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| Item No. 7.2 | Classification: Open | Date: 25 April 2017 | Meeting Name: Planning Sub-Committee B |
| Report title: | Development Management planning application: Application 17/AP/0331 for: Full Planning Application Address: DULWICH PARK CAFE, DULWICH PARK, COLLEGE ROAD, LONDON SE21 7EU Proposal: Construction of single storey side extensions on both sides of rear projection, installation of new window in the rear elevation and the replacement of two windows on the front elevation. | | |
| Ward(s) or groups affected: | Village | | |
| From: | Director of Planning | | |
| Application Start Date 30/01/2017 | | Application Expiry Date 27/03/2017 | |
| Earliest Decision Date 25/02/2017 | | | |

RECOMMENDATION

1. That planning permission is granted.

BACKGROUND INFORMATION

Site location and description

2. The cafe is located within Dulwich Park - a Grade II registered park - and is single storey building with a pitched roof to the front and a flat roof to the rear. The site is within the Dulwich Wood conservation area and is designated as Metropolitan Open Land.
3. The area to be developed comprises a tarmac surface and is partly covered by vegetation, most notably wisteria growing along the side and rear of the rear part of the building.

Details of proposal

4. The two single storey extensions, respectively 3441mm and 3382mm wide would extend to the end and be in line with the rear of the existing single storey brick structure. The extensions would be the same height as the existing 2715mm high single storey timber clad, flat roofed structures to the rear.
5. The extensions would be for the purposes of a new cold room, freezer room and toilet and would involve the removal of a window in each flank.

Planning history

6. None of relevance to this application.

Planning history of adjoining sites

7. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issues to be considered in respect of this application are:
 - a) the impact on Metropolitan Open Land.
 - b) the impact on the character and appearance of the Dulwich Wood conservation area.

Planning policy

9. National Planning Policy Framework (the Framework)

Section 9 Protecting green belt
Section 11 Conserving and enhancing the natural environment
Section 12 Conserving and enhancing the historic environment

10. The London Plan 2016

Policy 7.8 Heritage assets and archaeology
Policy 7.17 Metropolitan open land

11. Core Strategy 2011

SP11 Open spaces and wildlife
SP12 Design and conservation
SP13 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 3.16 - Conservation Areas
Policy 3.25 - Metropolitan Open Land.

Principle of development

13. There is a presumption against inappropriate development on Metropolitan Open Land (MOL). 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 according the London Plan

policy 7.17 and saved Southwark Plan policy 3.25 both apply to MOL. Within Metropolitan Open Land, planning permission will only be permitted 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.
14. The application site is not within an area of development pressure and it is considered that improved refreshment and public lavatory facilities in a park of this size would form an essential facility for both outdoor sport and outdoor recreational use. The works would improve the functionality of the cafe by way of introducing a new freezer and cold room, and increase the public convenience facilities. This, in turn, would directly benefit members of the public using the park for both the outdoor sport and outdoor recreational use.
 15. Also, because the proposed development would be located within the limits of the existing café site (which is already built up) it would not encroach further on any grassed area. The modest extent of the works would hence not impact on the openness of the park.
 16. In addition, the works would not result in any disproportionate additions to the building over and above the size of the original building, which would be compliant with Paragraph 89 of the NPPF, in relation to development within Green Belt areas. The principle of the proposed development therefore acceptable.

Environmental impact assessment

17. Not required.

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

18. The site is located in the middle of Dulwich Park and given the distance between the site and the nearest properties, at least 180m to the south, the proposed development would have no impact on residents.

Design issues

19. The use of timber cladding, painted white, to match the timber on part of the existing rear extension is acceptable. The new timber sash windows, painted to match the existing windows, would also be acceptable as they would be of a similar design and appearance to the existing windows.

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

20. The proposed extensions and external alterations would respect the context of the Conservation Area by the use of high quality materials that complement the existing building and would make a positive contribution to the character or appearance of the Conservation Area.
21. The primary reason for the designation of Dulwich Park as a Grade II registered Park

and Garden is that it is a public park little altered from its original late nineteenth century layout. No elements of significance its registration would be altered, i.e. the two extensions and the associated alterations to the cafe, these works would not alter the historic layout or nature of the park itself in any harmful way, and as such, its character would be preserved. The works would also be sufficiently distant from any historical assets (listed buildings and structures) within and around the park (Court Lane, Queensbury and Rosebury gates and Rosebury Lodge) so as not to cause any detriment to them.

Impact on trees

22. No trees would be lost, a climbing plant, a wisteria, to the rear and side of the existing single storey timber clad building would be lost but it is considered that the loss would be outweighed by the benefit of extending the cafe which is used by users of the park.

Conclusion on planning issues

23. The proposed extensions and external alterations are considered to preserve the character and appearance of the Conservation Area and would not adversely impact on the Metropolitan Open Land designation of the park.

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 detailed 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. No responses to the consultation have been received.

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 providing additional internal space to the cafe. 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/2082-Z Application file: 17/AP/0331 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 5457 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 | Simon Bevan, Director of Planning |
| Report Author | Abrar Sharif, Planning Officer |
| Version | Final |
| Dated | 27 March 2017 |
| Key Decision | No |

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER

| Officer Title | Comments Sought | Comments included |
|---|-----------------|-------------------|
| Strategic Director of Finance and Governance | No | No |
| Strategic Director of Environment and Social Regeneration | No | No |
| Strategic Director of Housing and Modernisation | No | No |
| Director of Regeneration | No | No |
| Date final report sent to Constitutional Team | 6 April 2017 | |

APPENDIX 1

Consultation undertaken

Site notice date: 30/01/2017

Press notice date: 02/02/2017

Case officer site visit date: 31/01/2017

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

Garden History Society

Neighbour and local groups consulted:

n/a

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

None