

<b>Item No.</b> 7.3	<b>Classification:</b> Open	<b>Date:</b> 5 April 2016	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/5020 for: Full Planning Permission  <b>Address:</b> 88 DULWICH VILLAGE, LONDON SE21 7AQ  <b>Proposal:</b> Alterations to shopfront.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	16/12/2015	<b>Application Expiry Date</b>	10/02/2016
<b>Earliest Decision Date</b>	10/02/2016		

## RECOMMENDATION

1. Grant planning permission subject to conditions.

## BACKGROUND INFORMATION

2. The application is reported to planning sub-committee following a referral request by members.

### Site location and description

3. The application site relates a two storey building consisting of retail use at ground floor level and residential accommodation at first floor level. The retail unit at ground floor level forms part of the shop frontages in this parade fronting Dulwich Village highway.
4. The application site is not listed but lies within the setting of the adjoining listed buildings at no. 86 and 84; as well as being situated within the Dulwich Village conservation area.

### Details of proposal

5. Planning permission is sought for the alterations to shopfront. The changes include: the replacement of two entrance doors for one sliding door, change of logo on the fascia board and projecting sign and the change of colour to the shop front.

6. **Planning history**

Associated application for advertisement consent (15-AP-5021) submitted for the display of signage: x1 externally illuminated aluminium projecting sign, with ironmongery to match traditional style; x1 `Sainsbury's Local fascia sign with overhead spot lighting; and x1 vinyl offer panel displaying open times; 1x externally illuminated aluminium projecting sign, 1x Sainsburys local fascia sign, 1x Vinyl offer panel.

## **Planning history of adjoining sites**

### 7. 88/90 Dulwich Village

Listed Building Consent (98-AP-1755) granted for the demolition and replacement of defective garden wall between 88/90 and nos. 94, 96/98

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

### 8. 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 Listed Building(s)/Conservation Area.
- e) All other relevant material planning considerations.

### **Planning policy**

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

- 9. Section 7 - Requiring good design  
Section 12 - Conserving and enhancing the historic environment

#### London Plan July 2015 consolidated with alterations since 2011

- 10. Policy 7.4 - Local Character  
Policy 7.6 - Architecture

#### Core Strategy 2011

- 11. Strategic policy 12 - Design and conservation  
Strategic policy 13 - 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 3.12 - Quality in design

Policy 3.13 - Urban design

Policy 3.16 - Conservation areas

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

## **Principle of development**

13. The use of the application property as a class A1 retail shop is lawful. As such, there are no land use issues associated with the application and no objection in principle to the proposal, subject to compliance with the policies set out above. Furthermore, as a result of this, it is not considered that objections raised in relation to noise, anti social behaviour, transport and servicing associated with the use of the property are material to this application as no change of use is proposed.

## **Summary of consultation responses**

14. For clarity, all responses received for this application are summarised here. 16 representations were received; 12 were individual representation against the scheme, x1 was a 12 petition signed by six people against and x3 individual representations were in favour of the proposal.

The issues raised in objection against the scheme are as follows:

15. The application in its current form because it is in conflict with the Dulwich Supplementary Planning Document (SPD) the Dulwich Village Conservation Area Appraisal and other relevant Southwark policies that support the preservation of Dulwich as a conservation area, and the protection of its natural and historic features.
16. This application threatens the appearance and daily operation of a row of shops that contributes significantly to the unique feel and aspect of the historic environment of Dulwich Village.
17. This application sets a precedent for any major retailer wanting to open in the Village conservation area.
18. The store has longer opening hours than any other retail or restaurant outlet in Dulwich Village.
19. There is no room on the pavement, or in the proposed shop design, for delivery cages.
20. Access at the front has been reduced from two doors to one, which alters the traditional look and feel of the existing property, and creates conflict between delivery cages and customers.
21. The increased scale and noise of the proposed plant unit indicated for the roof area is likely to impact on local residents, especially those in Mitchell's Place directly behind the new store (the scheme was amended to remove the proposed roof plant equipment).
22. The Dulwich Estate, within the confines of its role as landlord and lessor, has passed the proposed application. However, the Dulwich Estate is just one stakeholder.
23. Increase congestion in the village and be open long hours. It will change the character of the village.
24. Extra traffic generated due to long opening hours and also lack of access for deliveries and storage of delivery cages.
25. This application threatens the appearance and daily operation of a row of shops that have a unique 'village' feel. It is not sympathetic to the needs of this conservation

area.

26. Corporate branding and positioning of advertisements within this application.
27. Southwark to reject both a hanging and illuminated sign. Dulwich Village has a unique feel and aspect both in daylight and at night-time, and the design and lighting of the row of shops contribute significantly to this.
28. The single hanging illuminated sign which does exist for Pizza Express has blended into the shop row because of its non-intrusive colours (black and white) and very low level of directional lighting.
29. Reduction from two doors to one, which alters the traditional look and feel of the existing property, and creates conflict between delivery cages and customers

Three letters of support

30. I fully support this application. I believe a Sainsburys Local type shop is badly needed to breath life back into Dulwich Village. It will be bright and attractive, providing much needed services to the community as well as competitively priced shopping facilities to the aging local population.
31. I think the flat, understated frontage is a great improvement on the nondescript lines and garish colour of Shepherd's.
32. I live 200 metres from the shop and go there frequently but I have never been aware of any problems with deliveries; nor have I heard any comments from anyone else. Why should a considerably smaller shop with modern rolling pallets cause problems that have never emerged before? Shepherd's hours used to be 7am to well after 10pm (now 9pm) and caused no complaints. In any case the shop is opposite a pub and in the midst of three restaurants so at 11pm it's likely to be the quietest place around. I fully support the application.

#### **Design and conservation comments**

33. Further to amendments providing timber projecting signage, spotlights, improved fascia signage and fenestration alterations to introduce more symmetry, there is no longer any objection from a heritage perspective.

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

34. The application site form part of the protected shopping frontage in this parade and careful consideration should be had when deciding types of works involve in the alteration and the materials to be use.
35. The proposed works consist of the alteration to the existing shopfront by way of the replacement of two existing doors for a single sliding door and colour change. It is not considered that the proposed works will have any negative impacts on surrounding occupiers or users, nor will the proposed new altered shopfront affect the amenity of future occupiers of the above and adjacent residential units.
36. The proposed development would have no impact on any neighbouring properties. The proposed alterations is all at ground floor level and does not overlook any of the residential properties either side or opposite. The residential units above the property should not be exposed to additional sound or other disturbance as a result of the changes.

37. Given the context of the site and the surrounding area, the altered shopfront will respect the character and appearance of the building and the surrounding area in terms of scale, proportion and materials and should preserve and enhance the character and appearance of the Dulwich Village Conservation Area.

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

38. The proposed shopfront would be in the same location as the existing shopfront. It would not constitute an increase in use and its location would have the same relationship with existing residential properties and does the existing shop.

**Transport issues**

39. It is not considered that the alteration and use at the application site would generate any additional noise, additional traffic or any safety issues regarding public safety as these already exist within the present use.
40. There are some concerns regarding increase traffic to the area as well as goods delivery to the new Sainsbury store; however; it is not envisaged that any increase in traffic would be significant to prevent daily movement to the users. There are no real cause for concern regarding goods delivery as the present use allows for such delivery and should any such cause for concerns arises a condition could be put in place for the of hour of use.

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

41. Saved policy 3.12 Quality in Design seeks to ensure that new development will be of a high standard and has consideration of the local context, its character and townscape as well as the local views and streetscape.
42. Saved Policy 3.16 Conservation area, requires that within conservation areas, development should preserve or enhance the character or appearance of the area
43. Saved Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites, advises that permission will not be granted for developments that would not preserve or enhance the setting of the conservation area.
44. In terms of national planning policy section 7 paragraph 56 of the NPPF states that good design is a key aspect of sustainable development while paragraph 58 goes on to states that 'planning policies and decisions should aim to ensure that developments... respond to local character and history and reflect the identity of local surroundings and materials'.
45. Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
46. It is not considered that the proposed would to alter an existing shop front would have any significance affect on the heritage asset that being the listed buildings either side of the application site or the Dulwich Village Conservation Area. The changes proposed to the structural aspects of the application building would be minimal in the sense that the application only requires the replacement of two doors for one sliding door and the change of colour. The shopfront would still mirror that of the existing barring the change of colour and signage.

47. Paragraph 134 of the NPPF states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*
48. It is considered that the proposals under consideration would result in less than substantial harm and that this would be outweighed by the public benefit of securing the optimum viable use of the ground floor of this retail shop. As such, the proposals are considered to comply with the NPPF.
49. The proposed alteration to the retail unit is considered acceptable within the setting of the listed buildings as the altered profile to the frontage of No.88 would follow the same footprint and dimensions as the existing and is therefore considered to cause no harm to the host building and its surroundings.
50. In this specific case however, the proposal to alter the shop front to match the existing would thereby enhance the overall cohesion of the building. It is therefore considered that, in this case, that the works would be acceptable. This should be controlled by a compliance condition.
51. As mention above in the consultation responses received, concern was raised about the potential: longer opening hours, no room on the pavement, the proposed shop design, no room for delivery cages, the increased scale and noise, increase congestion, in response to these comments; it not considered there would be any significant increase impact from the new uses from this unit as all the above concerns exist at the present time.
52. Local Policies  
Strategic Policy 12, 'Design and Conservation' of the Southwark Core Strategy, Saved Policy 3.15 'Conservation of the Historic Environment', Saved Policy 3.16 'Conservation Areas', Saved Policy 3.17, 'Listed Buildings' and Saved Policy 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Local Plan all expect development to conserve or enhance the special architectural or historic interest of listed buildings and conservation areas. It is considered that the proposals under consideration would comply with the requirements of these local policies as the special architectural and historic interest within the wider Dulwich Village Conservation Area and the setting of the Grade II\* Listed Buildings would be preserved or enhanced. There would be no loss of important historic fabric on the listed building and the proposed design would relate sensitively to the host building.
53. Southwark's local policies are reinforced by London Plan Policy 7.8, 'Heritage Assets and Archaeology'. It is considered that the works proposed would comply with London Plan Policy 7.8.

#### **Other matters**

54. 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. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).
55. In Southwark the Mayoral CIL was established at a rate of £35 per sqm of new

development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

### **Conclusion on planning issues**

56. The proposed development in terms of design, scale, massing and materials would be suitable for this development within the streetscape. The development will have no significant adverse impacts on the amenity of any adjoining occupiers or the surrounding area and will visibly be appealing on the streetscene and the conservation area.
57. The proposed works would not adversely affect the setting of the adjoining listed buildings nor the character and appearance of the Dulwich Village Conservation area.
59. The scheme therefore complies with the relevant saved policies of The Southwark Plan 2007, The Core Strategy 2011, the Dulwich SPD 2013 and the NPPF 2012. As such it is recommended that detailed planning permission be granted subject to conditions

### **Community impact statement**

60. The impacts of this application have been assessed as part of the application process with regard to local people in respect of the “protected characteristics”, as set out in the Equality Act 2010, the council's community impact statement and Southwark Council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.
61. In assessing this application, the council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.
62. No protected characteristics or groups have been identified as most likely to be affected by this proposal.

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

65. 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.
66. This application has the legitimate aim of providing alteration to a shopfront. 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/2292-88 Application file: 15/AP/5020 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 5458 Council website: www.southwark.gov.uk

## APPENDICES

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

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Anthony Roberts, Graduate Planner	
<b>Version</b>	Final	
<b>Dated</b>	16 March 2016	
<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>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		18 March 2016

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 18/12/2015

**Press notice date:** 24/12/2015

**Case officer site visit date:** 18/12/2015

**Neighbour consultation letters sent:** 18/01/2016

**Internal services consulted:**

n/a

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

n/a

**Neighbour and local groups consulted:**

14 Woodwarde Road London SE22 8UJ  
23 Woodwarde Road SE22 8UN  
23 Woodwarde Rd Dulwich SE2 28UN  
136 Turney Road Dulwich SE21 7JJ  
Ash Cottage 1b Court Lane SE21 7DH  
67 Court Lane Dulwich SE21 7EF  
3 Lovelace Road Dulwich se21 8jy  
75 Woodwarde Road SE22 8UL

103 Court Lane Dulwich SE21 7EE  
109 Turney Road Dulwich SE21 7JB  
126 Woodwarde Road London SE22 8UT  
182 Court Lane London SE217ED  
58 Dovercourt Road London SE22 8ST  
55 Calton Avenue London SE21 7DF  
9 Court Lane Gardens London SE21 7DZ  
71 Woodwarde Rd London SE22 8UN

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

Ash Cottage 1b Court Lane SE21 7DH  
Ash Cottage 1b Court Lane SE21 7DH  
103 Court Lane Dulwich SE21 7EE  
109 Turney Road Dulwich SE21 7JB  
126 Woodwarde Road London SE22 8UT  
136 Turney Road Dulwich SE21 7JJ  
14 Woodwarde Road London SE22 8UJ  
182 Court Lane London SE217ED  
23 Woodwarde Rd Dulwich SE2 28UN  
23 Woodwarde Road SE22 8UN  
23 Woodwarde Road SE22 8UN  
3 Lovelace Road Dulwich se21 8jy  
55 Calton Avenue London SE21 7DF  
58 Dovercourt Road London SE22 8ST  
67 Court Lane Dulwich SE21 7EF  
71 Woodwarde Rd London SE22 8UN  
75 Woodwarde Road SE22 8UL  
9 Court Lane Gardens London SE21 7DZ