Lane London SE21 7DR
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18 Court Lane London SE21 7DR
6 Court Lane London SE21 7DR
8 Court Lane Dulwich SE217DR
8 Court Lane London SE21 7DR
93 Dulwich Village London SE21 7BJ