

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.2	Open	14 July 2015	Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/1772 for: Listed Building Consent  <b>Address:</b> THE WORKSHOP SITE, LAND BOUNDED BY GILKES PLACE, GILKES CRESCENT AND CALTON AVENUE TO THE REAR OF 25 DULWICH VILLAGE, LONDON SE21 7BW  <b>Proposal:</b> Relocation of the Grade II listed stone plaque to be mounted in the garden wall of the 3-bed dwelling proposed as part of planning application ref: 14/AP/3104.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 11/05/2015		<b>Application Expiry Date</b> 06/07/2015	
<b>Earliest Decision Date</b> 19/06/2015			

## RECOMMENDATION

1. That the Planning Committee grant listed building consent subject to condition.

## BACKGROUND INFORMATION

### Site location and description

2. The site is presently occupied by a vehicle workshop and is relatively large at 0.22Ha. Details of the site are set out in the report for the accompanying planning application reference 14/AP/3104 for residential redevelopment (hereinafter referred to as the 'planning application'). The subject of this application is the plaque located on the southern part of the site.
3. It is limestone plaque dating from 1760, 0.9m by 0.4m, set in a glazed timber case on a concrete base, within a garden fronting onto Calton Avenue. The plaque was originally affixed to the village lock up and has an inscription on it:

"It is a sport for a fool to do mischief; thine own wickedness shall correct thee".

4. The plaque was given a Grade II listed status on 16 February 2015.

### Details of proposal

5. The proposal is for the relocation of the plaque into the wall of the 3 bed house proposed as part of the planning application. It would sit in a ventilated recess in the brick behind toughened glass within an aluminium frame with lighting above. It is also proposed to provide an information plaque for this heritage asset alongside it.

## **Planning history**

6. 13/EQ/0227, pre-application enquiry for:  
Demolish the existing garage premises and erect 12 dwellings with basement car parking and access from Gilkes Place. Refer to Appendix 3 for the reply.
7. 14/AP/3104, planning application for:  
Redevelopment of the site to include the demolition of all existing buildings (Use Class B2) and the excavation and removal of fuel tanks and associated supply lines and the construction of 12 dwellings (Use Class C3), 1 x 2 bed and 2 x 1 bed affordable dwellings, 1 x 3 bed house (wheelchair accessible), 4 x 4 bed houses and 4 x 5 bed houses with ancillary living accommodation and car parking at basement level accessed from Gilkes Place and landscaping.

This application is also considered as part of this Planning Committee agenda.

## **Planning history of adjoining sites**

8. None of particular relevance to this application.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

9. The main issue to be considered in respect of this application is:
  - a) The impact of the proposal upon the listed plaque.

### **Planning policy**

10. This application should be determined in accordance with the development plan unless material considerations indicate otherwise; and the following national framework, regional and local policy and guidance are particularly relevant:

#### National Planning Policy Framework (the Framework)

12. Conserving and enhancing the historic environment

#### London Plan July 2015

Policy 7.8 Heritage assets and archaeology

#### 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 3.17 Listed buildings

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

#### Other relevant planning documents

Dulwich SPD 2013

## **Summary of consultation responses**

11. A total of 31 representations have been received for this application, of which 29 are objections. The objections relate the loss of the setting of listed plaque, in particular the garden around it. Objectors also considered that the proposal would not give adequate prominence or setting, especially for its educational benefit. There has been a suggestion by objectors that some of the details in the applicants' submission are not accurate, including the original location of the plaque. Historic England have authorised the council to determine this application as it sees fit.
12. Another cause of objection has been the consultation process. While letters were sent to local neighbours to inform them of the application on 20 May, many neighbours have advised the council that no letters were received. A site notice was however placed on the railings on the area of garden where the plaque sits on 27 May and a notice was placed in the Southwark News. From the number of objections received, it is reasonable to judge that despite letters not reaching neighbours, local residents and other interested parties are aware of the application.

## **The impact of the proposal on the listed plaque**

13. The Framework provides advice in section 12 of the matters to consider when assessing works to a heritage asset. It advises that applicants should provide an assessment of its significance, including any contribution made by its setting. This has been provided in the form of the Planning and Heritage Impact Assessment.
14. The significance of the plaque lies in its historical interest as a reminder of crime and punishment of the Georgian period. It was previously affixed to the cage or lock-up of the local village. Suspected offenders were placed in these structures before being brought before the magistrate. Their use ceased by the mid 19th century when a regular police force was formed.
15. Also of significance is its rarity as an example of an 'improving' biblical text being used to embellish the lock up and its condition which is good.
16. Its original location was likely to have been where Court Lane and Dulwich Village intersected. It was discovered in 1922 during the development of a parade of shops at the junction of Dulwich Village and Calton Avenue and erected in a garden Adjoining 1D Calton Avenue.
17. Further advice in the Framework states that great weight should be placed on an asset's conservation. This proposal would conserve the plaque, albeit in a different setting. It can be argued that the proposal would secure it in a location where it is less likely to be vandalised. Less than substantial harm would be caused to the plaque and its setting because its historical significance would be retained and its condition would be secured. No loss is proposed, thus its significance as a rarity would also be retained. The impact would be limited to the loss of its setting, within a garden which is not one of the principal reasons for its listing.
18. When less than significant harm is proposed it needs to be weighed against the public benefits of the proposal, which includes provision of housing (including affordable housing) and the redevelopment of a site with a potentially 'un-neighbourly' lawful use. These matters have been addressed further in the report for the planning application.
19. Policy 7.8, heritage assets and archaeology of the London Plan similarly states that development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate. Further, it advises that development affecting heritage

assets and their settings should conserve their significance.

20. With the present proposal, the plaque would be incorporated into the development while conserving its significance.
21. Saved policy 3.17 of the Southwark Plan states that development proposals involving a listed building will only be permitted where there is no loss of important historical fabric; the development is not detrimental to the special interest of the building; it respects the context of the listed building and later additional features are preserved and existing detailing and later additional structures are preserved or replaced.
22. Again, the proposal would not be detrimental to the special historical and unique interest of the plaque itself, its setting would however change but this is not its original setting and not referred to in the list description as one of the principal elements of its significance.

### **Conclusion on planning issues**

23. The critical question is whether the change in the setting of the plaque would lead to substantial harm. Its setting, while highly valued by local people is not its original setting. It is the plaque itself that is of significance and preserving it close to its present location would not lead to substantial harm because historical significance would be retained. The proposal is therefore recommended for approval.

### **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 referred to 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. Details of consultation responses received are set out in Appendix 2.

### **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 relocating a listed plaque. 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/2292-2  Application file: 15/AP/1772  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 1778 Council website: www.southwark.gov.uk

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management
<b>Report Author</b>	Dipesh Patel, Team Leader Major Applications
<b>Version</b>	Final
<b>Dated</b>	30 June 2015
<b>Key Decision</b>	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
<b>Date final report sent to Constitutional Team</b>	2 July 2015	

## Consultation undertaken

**Site notice date:** 27/05/2015

**Press notice date:** 21/05/2015

**Case officer site visit date:** 27/05/2015

**Neighbour consultation letters sent:** 20/05/2015

### Internal services consulted:

n/a

### Statutory and non-statutory organisations consulted:

Council for British Archaeology  
 English Heritage  
 English Heritage Ancient Scheduled Monuments  
 The Georgian Group  
 The Victorian Society

### Neighbour and local groups consulted:

12a Calton Avenue London SE21 7DQ	16 Calton Avenue London SE21 7DQ
10d Calton Avenue London SE21 7DQ	17 Calton Avenue London SE21 7DE
12b Calton Avenue London SE21 7DQ	15 Calton Avenue London SE21 7DE
12d Calton Avenue London SE21 7DQ	7 Calton Avenue London SE21 7DE
12c Calton Avenue London SE21 7DQ	14 Calton Avenue London SE21 7DQ
10c Calton Avenue London SE21 7DQ	9 Calton Avenue London SE21 7DE
1b Calton Avenue London SE21 7DE	65 Calton Avenue London SE21 7DF
1a Calton Avenue London SE21 7DE	164 Woodwarde Road Dulwich SE22 8UR
1c Calton Avenue London SE21 7DE	75 Woodwarde Rd Dulwich SE22 8UL
10b Calton Avenue London SE21 7DQ	158 Woodwarde Road Dulwich SE22 8UR
10a Calton Avenue London SE21 7DQ	67 Court Lane London SE21 7EF
Ground Floor Flat 1c Court Lane SE21 7DH	23 Dulwich Village London SE21 7BT
First Floor Flat 1d Court Lane SE21 7DH	25 Gilkes Crescent London SE21 7BP
Ground Floor Flat 1d Court Lane SE21 7DH	79 Woodwarde Road Dulwich SE22 8UL
First Floor 1a Calton Avenue SE21 7DE	79 Woodwarde Road London SE22 8UL
First Floor Flat 1c Court Lane SE21 7DH	30 Gilkes Crescent London Se217bs
1b Court Lane London SE21 7DH	39 Gilkes Crescent London Se217bp
1a Court Lane London SE21 7DH	51 Winterbrook Road Herne Hill SE24 9HZ
1d Calton Avenue London SE21 7DE	24 Gilkes Crescent London SE21 7BS
8 Calton Avenue London SE21 7DQ	37 Calton Avenue Dulwich SE21 7DE
53 Gilkes Crescent London SE21 7BP	1 Ardbeg Road London SE24 9JL
51 Gilkes Crescent London SE21 7BP	Vice Chair, Dulwich Society
55 Gilkes Crescent London SE21 7BP	63 Carlton Avenue London SE21 7DF
13 Calton Avenue London SE21 7DE	49 Calton Avenue London SE21 7DF
11 Calton Avenue London SE21 7DE	58 Dovecourt Road London SE22 8ST
49 Gilkes Crescent London SE21 7BP	42 Dovecourt Road Dulwich
41 Gilkes Crescent London SE21 7BP	7 Calton Avenue London SE21 7DE
Flat 1 1 Calton Avenue SE21 7DE	59 Calton Avenue London SE21 7DF
43 Gilkes Crescent London SE21 7BP	32 Calton Avenue London SE21 7DG
47 Gilkes Crescent London SE21 7BP	47 Gilkes Crescent London SE21 7BP
45 Gilkes Crescent London SE21 7BP	Gilkes Crescent London SE21 7BP
2 Calton Avenue London SE21 7DQ	37 Gilkes Crescent London SE217BP
18 Calton Avenue London SE21 7DQ	57 Calton Avenue London SE21 7DF
20 Calton Avenue London SE21 7DQ	37 Gilkes Crescent Dulwich SE217BP
6 Calton Avenue London SE21 7DQ	
4 Calton Avenue London SE21 7DQ	146 Turney Road London SE21 7JJ
	89 Woodwarde Road London se228ul

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

English Heritage

#### Neighbours and local groups

Email representation

Email representation

Email representation

Gilkes Crescent London SE21 7BP

1 Ardbeg Road London SE24 9JL

146 Turney Road London SE21 7JJ

158 Woodwarde Road Dulwich SE22 8UR

164 Woodwarde Road Dulwich SE22 8UR

23 Dulwich Village London SE21 7BT

23 Dulwich Village London SE21 7BT

24 Gilkes Crescent London SE21 7BS

25 Gilkes Crescent London SE21 7BP

30 Gilkes Crescent London Se217BS

32 Calton Avenue London SE21 7DG

37 Calton Avenue Dulwich SE21 7DE

37 Calton Avenue Dulwich SE21 7DE

37 Gilkes Crescent Dulwich SE217BP

37 Gilkes Crescent London SE217BP

39 Gilkes Crescent London Se217bp

47 Gilkes Crescent London SE21 7BP

47 Gilkes Crescent London SE21 7BP

47 Gilkes Crescent London SE21 7BP

49 Calton Avenue London SE21 7DF

51 Winterbrook Road Herne Hill SE24 9HZ

57 Calton Avenue London SE21 7DF

58 Dovecourt Road London SE22 8ST

59 Calton Avenue London SE21 7DF

63 Carlton Avenue London SE21 7DF

65 Calton Avenue London SE21 7DF

67 Court Lane London SE21 7EF

7 Calton Avenue London SE21 7DE

75 Woodwarde Rd Dulwich SE22 8UL

79 Woodwarde Road Dulwich SE22 8UL

79 Woodwarde Road London SE22 8UL

89 Woodwarde Road London se228ul