

Planning Committee (Smaller Applications)

Wednesday 24 April 2024
7.00 pm
160 Tooley Street, London SE1 2QH

Supplemental Agenda No.1

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	Addendum report and Members pack.	

Contact

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Webpage: www.southwark.gov.uk

Date: 24 April 2024

Item No: 6.1 & 6.3	Classification: Open	Date: 24 April 2024	Meeting Name: Planning Committee (Smaller Applications)
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		Dulwich Village	
From:		Director of Planning and Growth	

PURPOSE

1. To advise members of clarifications, corrections, consultation responses and further information received in respect of the following items on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the stated recommendation.

RECOMMENDATION

2. That members note and consider the additional information and consultation responses in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. No additional information has been received, this addendum relates to an amendment in the wording.

ITEM 6.1: 19/AP/7597 for: Full Planning Application – 70 Croxted Road, London Southwark SE21 8NP

Corrections and clarifications on the main report

Paragraph 30 & 89:

4. The total affordable housing contribution is to be amended to (40%) = **£72,000**. This is an increase from £63,000. This is an error on the original percentage calculation.

Paragraph 74:

5. This paragraph is to be amended as follows:

For the reasons outlined above, *although there is a minor adverse and a major adverse impact against one room per property, overall it is considered that the proposal does not significantly harm the daylight and sunlight received by adjoining properties, or lead to harmful overshadowing of the amenity spaces*

to neighbouring properties in accordance with P56 'Protection of amenity' of the Southwark Plan (2022).

Conclusion of the Director of Planning and Growth

6. Having taken into account the additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions and completion of a s106 agreement.

FACTORS FOR CONSIDERATION

7. Additional information has been received by the local planning authority from the applicant. The additional information consists of: a tree survey report, sculpture location detail plan and sculpture cross sections. The officer report and recommended conditions have been updated accordingly.

ITEM 6.3: 23/AP/3551 for: Full Planning Application – Dulwich Picture Gallery, Gallery Road London Southwark SE21 7AD

Corrections and clarifications on the main report

8. Inserts in blue, text removed ~~strikethrough~~.

Paragraph 3:

9. [Explanatory Note: Updated tree survey, root protection map and detailed sculpture location plan and cross-sections submitted, paragraph updated accordingly.]

Amended

The installation of the sculptures require concrete slabs to be buried below ground level (3 of the 6 sculptures). The application site features a number of protected trees, ~~a bespoke arboriculture condition is recommended to ensure the tree root areas and local ecology are protected.~~ A tree survey (with mapped RPAs) and a detailed sculpture location plan have been provided. A pre-commencement condition for the submission of an arboriculture method statement (AMS) is recommended.

Paragraph 31:

10. [Explanatory Note: To clarify the development's effect on MOL character.]

Amended

For the application under consideration, the introduction of temporary sculptures will create a negligible reduction in MOL openness when viewed against the entirety of the gardens. The degree of permanence is limited at two years and the land will be made good upon cessation of use. The use of the gardens for

the display of art is seen as ancillary to the sites primary use. It is considered the proposals do not harm or conflict with MOL function, [nor do they detract from the character of the MOL](#). As such, it is considered the proposal is acceptable in planning land use terms - [subject to condition](#).

Paragraph 39:

11. [Explanatory Note: Wording aligned with statutory test of s.72(1) Planning (LBCA) Act 1990.]

Amended

The introduction of the proposed sculptures would have an impact upon the conservation areas character and appearance. However, this impact does not constitute harm. As noted in the conservation area appraisal extract 'high quality modern developments' can and do 'make a positive contribution to establishing the special interest of Dulwich village [CA]'. The proposed sculptures would be in keeping with the character of the locality, particularly the gallery itself. The leafy character of the CA would largely be unaffected - the sculptures would be screened from the public realm behind existing trees. As such, it is considered the proposals ~~conserve~~ [preserve](#) and enhance the character and appearance of the designated conservation area.

Paragraph 45:

12. [Explanatory Note: Paragraph amended to reflect submission of updated arboriculture information.]

Amended

The application site and surrounding area lie within Dulwich Village conservation area and as such trees over 75mm diameter are protected. The applicant submitted a 'Tree Constraints Report' prepared by Landmark Trees Ltd. The report appears to be a re-submission of the document used for the previously granted application 23/AP/1156. The document only identifies the root protection areas 'RPAs' for the trees west of where the sculptures are to be placed, not for the application site itself. [This concern was raised with the applicant, who has since provided an updated tree survey report and detailed sculpture location plan mapped against the RPAs - thus addressing the previous oversight.](#)

Paragraph 46:

13. [Explanatory Note: Paragraph amended to reflect submission of updated arboriculture information.]

Amended

The LBS Urban Forestry Team were consulted for comment and recommended approval, subject to a ~~bespoke arboriculture condition - intended to address the minor concern identified above.~~ The proposed condition will ensure that prior to

31340 SK02 C01 YINKA SHONIBARE 23.04.2024
MATERIAL II

31340 STRUCTURAL ENGINEERING 25.03.2024
INSTALLATION REPORT REV C03

MD23907 MTEC INSTALLATION AND 05.04.2024
REMEDICATION PLAN

Reason:

For the avoidance of doubt and in the interests of proper planning.

Condition 3. Pre-commencement condition:

17. [Explanatory Note: Remove bespoke condition on the basis of updated arboriculture information, insert AMS condition for installation arrangements.]

Amended

Part (a)

~~Prior to commencement, including any excavation, a schedule of arboricultural site supervision for the installation of any sub-base for any of the proposed temporary structures, and any necessary pruning works shall be submitted for approval in writing by the Local Planning Authority.~~

Part (b)

~~The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in tree protection condition shall be submitted for approval in writing by the Local Planning Authority, prior to completion. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by the retained project or pre-appointed tree specialist.~~

~~In any event, all works shall be undertaken under the approved watching brief as stipulated within the site supervision schedule.~~

~~Works shall comply to BS: 5837 (2012) Trees in relation to demolition, design and construction; and BS3998: (2010) Tree work – recommendations;~~

Prior to works commencing, a detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, or other equipment, or contaminants shall be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in any method statement so approved.

All Arboricultural Supervisory elements are to be undertaken in accordance with the approved Arboricultural Method Statement site supervision key stages (BS: 5837 (2012)) for this site, as evidenced through signed sheets and photographs.

In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work – recommendations.

Reason:

To avoid damage to the existing protected trees within the conservation which represent an important visual amenity in the area, in accordance with the National Planning Policy Framework 2023 Chapter 12 'Achieving well-designed and beautiful places', Chapter 13. Protecting Green Belt land', Chapter 15. Conserving and enhancing the natural environment, Chapter 16. Conserving and enhancing the historic environment; London Plan 2021 Policy G7 'Trees and woodlands', Policy HC1 'Heritage conservation and growth'; and Southwark Plan 2022 Policy P13 'Design of Places', Policy P56 'Protection of Amenity', Policy P57 'Open Space', Policy P60 'Biodiversity' and P61 'Trees'.

Conclusion of the Director of Planning and Growth

18. Having taken into account the additional consultation responses, and other additional information, following consideration of the issues raised, the council maintains its recommendation to grant permission subject to conditions, as amended in the addendum report.

REASON FOR URGENCY

19. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

20. The new information and corrections to the main reports and recommendations have been noted and/or received since the committee agenda was printed. They all relate to items on the agenda and members should be aware of the comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Environment Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403

Welcome to Southwark Smaller Planning Committee

24 April 2024

MAIN ITEMS OF BUSINESS

Item 6.1 - 19/AP/7597

70 Croxted Road, London, Southwark, SE21 8NP

Item 6.2 - 23/AP/3031

Peckham Rye Park and Common, Southwark, SE15 3UA

Item 6.3 - 23/AP/3551

Dulwich Picture Gallery, Gallery Road, London,
Southwark, SE21 7AD



Southwark Free
Wi-Fi Password
Fr33Wifi!



Councillor Cleo Soanes (Chair)



Councillor Jane Salmon
(Vice Chair)



Councillor Richard
Livingtone



Councillor Sabina Emmanuel



Councillor Ketzia Harper



Councillor Adam Hood



Councillor Richard Leeming

Item 6.1- 19/AP/7597

70 Croxted Road, London, Southwark, SE21 8NP

Demolition of existing detached side garage and the construction of a two storey detached dwellinghouse with a basement.

6

Location Plan



Photographs – Front (taken from Croxted Road)



11

Photographs (Front – taken from driveway)



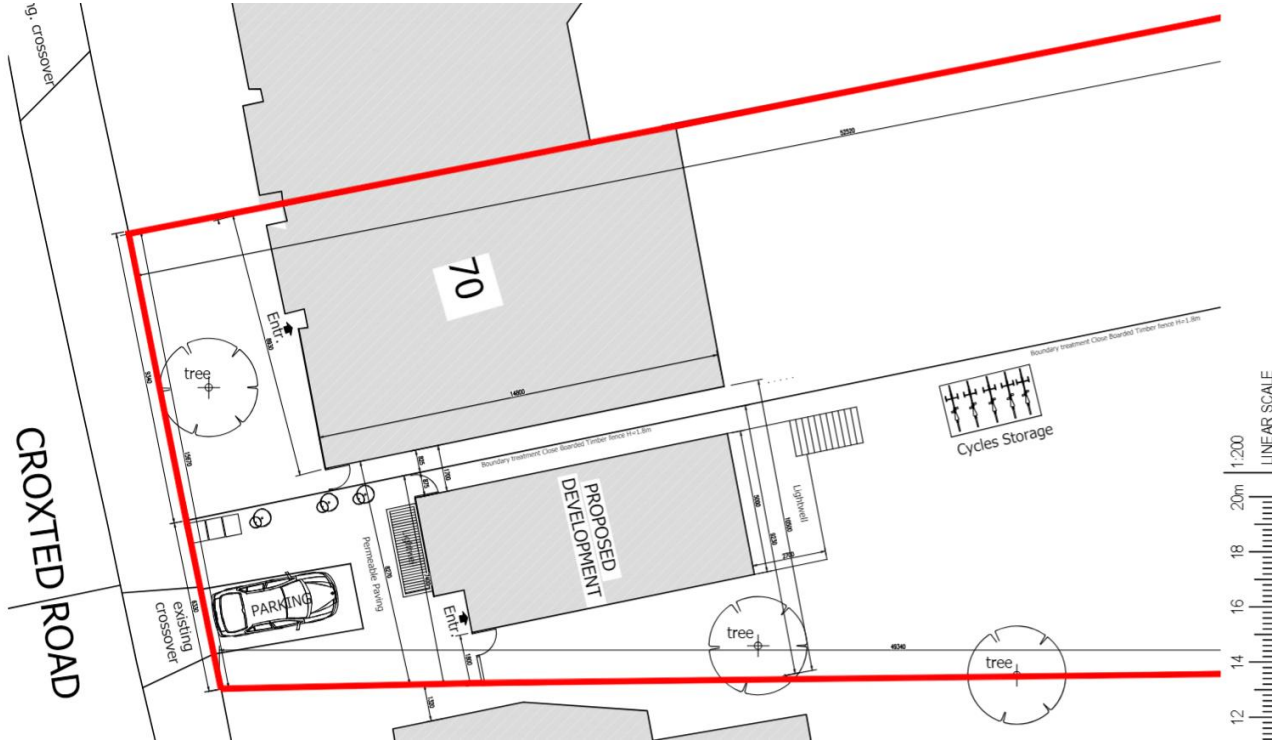
Photographs – Rear (taken from garden of no. 70)



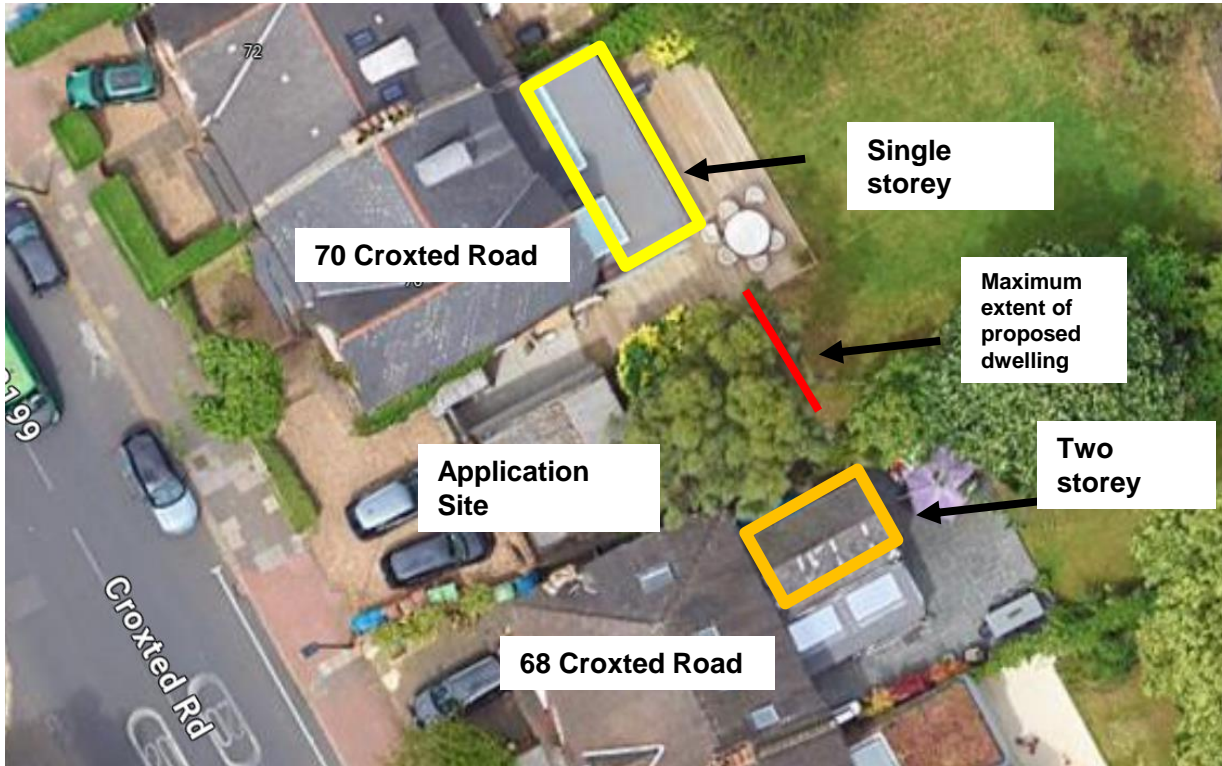
Photographs – Rear (taken from garden of no. 70)



Proposed Site Plan



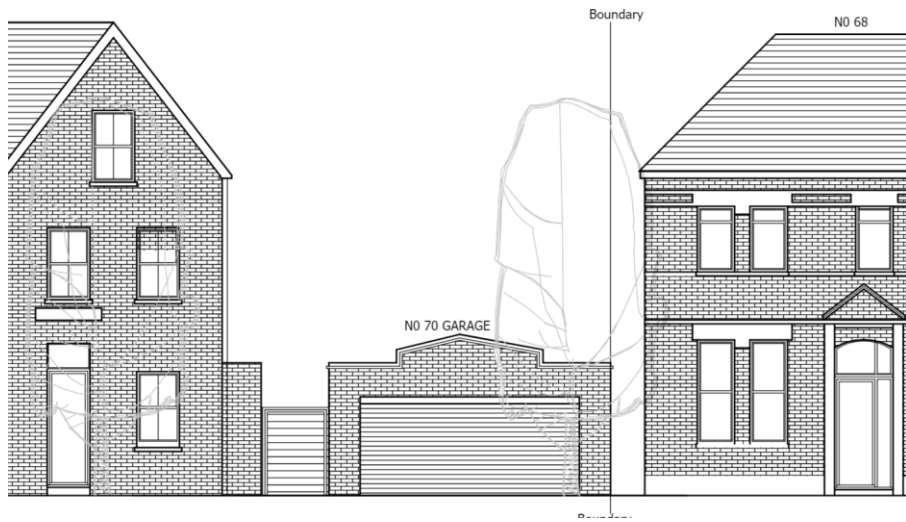
Additional Aerial View



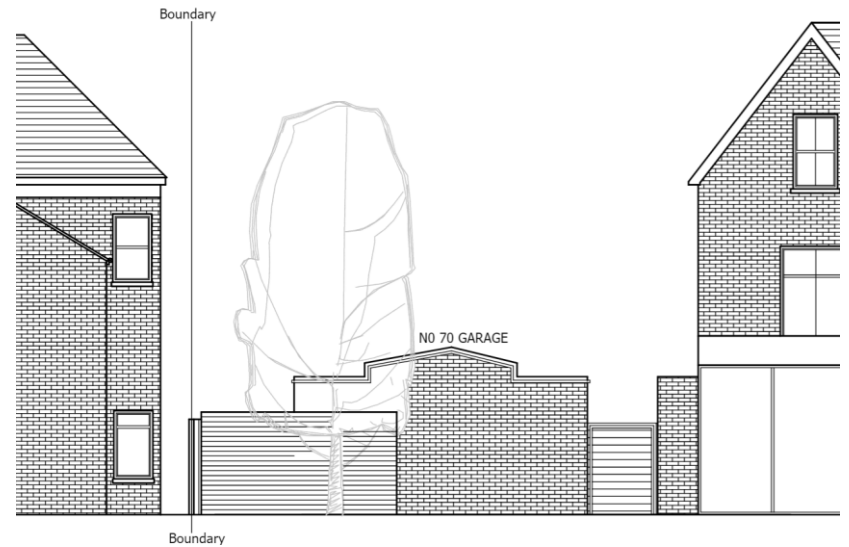


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Existing Elevations



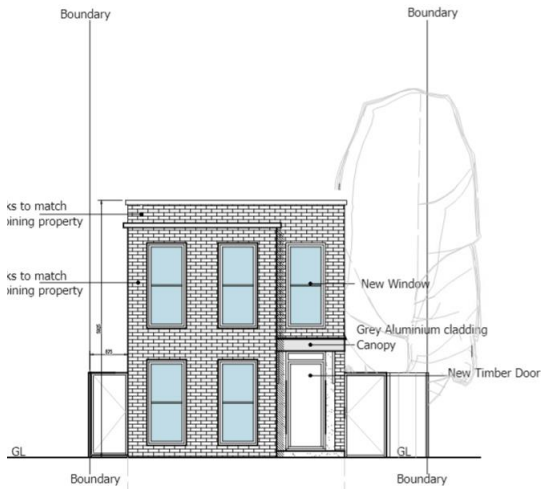
Front



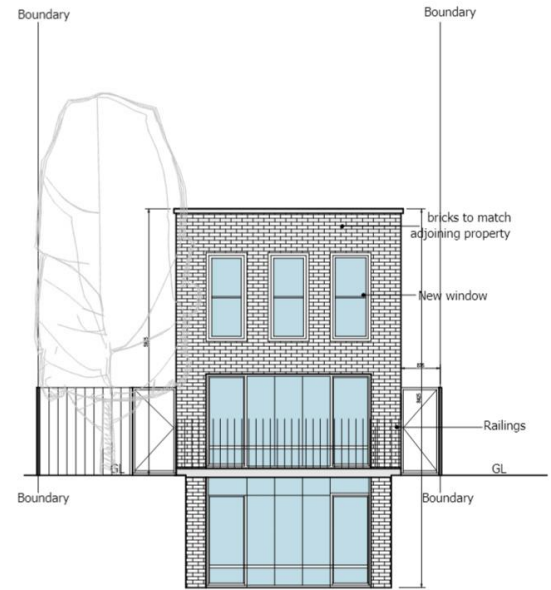
Rear

18

Proposed Elevations

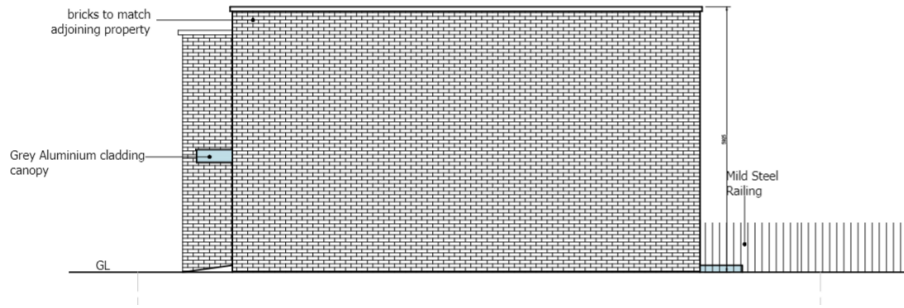


Front

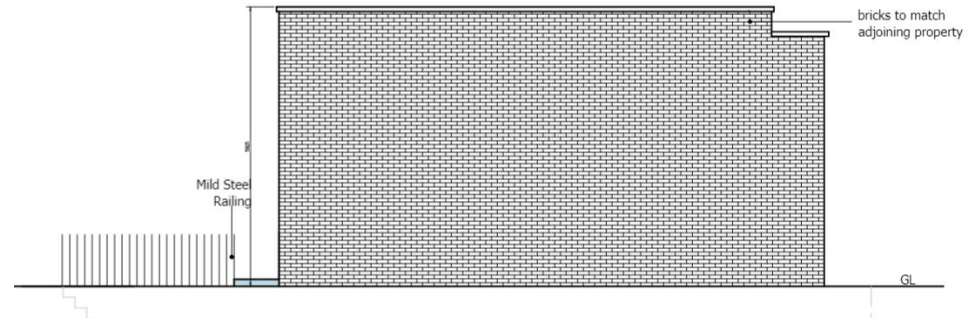


Rear

19

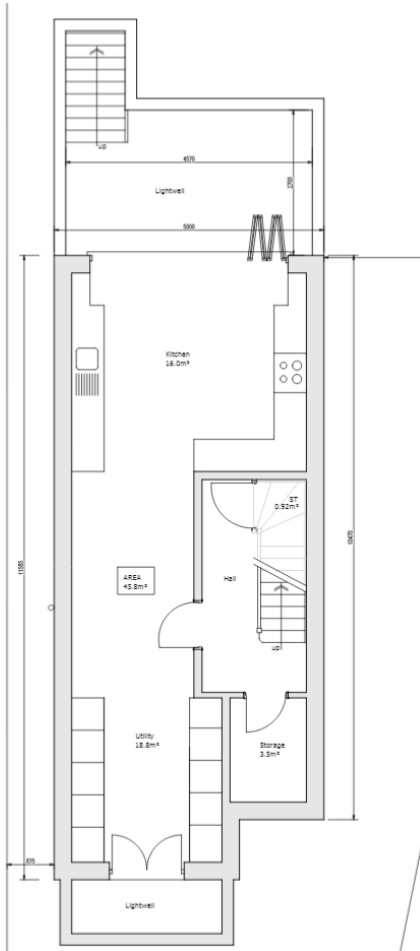


Side (facing no. 68)

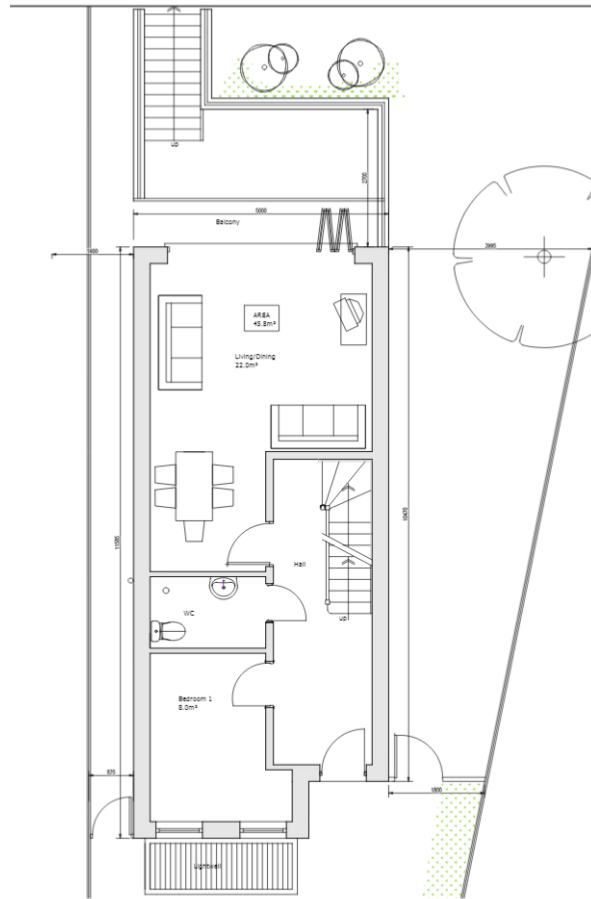


Side (facing no. 70)

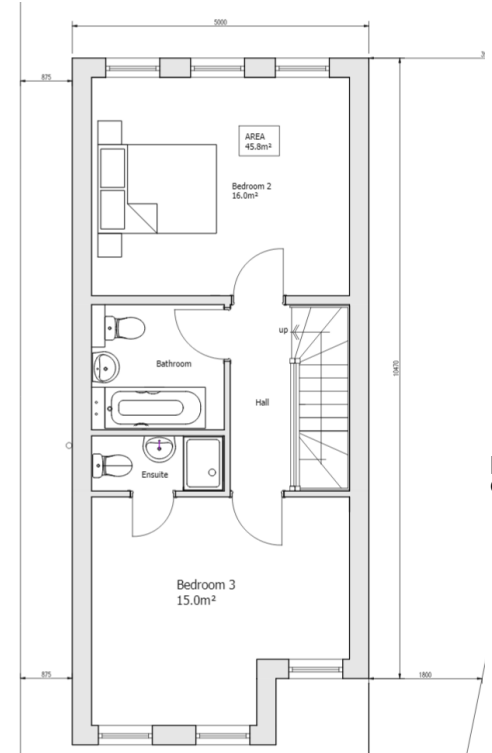
Proposed Floor Plans



Basement



Ground Floor



First Floor

20

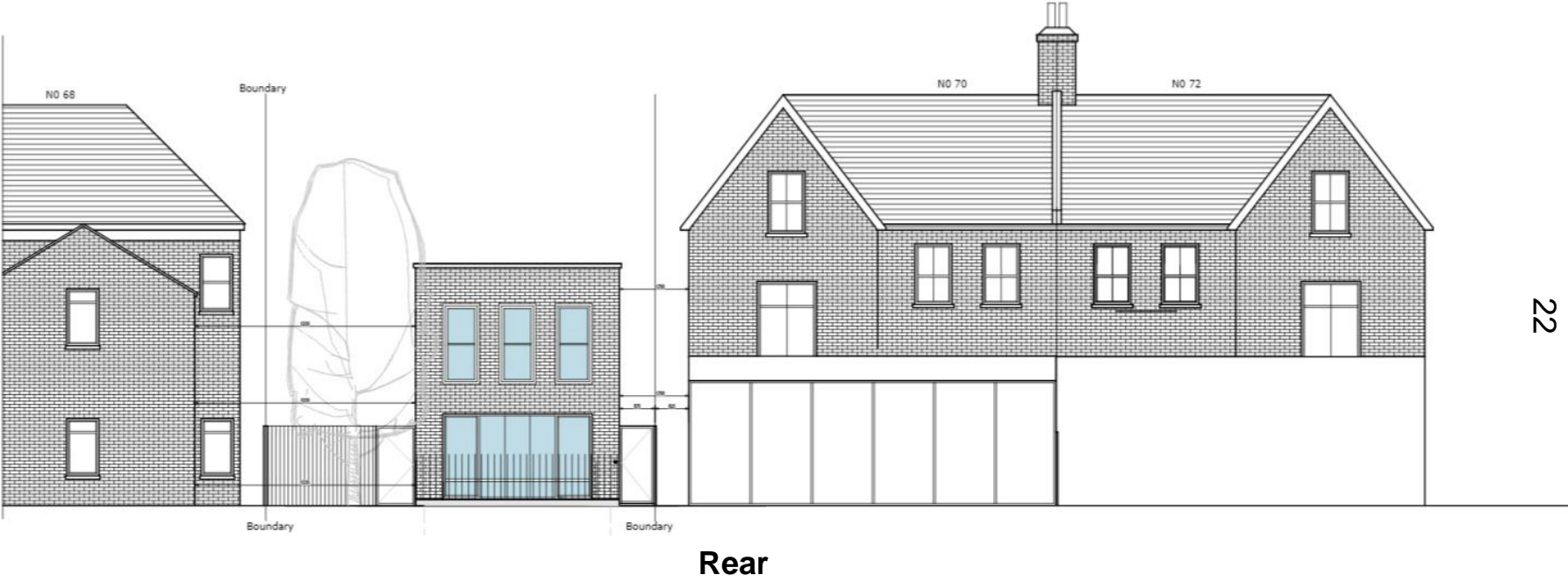
Proposed Street Scene



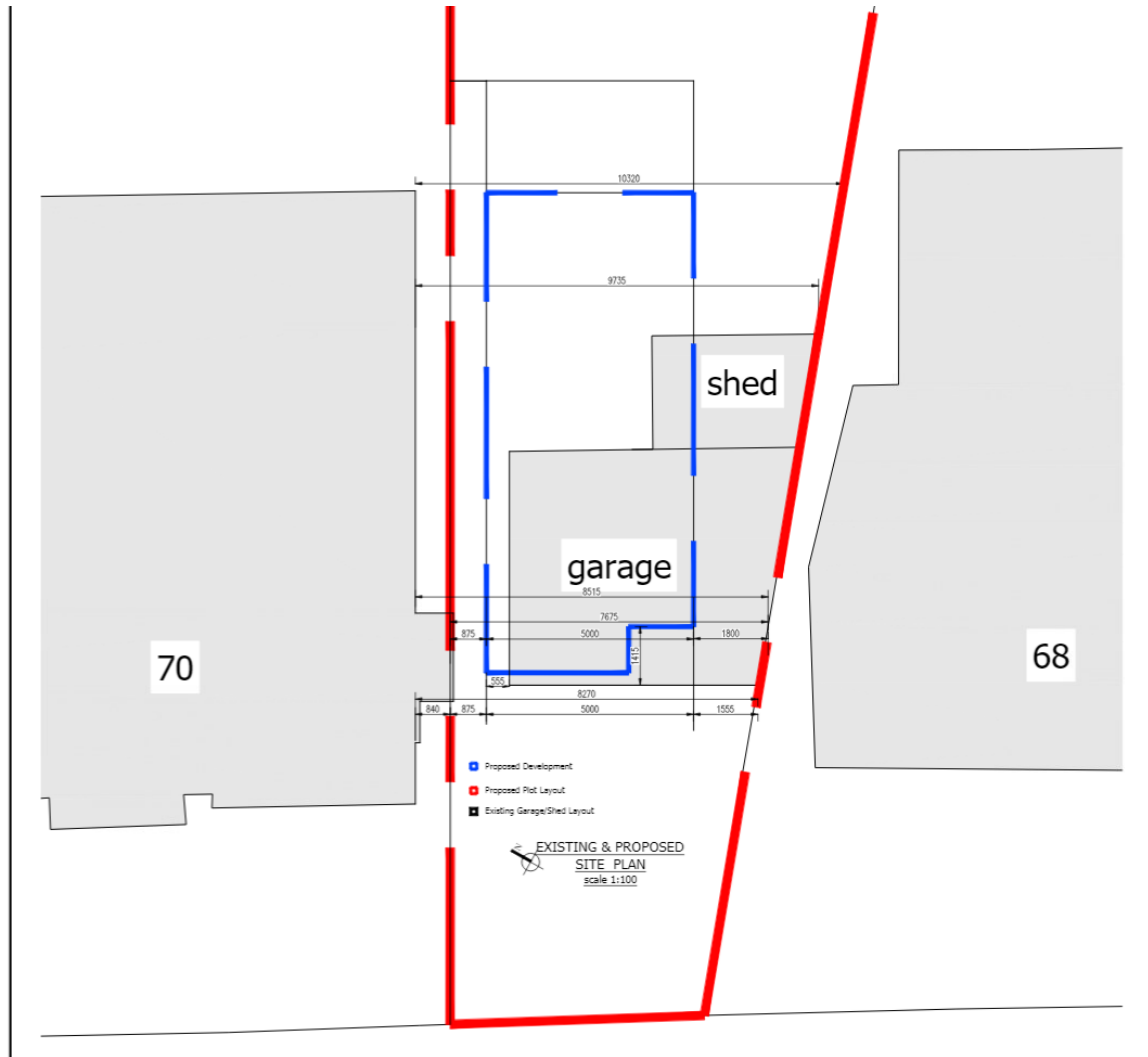
Front

21

Proposed Street Scene



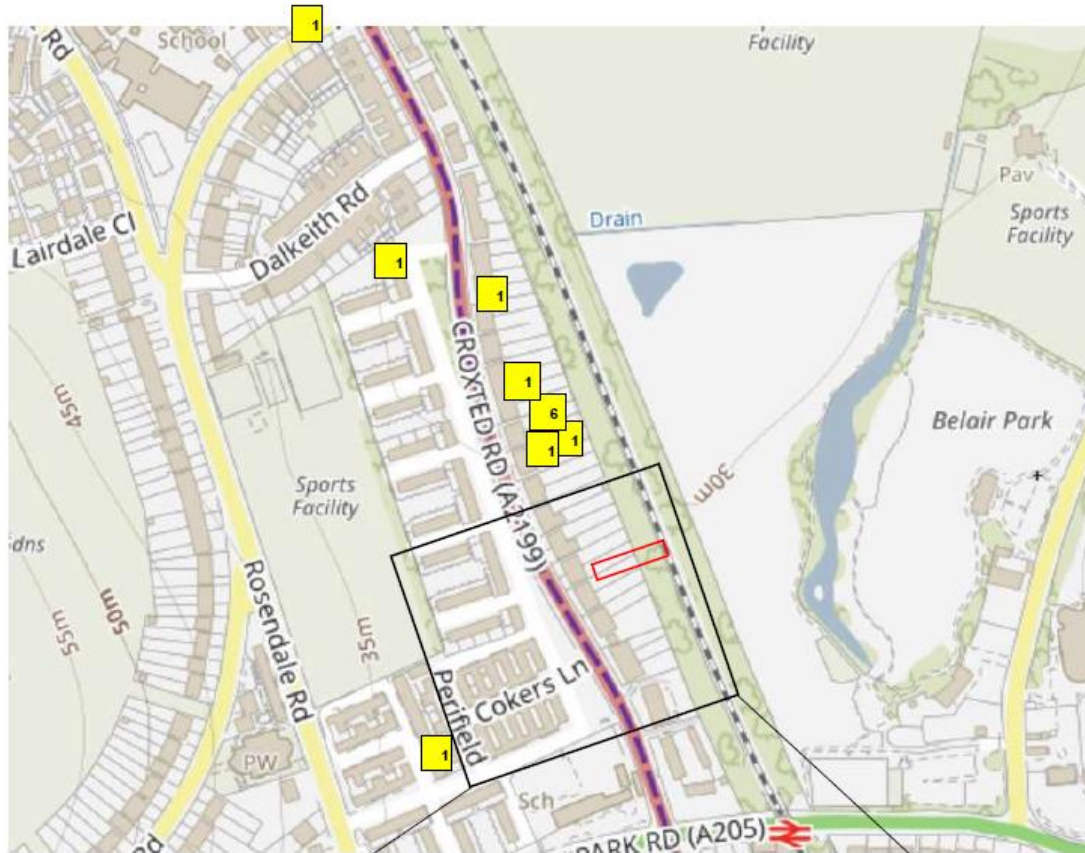
Existing vs. Proposed

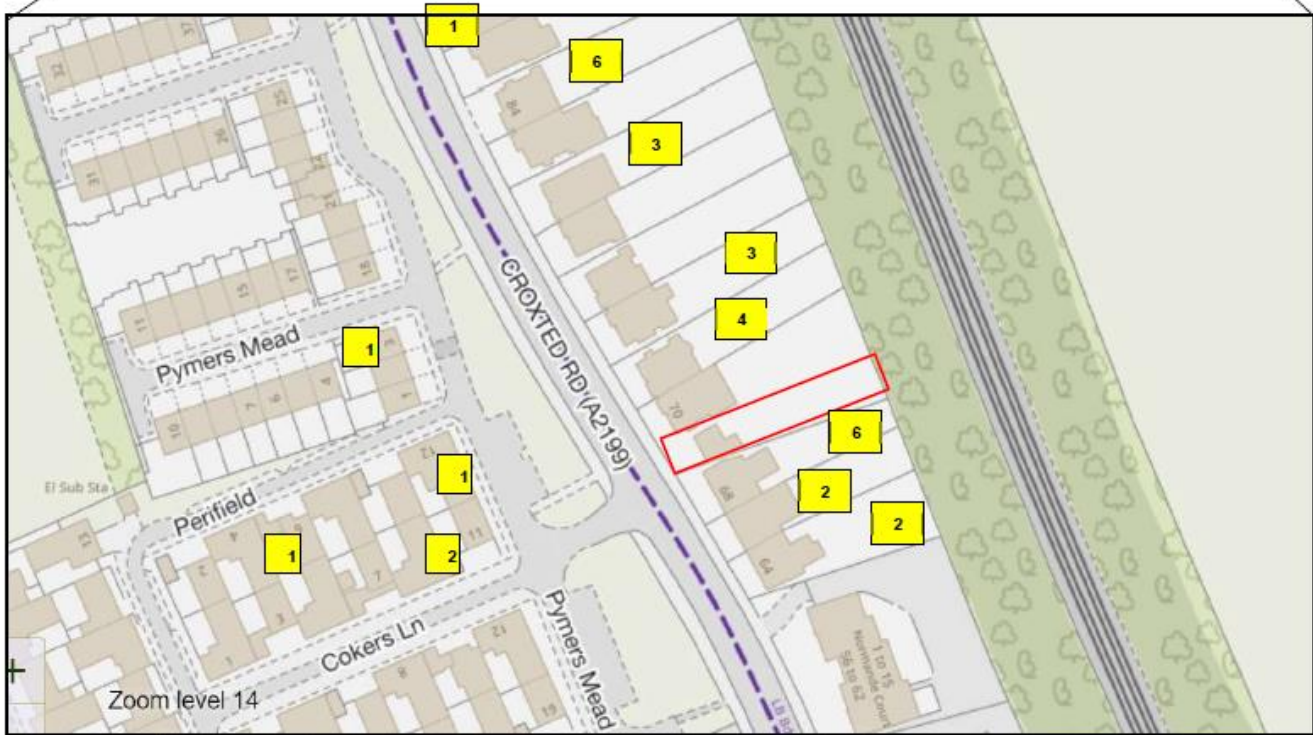


Neighbouring Objections Map – 70 Croxted Road

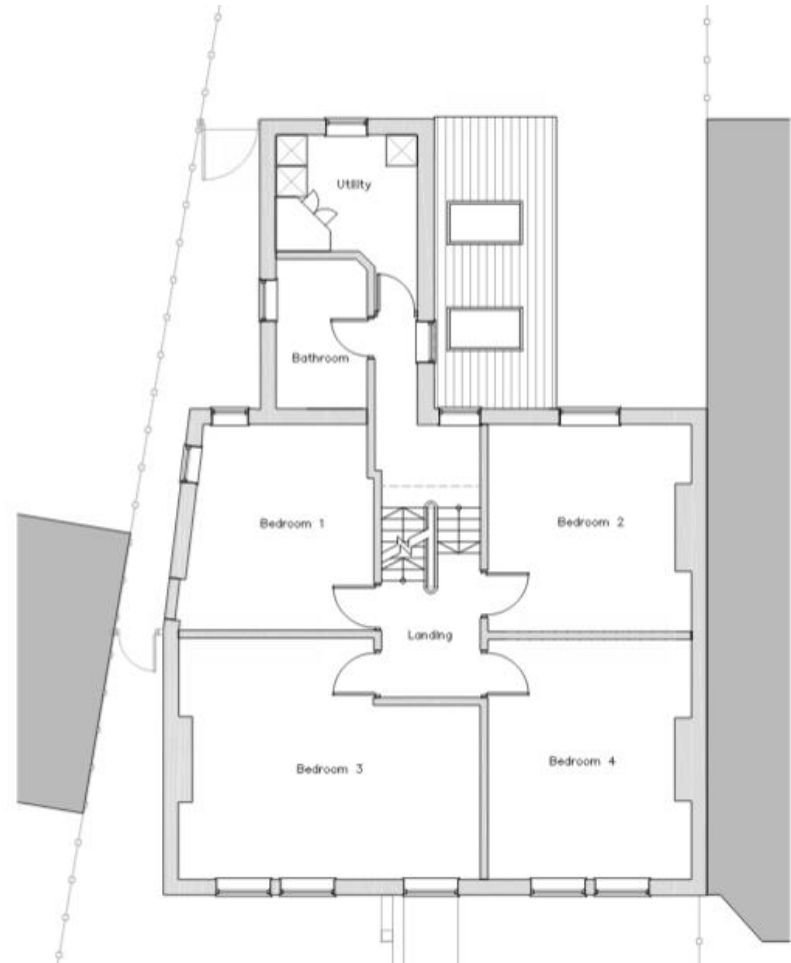
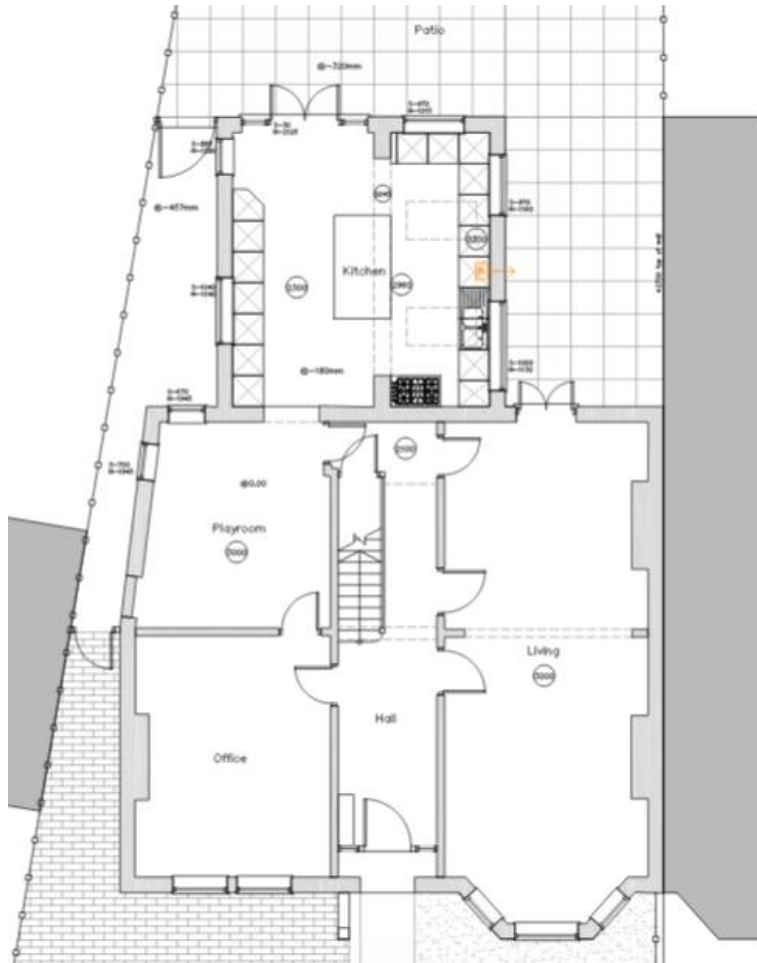
55 letters of objections received from 30 different address.

- 20 addresses shown below
- 10 addresses outside the below mapped area

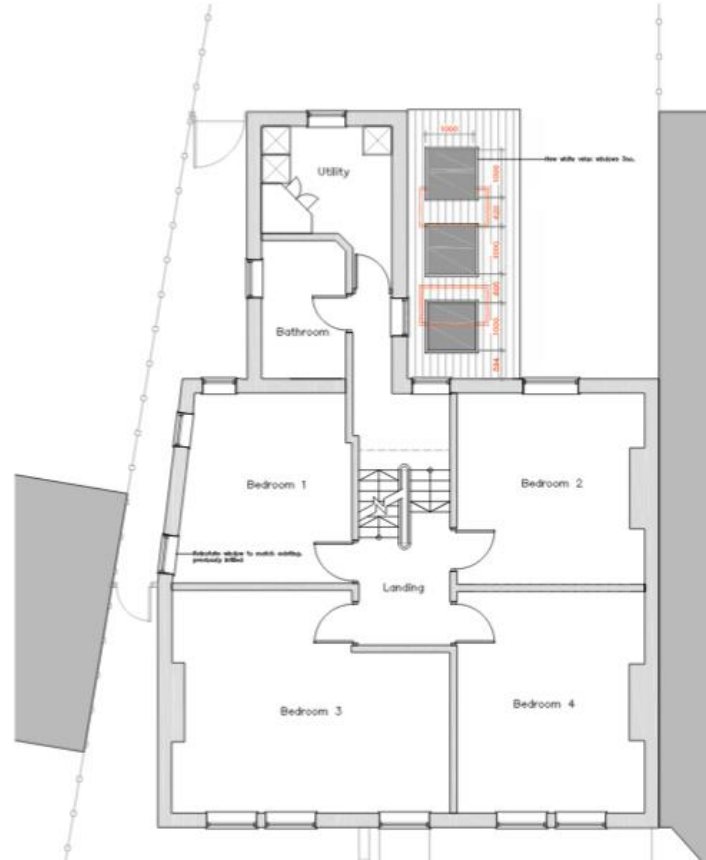
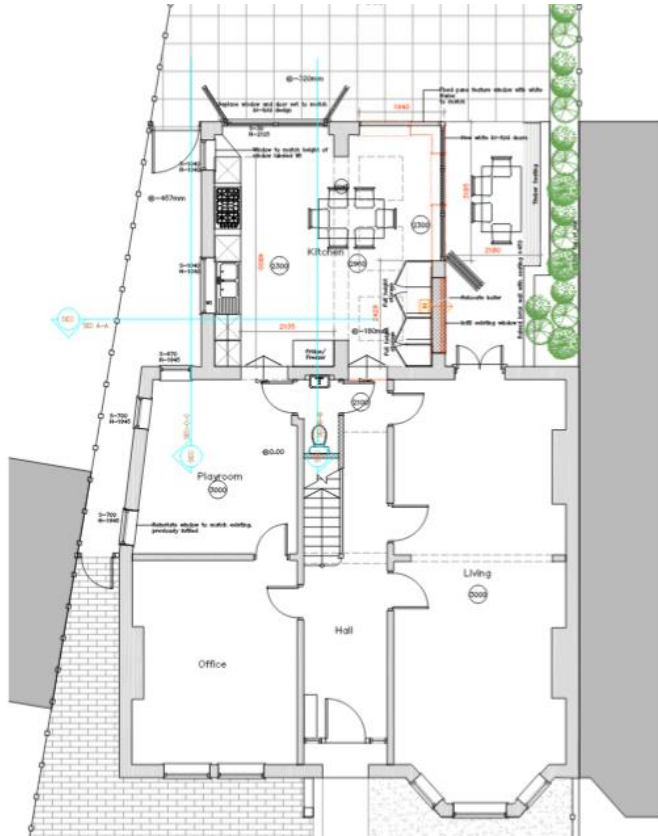




68 Croxted Road floor plan layout (as existing under 18/AP/1989)

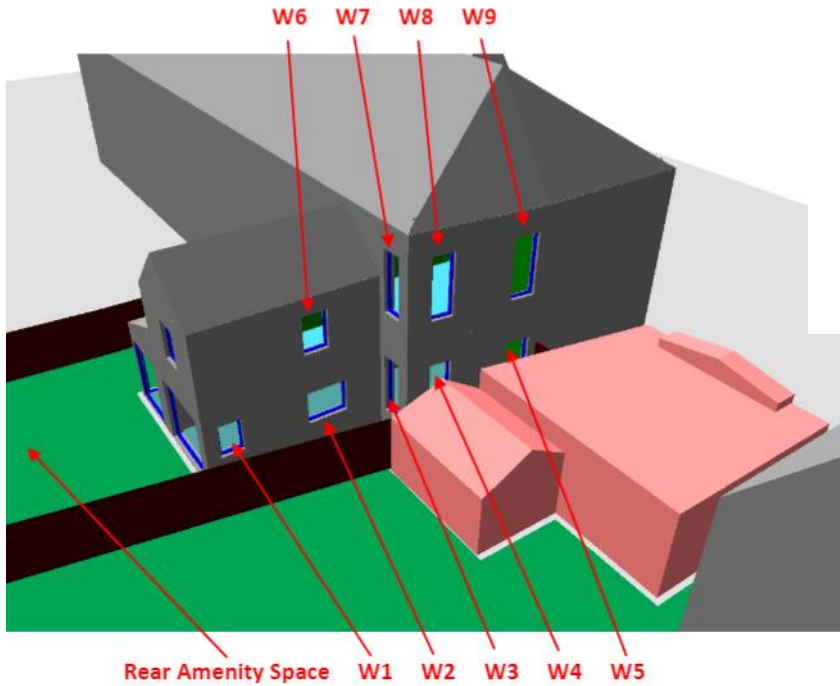


68 Croxted Road floor plan layout (as proposed under 18/AP/1989)

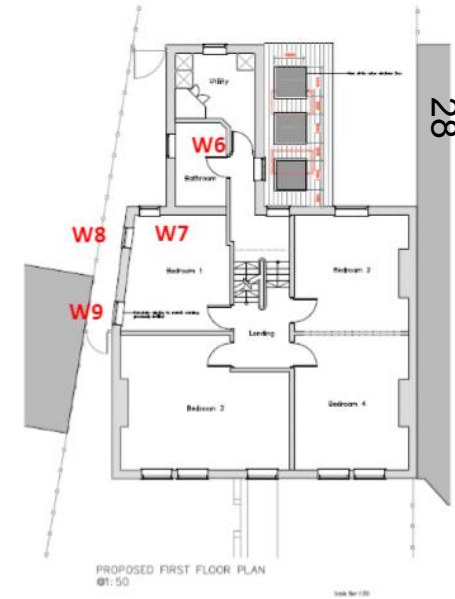


68 Croxted Road – Daylight and Sunlight Report Plans

The VSC results calculated for the surrounding windows can be found in the tables below.

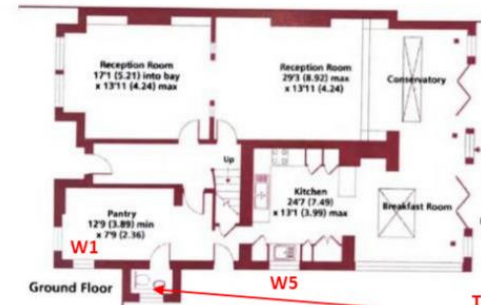
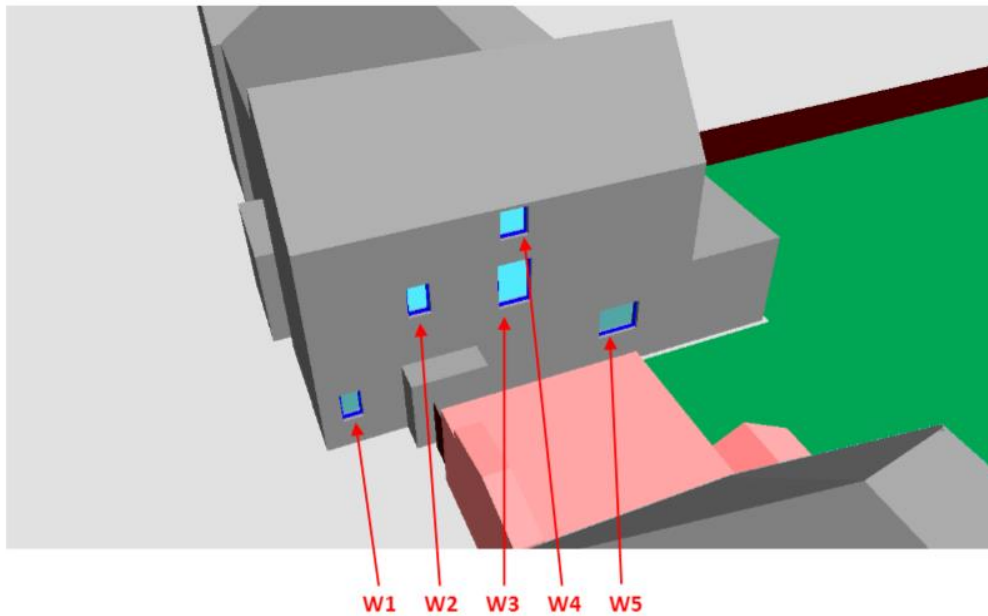


Property	Room	Win Ref	Orientation (°)	VSC Existing (%)	VSC Proposed (%)	VSC Ratio	Overall Impact
68 Croxted Road	Kitchen	W1	340	30.46	26.00	0.85	Negligible
	Kitchen	W2	340	26.99	18.45	0.68	Minor Adverse
	Playroom	W3	70	21.40	18.36	0.86	Negligible
	Playroom	W4	347	16.07	14.05	0.87	Negligible
	Playroom	W5	347	12.60	13.83	1.10	None
	Bathroom	W6	340	32.00	28.51	0.89	N/A
	Bedroom	W7	70	33.85	33.09	0.98	Negligible
	Bedroom	W8	347	33.73	31.22	0.93	Negligible
	Bedroom	W9	347	32.99	31.12	0.94	Negligible

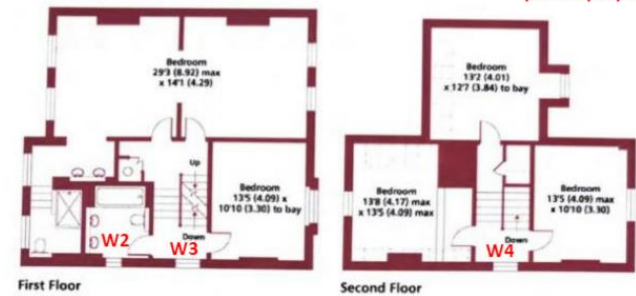


70 Croxted Road – Daylight and Sunlight Report Plans

Property	Room	Win Ref	Orientation (°)	VSC Existing (%)	VSC Proposed (%)	VSC Ratio	Overall Impact
70 Croxted Road	Pantry	W1	160	30.46	26.45	0.87	N/A
	Bathroom	W2	160	34.77	29.99	0.86	N/A
	Hallway	W3	160	33.83	17.05	0.50	N/A
	Hallway	W4	160	36.90	36.90	1.00	N/A
	Kitchen	W5	160	29.42	5.34	0.18	Major Adverse

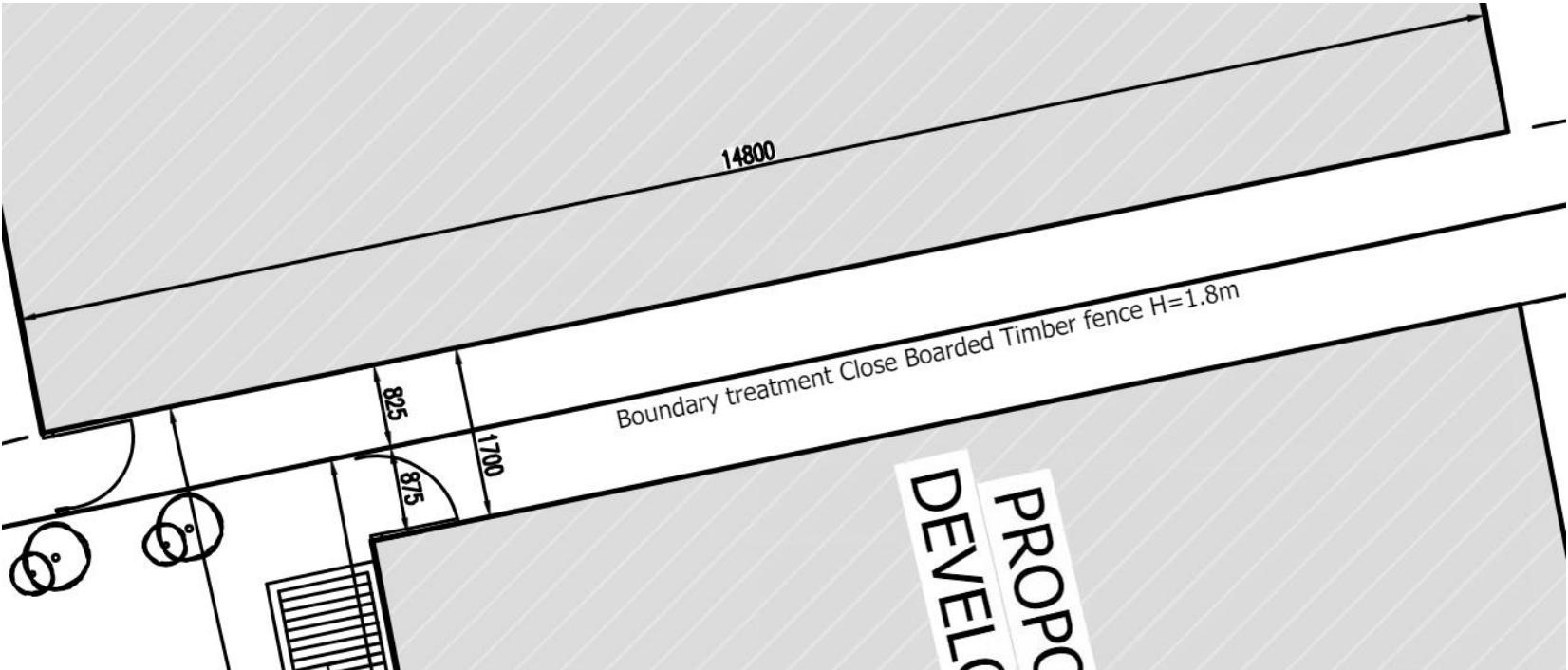


Toilet to be removed as part of proposed works



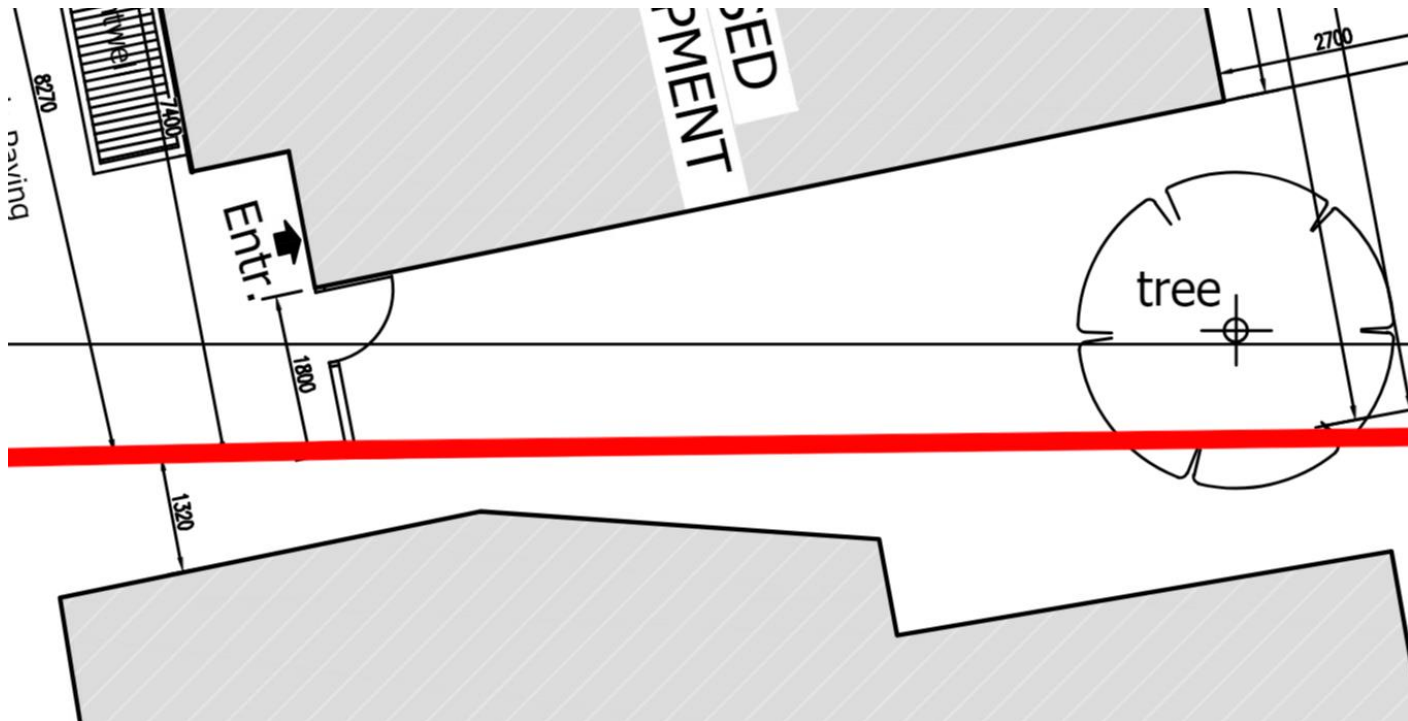
29

Distances between no. 70 and proposed dwelling



30

Distances between no. 68 and proposed dwelling



Summary

- 55 letters of objections have been received from 30 different addresses. 20 of these addresses are considered to be in the immediate area and a further 10 objections were within the wider London area.
- A summary of the objections are as follows: design concerns, neighbouring amenity, trees, flooding, parking, basement, accuracy of the plans, cycle storage, noise nuisance, poor air quality, overdevelopment, loss of garage is a heritage asset, fire risk, inadequate accommodation, ecology, consultation concerns, other new builds nearby which aren't selling
- The proposed development would make a positive yet modest contribution towards the housing stock within the borough. The demolition of the existing garage is not resisted in design terms and the proposed dwelling is of modest width and retains reasonable space to either side not to appear awkwardly inserted. Overall, it reads sufficiently low-scale and low-key to sit comfortably within its context, remaining respectful of its neighbours and streetscape from a design perspective. Although there is a minor adverse and a major adverse impact against one room per property, overall it is considered that the proposal does not significantly harm the daylight and sunlight received by adjoining properties nor raise concerns in regards to flood risk. Both Building Control and Flood Risk Management have assessed the scheme. Subject to appropriate conditions and the completion of a Section 106 Legal Agreement to secure the dwelling as a self-build the proposed development is considered acceptable and planning permission is recommended to be granted.

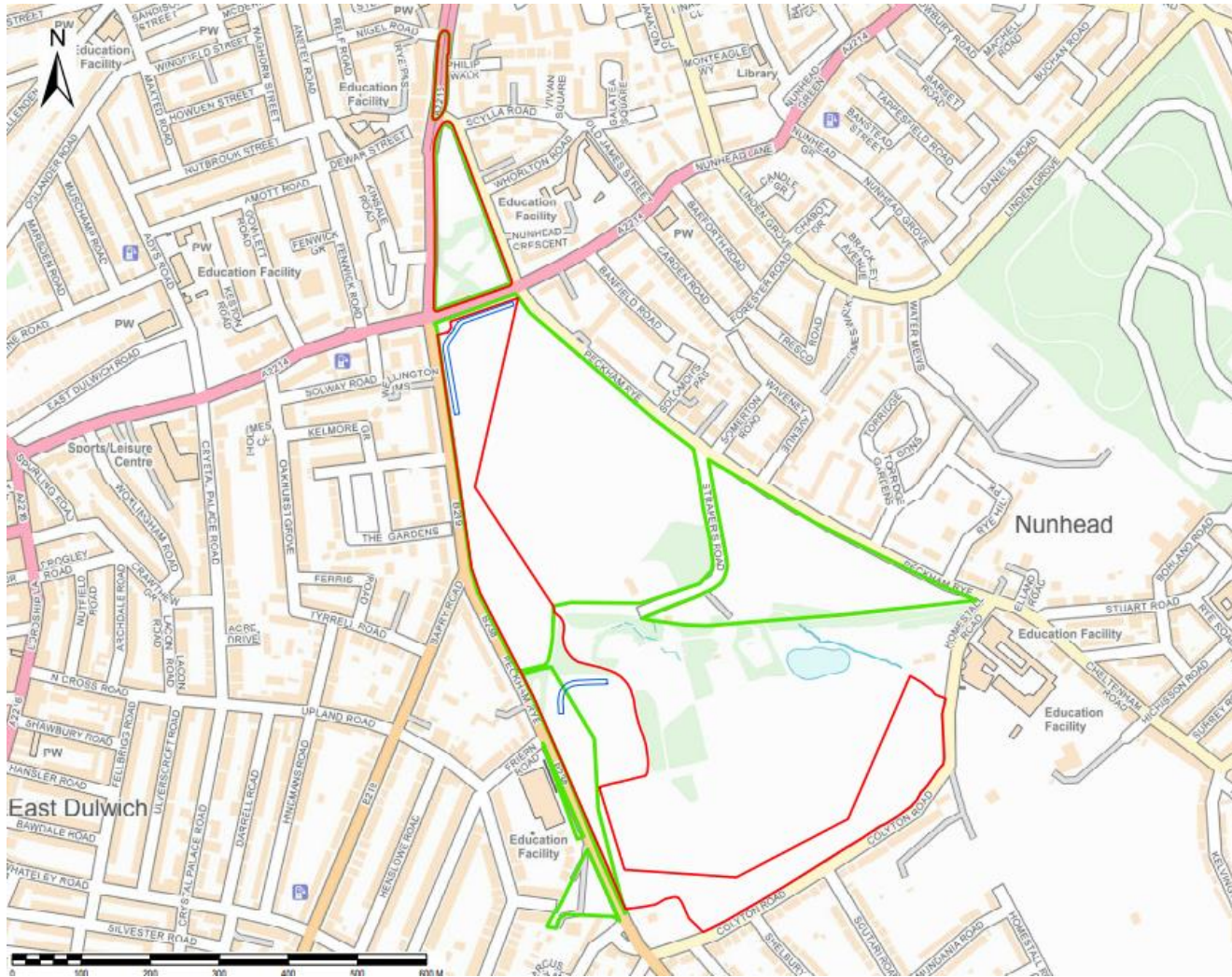
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Item 6.2- 23/AP/3031

PECKHAM RYE PARK AND COMMON, SOUTHWARK, SE15 3UA

Flood risk, landscaping, environmental and public access improvements and the construction of 2 x earthworks bunds along the length of the northern and western boundaries of the common and park, along with associated underground drainage chambers.

Site location plan



Proposal

The proposal is a flood risk alleviation scheme for Peckham Rye Park and Common and the surrounding properties to the north by collecting and discharging surface water.

The proposed drainage works include:

- Creation of a southern bund and a northern bund for storage (ranging from 35cm to 1.1m in height and up to 7m in depth);
- Installation of two below ground drainage chambers and flow control devices at/or near the lowest point of their respective storage areas;
- Installation of 300mm diameter pipes to connect the proposed drainage chambers to the existing Thames Water system.

The proposed landscaping and biodiversity works include:

- Enhancement of the green space immediately north of East Dulwich Road with planting;
- Improvements to the existing connections through the park and provision of safer road crossings;
- Ecological enhancement through using native plant species;
- Improvements to the historic 'Donkey Ride' area along East Dulwich Road;
- Provision of education board and environmental enhancements along the Lost River Peck;
- Enhanced planting to the edges of the park.

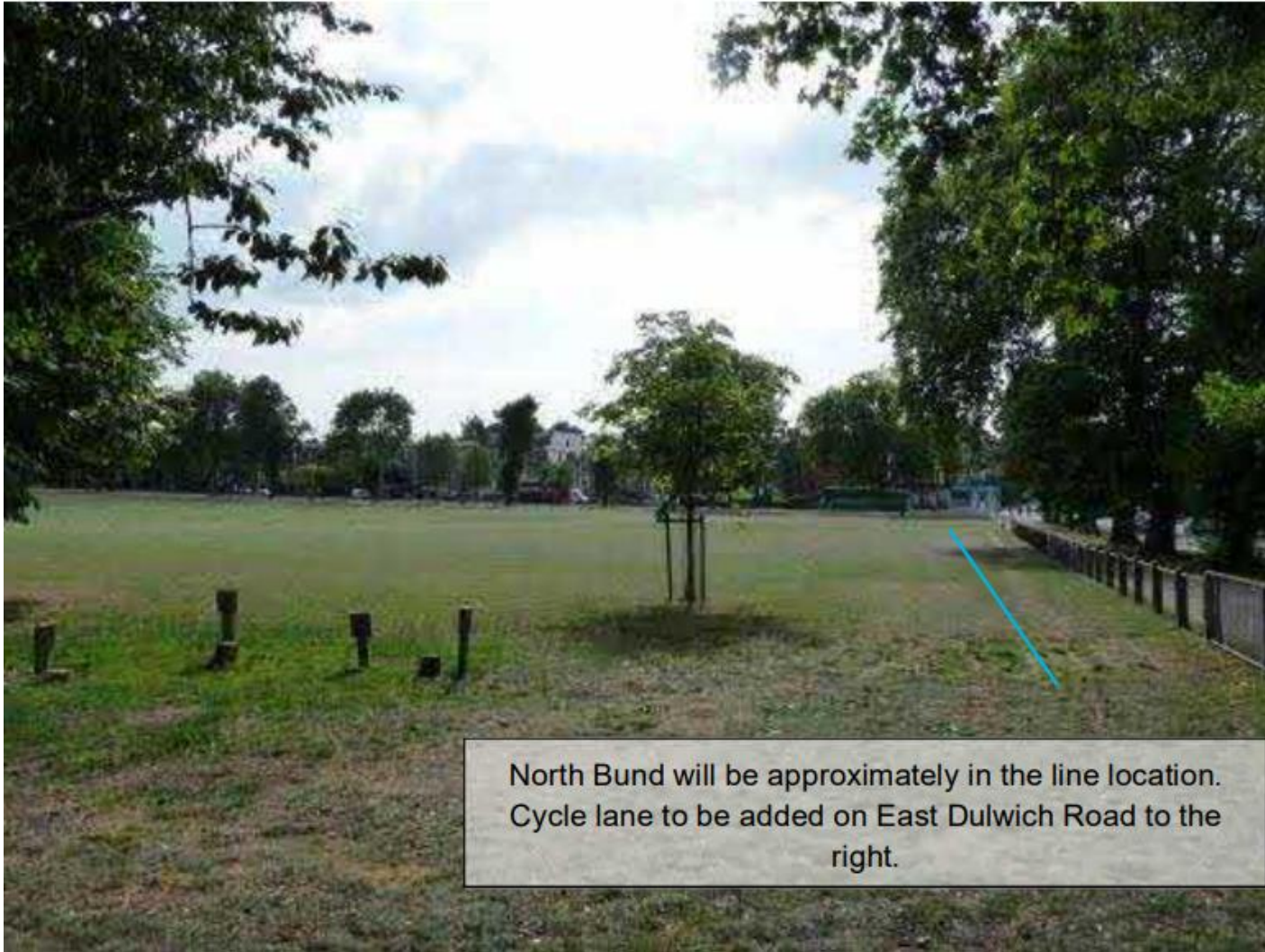
Masterplan



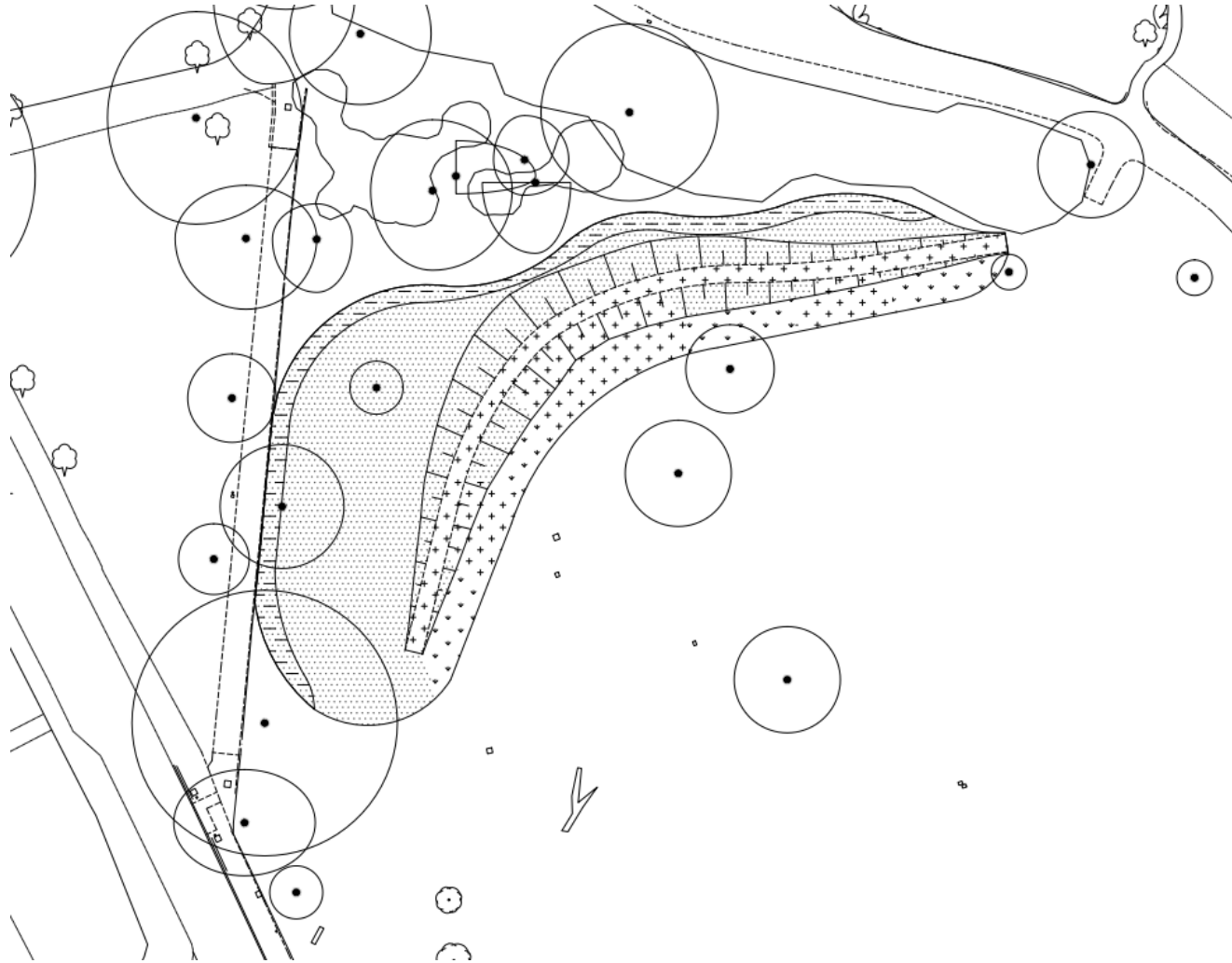
Figure no. 09
Peckham Rye masterplan

Northern bund





Southern bund





View of the south storage area as it currently looks from the proposed check dam location

Photographic example of a similar bund



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Planning history

Planning permission a similar proposal was previously granted under planning application 19/AP/5692 on 24 March 2020, following Sub-Committee B's decision to grant on 04 March 2020.

The planning permission has now expired and was not implemented due to the COVID-19 pandemic.

Consultation

Five site notices were erected around the park and common on 10 January 2024.

Summary table

Total number of responses: 5

The split of view between the 5 responses was:

In objection: 2

Neutral: 2

In support: 1

The objections raise the following material planning considerations:

- The openness of the park would be negatively affected
- The bunds would take large areas out of practical use
- Harm to character and appearance of the area
- Removal of trees

The neutral comments raise the following material planning considerations:

- Queries around the length of construction
- Concerns around noise impacts from construction
- Impacts on parking

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Consultation

A further neutral comment was received from Friends of Peckham Rye Park and Common raising the following material planning considerations:

- Loss of access to the park
- The herbaceous planting at the north eastern edge is unsuitable
- Unclear who is to maintain the planting in the future

Re-consultation was carried out on 18 March 2024 for the following reasons:

- Submission of an updated landscaping scheme
- Submission of a Preliminary Ecological Appraisal for the northern triangle

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Principle of development

- Policy P57 (Open space) of the Southwark Plan and Policy G3 (MOL) seek to protect the openness of MOL
- The proposal would not involve any significant development works or structures which would retract from the openness of the MOL
- The landscaping improvements works would enhance the open space

Amenity impacts

- The proposed works are limited to within the park and common itself and would not directly impact on properties surrounding the park
- The locations of the bunds do not affect any of the existing paths or structures in the park
- Existing access routes would be maintain and an additional wheelchair accessible entrance point is proposed at the north west of the park
- The scheme would help contain potential flooding within the park and safeguard access routes
- A condition for a CEMP has been recommended

Trees and landscaping

- Proposed landscaping is appropriate to the character of the area
- The proposal includes the removal of 12 Category U trees (some of which are stumps) which are not expected to live more than 10 years – mitigation would be provided within the red line boundary of the site and secured via condition
- The proposed bunds would be set at a minimum distance of 0.5m from the root protection areas of significant trees
- Conditions have been recommended for an Arboricultural Method Statement, arboricultural site supervision and a hard and soft landscaping scheme to be submitted
- For the first 12 months maintenance of the new landscaping would be undertaken by a contractor, following this it would be maintained by the council

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Ecology

- The site is a SINC
- The proposed works would not have any adverse impacts on ecology subject to conditions and compliance with mitigation measures
- Conditions have been recommended for an updated bat survey, details of bat friendly lighting, bat boxes and bird boxes, invertebrate features and a landscape and ecological management plan to be submitted

Archaeology

- The site is associated with an air raid shelter and the historic River Peck
- Conditions have been recommended for an archaeological watching brief and archaeology reporting to be submitted

Historical and cultural benefits

- A condition has been recommended for details of education boards providing information on the Lost River Peck which runs through the park and common

Recommendation

It is recommended that planning permission is granted, subject to conditions.

Item 6.3

DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON, SOUTHWARK, SE21 7AD

Temporary permission for installation of sculptures (6No.) within the gardens of Dulwich Picture Gallery from April 2024 to the end of October 2026.

Site Location Plan



Satellite View



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Details of the proposal (Sculptures No. 1-5)




Li Li Ren
To find a way home I, 2023
Bronze, patina and glass
63 x 68 x 90 cm
Edition of 3 plus 1 artist's proof (EV 1)
Weight: 136 kg
(SH046)



Li Li Ren
To find a way home IV, 2023
Bronze and patina
33 x 73 x 151 cm
Edition of 3 plus 1 artist's proof (EV 1/3)
Weight: 100 kg
(SH048)



Li Li Ren
To find a way home II, 2023
Bronze and patina
28 x 27 x 22 cm
Edition of 3 (EV 1/3) 
Weight: 20 kg
(SH047)



Li Li Ren
To find a way home V, 2023
Bronze, patina and glass
82 x 77 x 65 cm
Edition of 3 plus 1 artist's proof
Weight: 115 kg
(SH050)



Li Li Ren
To find a way home III, 2023
Bronze, patina and glass
103 x 99 x 48 cm
Edition of 3 plus 1 artist's proof (EV 1/3)
Weight: 150 kg
(SH048)

Details of the proposal (Sculptures No. 1-5) Enlarged



Details of the proposal (Sculptures No. 1-5)



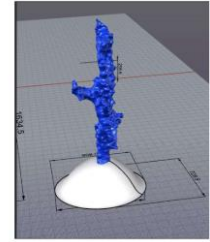
PRICE & MYERS

Job No. 31340 Page SK 01 Rev C02
 Date 01/02/24 Eng JC Chd
 Job Dulwich Picture Gallery Install 2024

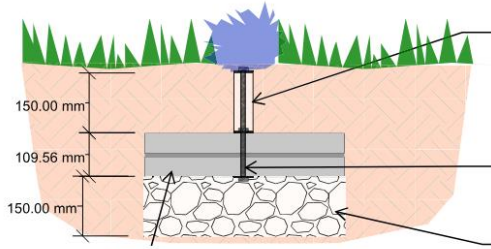
Li Li Ren: To Find a Way Home



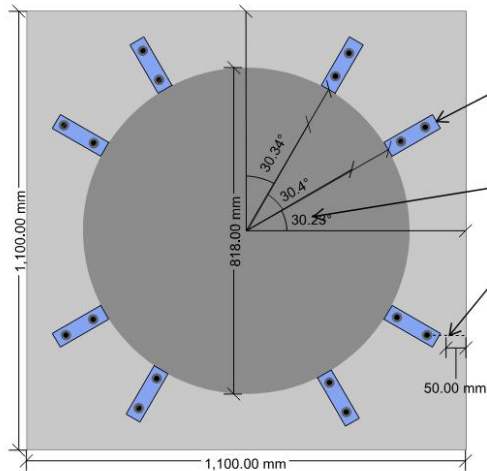
Render of the artwork



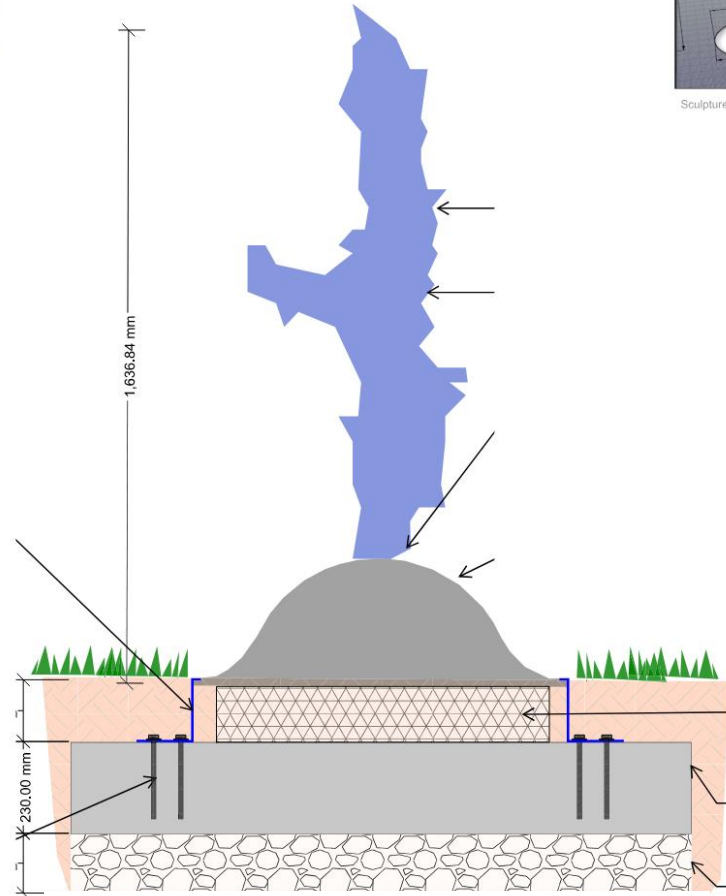
Sculpture 1 photo



SMALL PIECE
SCALE: 1:10



SCULPTURE 1 - PLAN
SCALE: 1:10



SCULPTURE 1 SECTION
SCALE: 1:10

56

Details of the proposal (Sculpture No. 6)

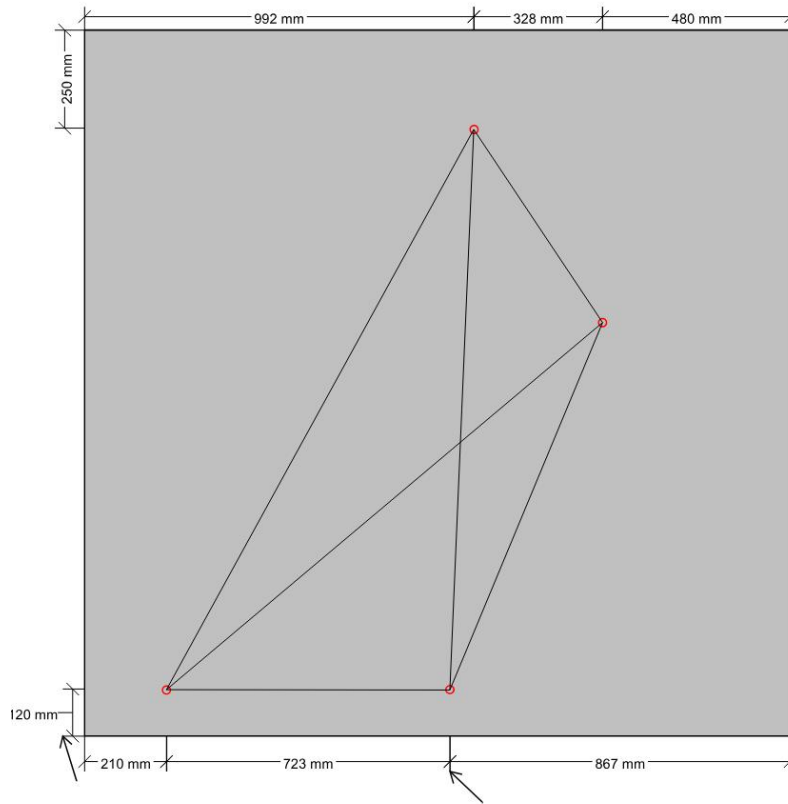


Details of the proposal (Sculpture No. 6)

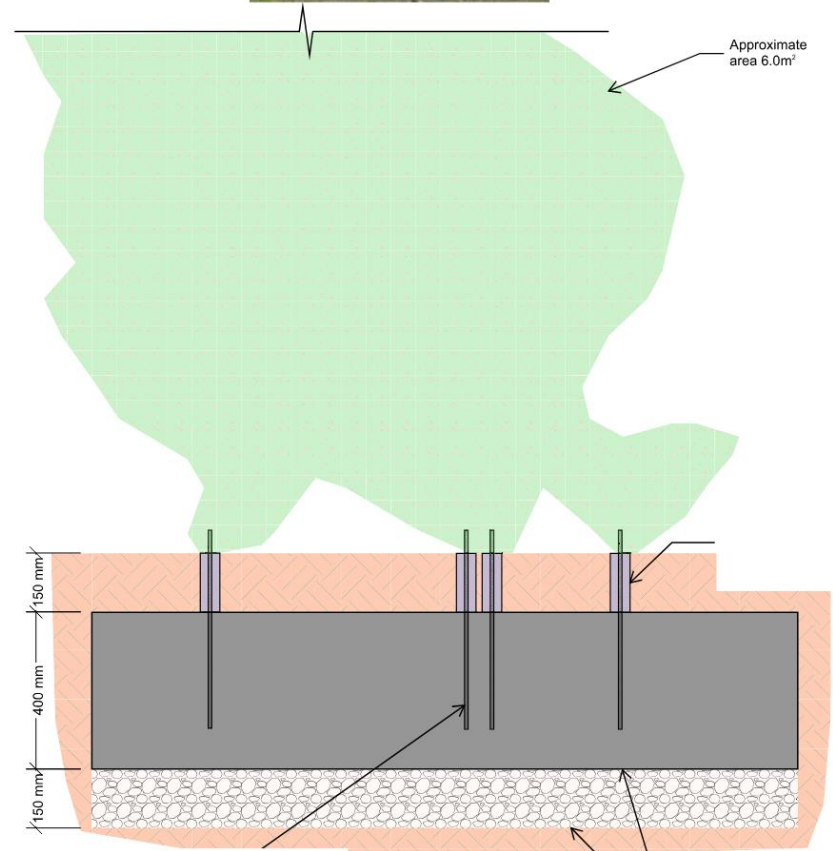
PRICE & MYERS

Job No. 31340 Page SK 02 Rev C01
 Date 22/01/2024 Eng JC Chd
 Job Dulwich Picture Gallery

Yinka Shonibare: Material II



PLAN
SCALE: 1:20



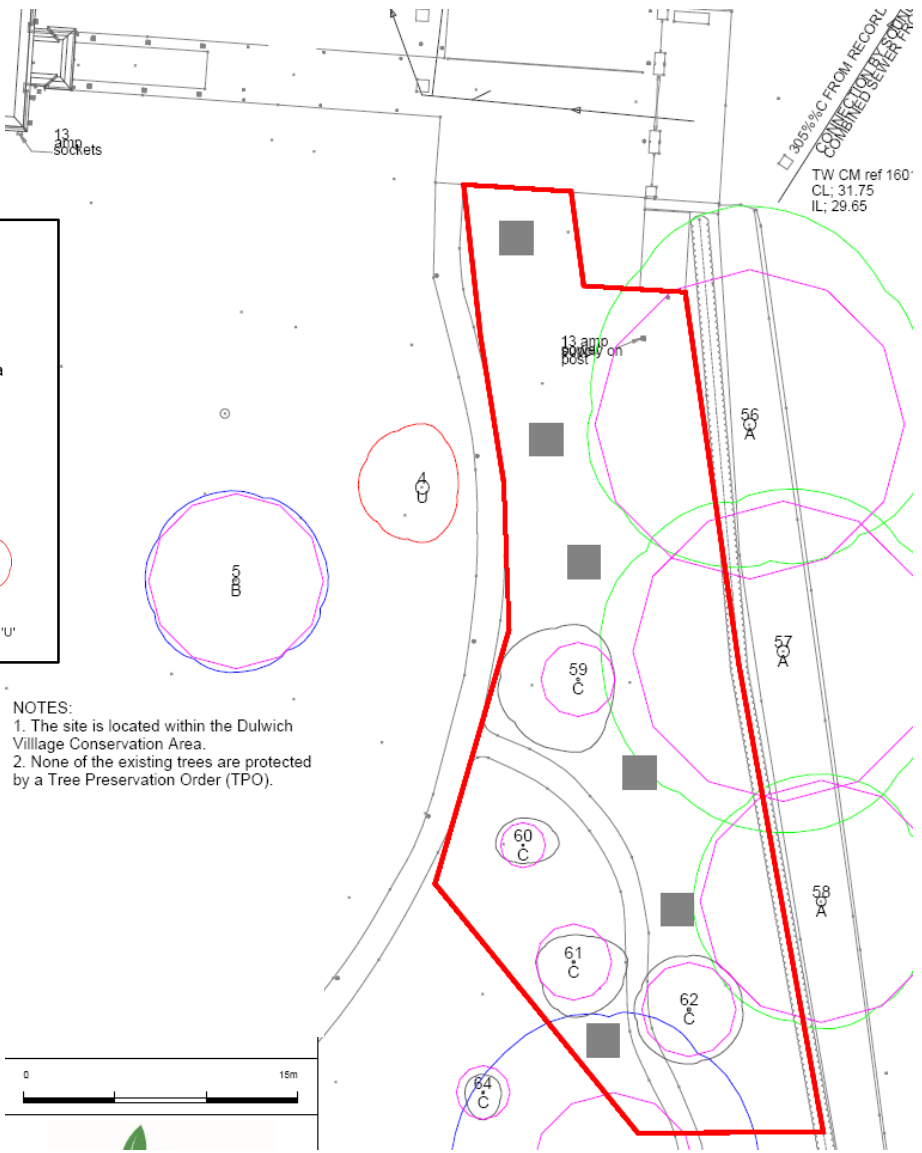
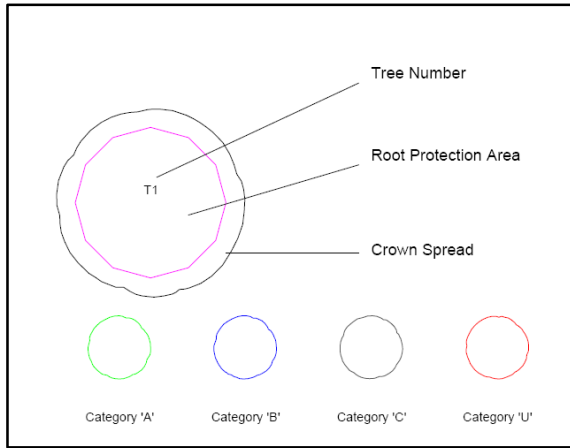
SECTION A-A
SCALE: 1:20

58

Details of the proposal (Block Plan Locations)



Details of the proposal (Detailed Plan Locations)



NOTES:
 1. The site is located within the Dulwich Village Conservation Area.
 2. None of the existing trees are protected by a Tree Preservation Order (TPO).

Public Consultation

- Site notices were displayed around the site for a period of three weeks (08.02.2024 - 29.02.2024).
- A press notice was published in Southwark News (12.03.2024 - 04.04.2024).

1x Objection comment was received.

“I believe that Dulwich Picture Gallery has had a number of expansion plans approved recently, all of which involve marginalising their staff and failing to address existing structural problems, which are of greater importance. There is not enough detail as to what this structure will look like and how it will affect the local area.”

61

Public Consultation – Officer Response

“I believe that Dulwich Picture Gallery has had a number of expansion plans approved recently, all of which involve marginalising their staff and failing to address existing structural problems, which are of greater importance. There is not enough detail as to what this structure will look like and how it will affect the local area.”

Dulwich Picture Gallery has recently had planning permission approved for a Children's Gallery and an extension to Gallery cottage (Minor App: 23/AP/1156 & LBC: 23/AP/1157).

Staffing related matters and existing structural matters are not material planning considerations in the determination of this application.

The submitted details are commensurate to the scale of the development and meet the LPAs validation requirements. Details of how the proposal will impact the local area are covered throughout the officer report.

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Principle of the proposed development

There is no material change of use proposed, the gallery falls under use class F1(b) 'Learning and non-residential institutions - Display of works of art'. The display of sculptures is incidental to the existing use.

The gallery gardens are on land designated as metropolitan open land (MOL).

The introduction of temporary sculptures will create a negligible reduction in MOL openness when viewed against the entirety of the gardens.

The degree of permanence is limited at two years and the land will be made good upon cessation of use. It is not considered the proposal materially detracts from the character of the MOL.

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How do we protect the MOL?

How do we ensure the sculptures are temporary?

How do we make sure the land is made good?

By condition:

The structures hereby permitted shall not be retained after 31st of October 2026; on or before which date the structures shall be removed from the site and the land restored to its former condition (including removal of sub-base structures).

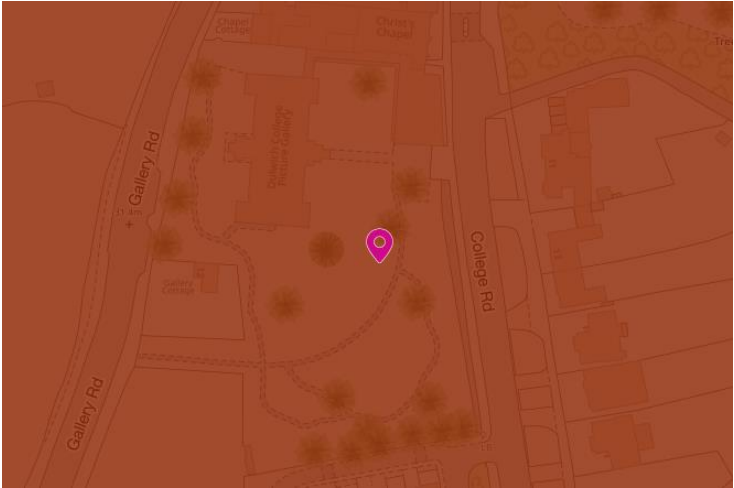
See officer report for applicable policies.

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Heritage and Design Considerations



Listed Buildings (Red: Gr. II*, Green: Gr. II)



Conservation Area (Dulwich Village)

65

Heritage and Design Considerations

The Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the general duties placed upon the LPA, in exercise of planning functions, for listed buildings and conservation areas.

The duty for listed buildings is covered in s.66(1) 'the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The duty for conservation areas is covered in s.72(1) 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

National, London, and Southwark planning framework/policies echo the statutory requirements highlighted above.

Heritage and Design Considerations

Listed Building

The listed building was purpose built as an art gallery, and therefore the use of the gardens to display temporary art is seen as complimentary given the historical context.

The LBS Design and Conservation team were consulted for expert comment and raised 'no objection', stating 'it [the proposal] will have no harmful impact on the Listed Building or its setting'.

Conservation Area

As noted in the conservation area appraisal extract 'high quality modern developments' can and do 'make a positive contribution to establishing the special interest of Dulwich village [CA]'.

The proposed sculptures would be in keeping with the character of the locality, particularly the gallery itself.

The leafy character of the CA would largely be unaffected - the sculptures would be screened from the public realm behind existing trees.

The proposals would preserve the character and appearance of the CA.

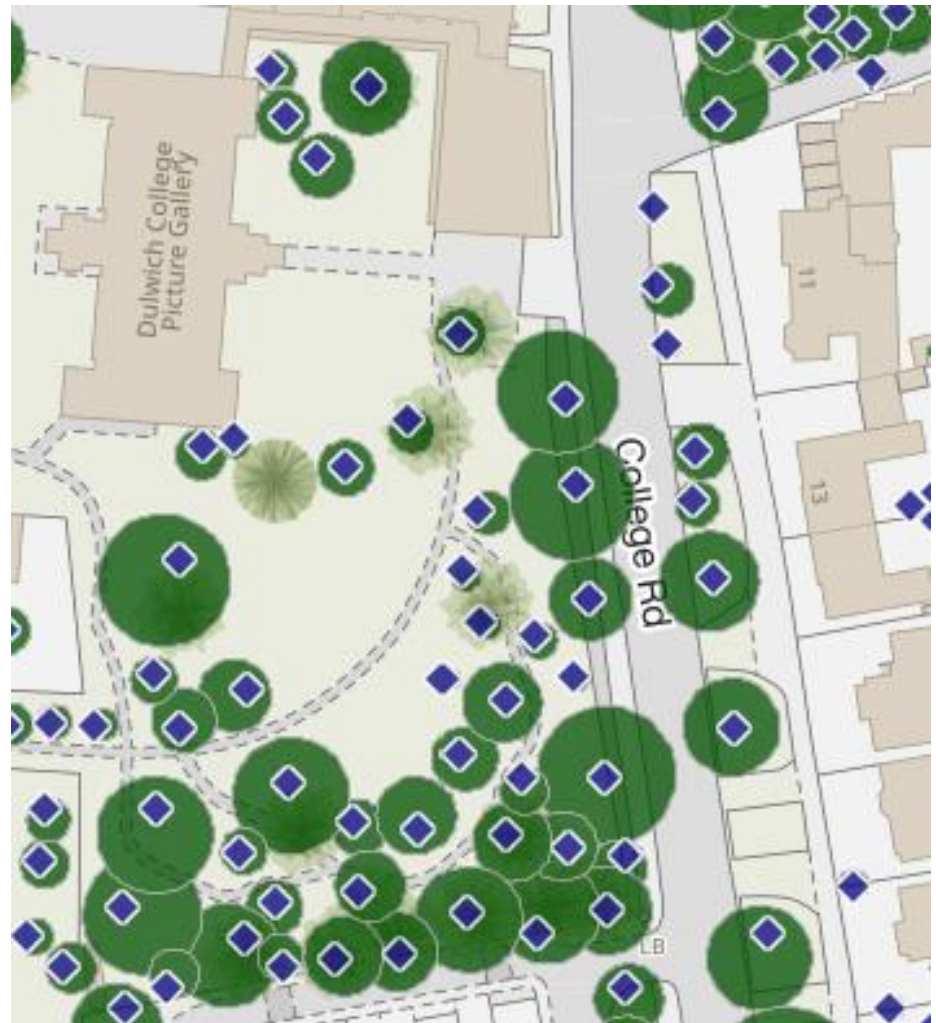
67

Landscaping and Trees

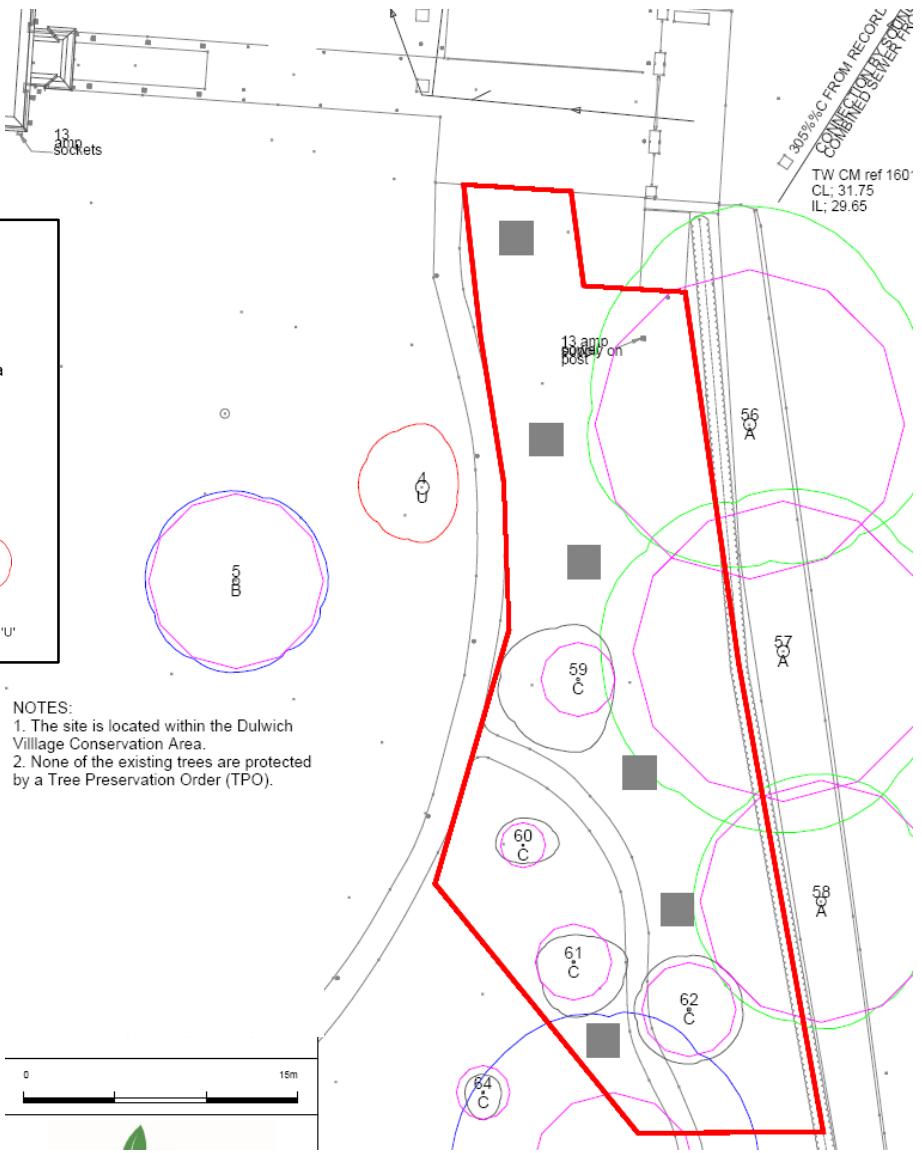
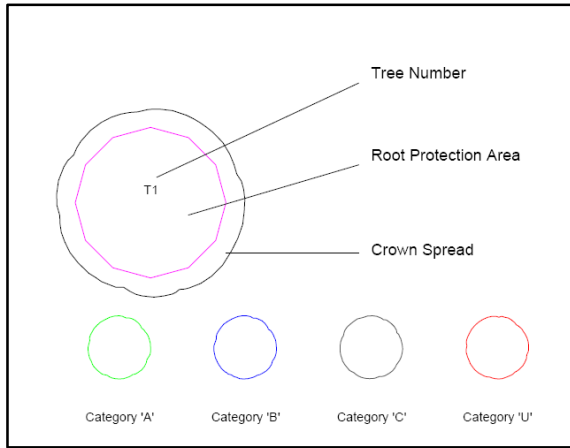
The Town and Country Planning Act 1990 outlines the general duty of planning authorities as respects trees.

Section 197 states: ‘It shall be the duty of the local planning authority—to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees...’.

The above provision is echoed in the NPPF 2023, and in London Plan 2021 & Southwark Plan 2022 policy.



Details of the proposal (Detailed Plan Locations)



NOTES:
 1. The site is located within the Dulwich Village Conservation Area.
 2. None of the existing trees are protected by a Tree Preservation Order (TPO).

Landscaping and Trees

The application site and surrounding area lie within Dulwich Village conservation area and as such trees over 75mm diameter are protected.

The applicant submitted a 'Tree Constraints Report' prepared by Landmark Trees Ltd. The report appears to be a re-submission of the document used for the previously granted application 23/AP/1156.

The initial document only identified the root protection areas 'RPAs' for the trees west of where the sculptures are to be placed, not for all the trees within application site itself.

This initial concern was raised with the applicant, who has since provided an updated tree survey report and detailed sculpture location plan mapped against the RPAs - addressing the previous oversight.

The LBS Urban Forestry Team were consulted for comment and recommended approval, subject to a pre-commencement condition for provision of an arboriculture method statement (AMS).

The detailed sculpture location plan will form part of the approved plans condition.

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How do we ensure the trees are protected?

By the Approved Plans condition:

Specifically the cross section plans, and the detailed sculpture location plan mapped against the tree RPAs (i.e. drawing nos.: JFA0334S TSSBP, 31340 SK01 C02 & 31340 SK02 C01).

By Arboriculture Method Statement (AMS) pre-commencement condition:

Prior to works commencing, a detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, or other equipment, or contaminants shall be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in any method statement so approved.

All Arboricultural Supervisory elements are to be undertaken in accordance with the approved Arboricultural Method Statement site supervision key stages (BS: 5837 (2012)) for this site, as evidenced through signed sheets and photographs.

In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work – recommendations. *See officer report for applicable policies.*

Ecology and Biodiversity

The main body of the site is dominated by modified grassland; a habitat of low ecological value.

The application site is not located within a site of importance for nature conservation (SINC).

The LBS Ecology Team were consulted for comment and raised no objection.

The proposal does not seek to remove any trees or plants.

There is also no lighting proposed.

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Neighbouring Amenity



Neighbouring Amenity

Nearest neighbours are >30m away.

There are no new views or outlooks established.

The sculptures are modest in size.

There is no lighting or audio proposed.

As such, it is not anticipated the proposal will result in any harmful impact to neighbouring amenity by way of:

- privacy,
- sunlight/daylight,
- openness/outlook
- lighting and noise pollution.

Transport and highways

The site lies sandwiched between Gallery Road and College Road, both of which are LB Southwark adopted highway.

The gallery is accessible by public transport and is served by a bus stop on College Road.

The site also has existing cycle storage serving the main gallery building.

The installation of the sculptures will have minimal impact on local traffic and will be completed over a two day period. Starting on site at 8am on both days and departing no later than 6pm.

The applicant has submitted a traffic management plan and will need to liaise with the LBS Highways Department regarding these arrangements under requirements of the Highways Act 1980 & New Roads and Street Works Act 1991 (i.e. lane rental etc.).

As such, it is not seen as appropriate to further condition these matters via planning condition.

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Noise and vibration

The gardens of the gallery are open to the public Monday to Saturday, 8am–6pm and Sunday, 9am–6pm. The gallery is open Tuesday to Sunday, 10am–5pm. (inc. bank holidays.)

The potential for late night noise is mitigated by the operating hours.

It's not anticipated the proposal will result in noise beyond what normal day to day operations would entail.

Fire Safety

A Reasonable Exemption Statement has been provided for this proposal as it does not involve any alterations to the existing evacuation strategy.

Further conditions

Approved plans (standard approved plans condition)

Materials to be as specified (standard compliance condition)

Installation report and structural report (compliance condition - below)

The installation/removal of the temporary structures, hereby approved, shall be carried out in accordance with findings and recommendations contained within the following documents:

- STRUCTURAL ENGINEERING INSTALLATION REPORT, 31340 REV C03, prepared by Price & Myers.
- MTEC ART INSTALL AND REMEDIATION PLAN, MD23907, prepared by Mtec.

See officer report for application policies.

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Recommendation

It is recommended planning permission be granted, subject to conditions.