

Planning Committee (Smaller Applications)

Wednesday 24 April 2024

7.00 pm

Rooms G01A, B and C, 160 Tooley Street, London SE1 2QH

Membership

Councillor Cleo Soanes (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Sabina Emmanuel
Councillor Ketzia Harper
Councillor Adam Hood
Councillor Richard Leeming
Councillor Richard Livingstone

Reserves

Councillor Natasha Ennin
Councillor Laura Johnson
Councillor Sandra Rhule
Councillor Charlie Smith
Councillor Emily Tester

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. For details on building access, translation, provision of signers or any other requirements for this meeting, please contact the person below.

Contact Beverley Olamijulo on 020 7525 7234 or email: Beverley.olamijulo@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 16 April 2024



Planning Committee (Smaller Applications)

Wednesday 24 April 2024
7.00 pm
Rooms G01A, B and C, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES	1 - 6
	To approve as a correct record the minutes of the meeting held on 13 March 2024.	
6.	DEVELOPMENT MANAGEMENT	7 - 11
	6.1. 70 CROXTED ROAD, LONDON SOUTHWARK SE21 8NP	12 - 63

Item No.	Title	Page No.
6.2.	PECKHAM RYE PARK AND COMMON, SOUTHWARK SE15 3UA	64 - 99
6.3.	DULWICH PICTURE GALLERY , GALLERY ROAD, LONDON SE21 7AD	100 - 132

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF
THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

Date: 16 April 2024



Planning Committee (Smaller Applications)

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. The role of members of the planning committee (smaller applications) is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than 3 minutes each**.

- (a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.
- (b) The applicant or applicant's agent.
- (c) One representative for any supporters (who live within 100 metres of the development site).
- (d) Ward councillor (spokesperson) from where the proposal is located.
- (e) The members of the committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair

will ask which objector(s) would like to speak at the point the actual item is being considered.

6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.
8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants. **As meetings are usually livestreamed, speakers should not disclose any information they do not wish to be in the public domain.**
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

Please note:

Those wishing to speak at the meeting should notify the constitutional team by email at ConsTeam@southwark.gov.uk in advance of the meeting by **5pm** on the working day preceding the meeting.

The arrangements at the meeting may be varied at the discretion of the chair.

Contacts: General Enquiries
Planning Section
Environment, Neighbourhoods and Growth
Tel: 020 7525 5403

Planning Committee Clerk, Constitutional Team
Governance and Assurance
Tel: 020 7525 72342



Planning Committee (Smaller Applications)

MINUTES of the Planning Committee (Smaller Applications) held on Wednesday 13 March 2024 at 7.00 pm at GO2 meeting rooms, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
 Councillor Jane Salmon (Vice-Chair)
 Councillor Sabina Emmanuel
 Councillor Ketzia Harper
 Councillor Adam Hood
 Councillor Richard Livingstone

OFFICER Dennis Sangweme (Head of Development)
SUPPORT: Abbie McGovern (Development Management)
 Chloe Rimell (Development Management)
 Eleanor Heagney (Development Management)
 Ibrahim Azam (Development Management)
 Alex Gillott (Legal Officer)
 Beverley Olamijulo (Constitutional Officer)

1. APOLOGIES

Apologies for absence was submitted on behalf Councillor Richard Leeming.

2. CONFIRMATION OF VOTING MEMBERS

Those members listed above were confirmed as voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 6.1 – development management items
- Members pack.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were disclosed.

5. MINUTES

RESOLVED:

That the minutes for Planning Committee (Smaller Applications) meeting held on 24 January 2024 be approved as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT

Members noted the development management report.

RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

6.1 ST OLAVES AND ST SAVIOURS SPORTS GROUND ,GREEN DALE, SOUTHWARK LONDON SE22 8TX

Planning application reference 23/AP/2915

Report: See pages 10 to 29 of the agenda pack and addendum pages 1 – 2.

PROPOSAL

Removal of existing chain link fence; installation of a palisade fence inclusive of 1 no. double leaf gate to the side of the path that divides the sports field.

The committee heard the officer's introduction to the report and members of the committee asked questions of the officers.

The objector addressed the committee and responded to questions from members.

The applicants addressed the meeting and responded to questions from members.

There were no supporters present, who lived within 100 metres of the development site and wished to speak.

There were no ward councillors present who wished to speak at the meeting.

A motion to grant the application was moved, seconded put to the vote and declared carried.

RESOLVED:

That planning permission be granted subject to conditions as set out in the report and addendum report.

6.2 67 - 71 TANNER STREET, SOUTHWARK, LONDON SE1 3PL

Planning application reference 22/AP/2746

Report: See pages 30 to 69 of the agenda pack.

PROPOSAL

Minor material amendment to Condition 1 for planning application 19/AP/0865 dated 29/01/2021 for 'Construction of a 9 storey plus basement building to provide an 73 bedroom hotel with restaurant at ground floor level and associated cycle parking, refuse and recycling stores, and plant'.

Amendments include adjustment of window sizes and positions, enlargement of lift and stair overrun and plant enclosure and replacement of brick planters on west elevation with green walling.

The committee heard the officer's introduction to the report and members of the committee asked questions of the officers.

The objector addressed the committee and responded to questions from members.

The applicants addressed the meeting and responded to questions from members.

There were no supporters present, who lived within 100 metres of the development site and wished to speak.

There were no ward councillors present who wished to speak at the meeting.

A motion to grant the application was moved, seconded put to the vote and declared carried.

RESOLVED:

1. That planning permission be granted, subject to conditions and endorsement of the original Section 106 legal agreement.
2. That in the event that the legal agreement was not endorsed by 13 June 2024, the director of planning and growth be authorised to refuse planning permission for 22/AP/2746, if appropriate, for the reasons set out in paragraph 76 of the report.

At 8.27pm, the meeting took a five-minute comfort break. The committee reconvened at 8.32pm.

6.3 DOCTOR HAROLD MOODY PARK, GORDON ROAD, SE15 3RG & CONSORT PARK, GORDON ROAD, SE15 3RH

Planning application reference 23/AP/1993

Report: See pages 70 to 108 of the agenda pack and addendum pages 2 – 3.

PROPOSAL

Refurbishment of Consort Park and Dr Harold Moody Park, including connecting the two parks together by closing the eastern end of Sturdy Road to motor traffic, and transforming this section of highway into park land. Works to Consort Park include reduction and remodelling of existing mounds, tree removals, new footpaths, seating, creation of meadows, tiny forest and specimen tree planting. Works to Dr Harold Moody Park include expansion and refurbishment of existing playground, amendments to multi-use games court fencing, new pump track, miscellaneous informal sports equipment and cycle parking; tree planting, hedging and planting. Closure of the existing pedestrian entrance to Dr Harold Moody Park from Gordon Road to facilitate expansion of the playground. Works to the stopped up section of Sturdy Road includes earthworks, new footpath link to Gordon Road, tree planting and turning head within Dr Harold Moody Park.

The committee heard the officer's introduction to the report and members of the committee asked questions of the officers.

The objectors addressed the committee and responded to questions from members.

The applicants addressed the meeting and responded to questions from members.

There were no supporters present, who lived within 100 metres of the development site and wished to speak.

There were no ward councillors present, who wished to speak at the meeting.

A motion to grant the application was moved, seconded put to the vote and declared carried.

RESOLVED:

That planning permission be granted subject to conditions as set out in the report and addendum report.

6.4 NUNHEAD CEMETERY, LINDEN GROVE, SOUTHWARK, LONDON SE15

Planning application reference 23/AP/2875

Report: See pages 109 to 150 of the agenda pack and addendum pages 3 – 6.

PROPOSAL

Demolition of existing Friends of Nunhead Cemetery cabin and construction of a new single storey replacement cabin.

The committee heard the officer's introduction to the report and members of the committee asked questions of the officers.

The objector addressed the committee and responded to questions from members.

The applicants addressed the meeting and responded to questions from members.

The supporters present, who lived within 100 metres of the development site, addressed the meeting.

There were no ward councillors present who wished to speak at the meeting.

At this juncture, the objector left the meeting room.

Members further debated on the planning application.

A motion to grant the application was moved, seconded put to the vote and declared carried.

RESOLVED:

That planning permission be granted subject to conditions as set out in the report and addendum report.

The meeting ended at 10.35 pm.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 24 April 2024	Meeting Name: Planning Committee (Smaller Applications)
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committees. The matters reserved to the planning committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Levelling Up, Housing and Communities and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within

the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

- c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance

12. A resolution to grant planning permission shall mean that the director of planning and growth is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the director of planning and growth shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the director of planning and growth is authorised to issue a planning

permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the assistant chief executive – governance and assurance, and which is satisfactory to the director of planning and growth. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the assistant chief executive – governance and assurance. The planning permission will not be issued unless such an agreement is completed.

14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Plan which was adopted by the council in February 2022. The Southwark Plan 2022 was adopted after the London Plan in 2021. For the purpose of decision-making, the policies of the London Plan 2021 should not be considered out of date simply because they were adopted before the Southwark Plan 2022. London Plan policies should be given weight according to the degree of consistency with the Southwark Plan 2022.
16. The National Planning Policy Framework (NPPF), as amended in July 2021, is a relevant material consideration and should be taken into account in any decision-making.
17. Section 143 of the Localism Act 2011 provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
18. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010 as amended, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

19. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Each planning committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	Planning Department 020 7525 5403

APPENDICES

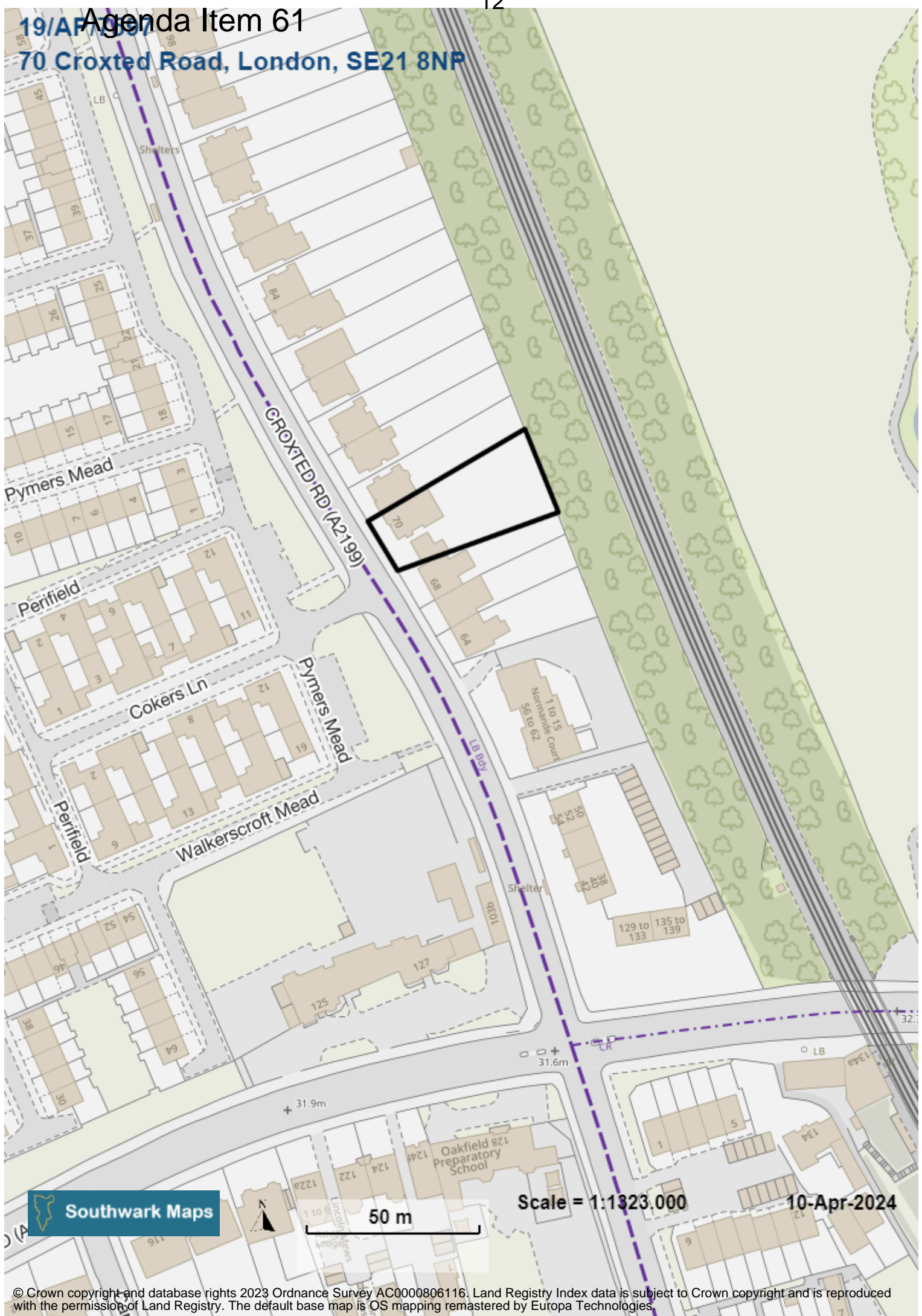
No.	Title
None	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Beverley Olamijulo, Constitutional Officer Nagla Stevens, Head of Law (Planning and Development)	
Version	Final	
Dated	15 April 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Director of Planning and Growth	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		15 April 2024

Agenda Item 61

70 Croxted Road, London, SE21 8NP



Southwark Maps



50 m

Scale = 1:1323,000

10-Apr-2024

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Item No: 6.1	Classification: Open	Date: 24 April 2024	Meeting Name: Planning Committee (Smaller Applications)
Report title:	Development Management planning application: Application for: Full Planning Application 19/AP/7597 Address: 70 Croxted Road, London Southwark SE21 8NP Proposal: Demolition of existing detached side garage and the construction of a two storey detached dwellinghouse with a basement.		
Ward or groups affected:	Dulwich Village		
From:	Director of Planning and Growth		
Application Start Date: 21/02/2020		Application Expiry Date: 26/04/2024	
Earliest Decision Date: 16/04/2020			

RECOMMENDATION

1. That planning permission be granted subject to a Section 106 Legal Agreement.
2. In the event that the requirements of paragraph 1 above are not met by 24 October 2024, the director of planning be authorised to refuse planning permission, if appropriate, for the reasons set out in paragraph in 103.

EXECUTIVE SUMMARY

3. The application has been called into the Smaller Applications Planning Committee due to the high number of neighbour objections. The proposed development comprises the erection of a dwelling following the demolition of the existing garage on a plot of land between no. 70 and no. 68 Croxted Road.
4. The proposed development would include a basement and two storeys, with private amenity space provided to the rear and a parking space to the front.
5. Officers acknowledge there has been a high number of neighbouring objections to the proposed development including concerns over design, neighbouring amenity, flooding, ecology and inaccuracy in the submission of documents.

Officers are satisfied that the proposed development would be compliant with the development plan and would contribute to an additional dwelling within the borough and would not result in harm to the surrounding character of the area or the amenity of the surrounding occupiers. The development will provide a 35% a financial contribution of £63,000 towards affordable housing.

BACKGROUND INFORMATION

Site location and description

6. The application site is the land between numbers 70 and 68 Croxted Road in Dulwich. The land is within a large plot, which whilst narrower on the side of the street frontage, splays in a north eastern direction, providing a generous plot of approximately 1046 (0.1 Ha) sqm in size. The land also possesses a single storey garage that abuts the boundary with 68 Croxted Road, allowing the gap for the proposed infill dwelling. The land abuts residential neighbours at 70 and 68 Croxted Road and is enclosed to the north east by the railway line.



Site Location Plan

7. The site is subject to the following planning policy designations:

- Area Vision Boundary – AV.07 Dulwich
- Herne Hill Critical Drainage Area (CDA)
- Suburban Zone South
- Air Quality Management Area
- TPO Tree (no. 578 – Lime Tree)

The site is adjacent or nearby to the following planning designations:

- Adjacent to a Conservation Area – Dulwich Village (to the east)
- Adjacent to Borough Open Land (BOL) - Sydenham Hill and West Dulwich Railsides
- Adjacent to a Site of Importance for Nature Conservation (SINC) - Sydenham Hill and West Dulwich Railsides.

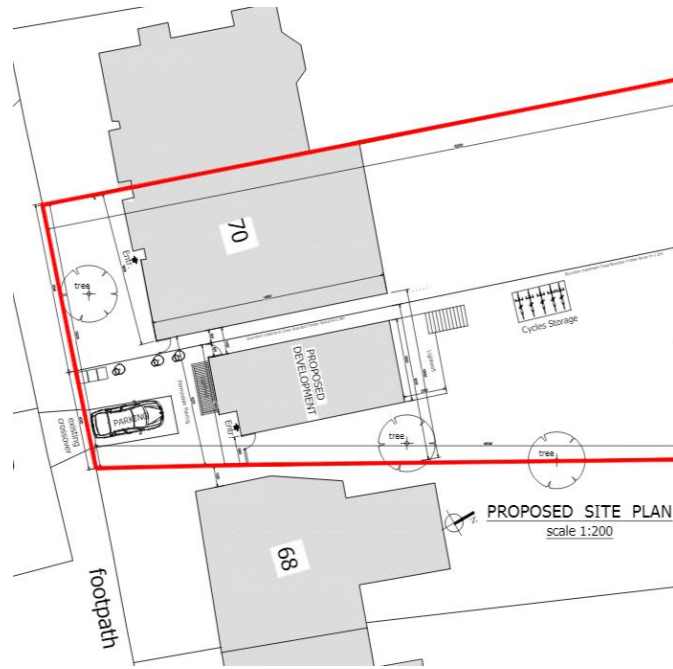
8. The immediate vicinity of the application site is characterised by the suburban townscape of Dulwich Village with Croxted Road displaying terraces of properties comprised of two and three houses. The streetscape is characterised by the wide open streets which display townscape gaps as a result of the predominantly Victorian architecture.

Details of proposal

9. The application proposes the demolition of the toilet block to No.70 and associated garage buildings, and the subdivision of the plot to form two independent planning units, complete with the construction of a two storey self-build dwelling (3B5P) with excavation of a basement and associated refuse and cycle storage.

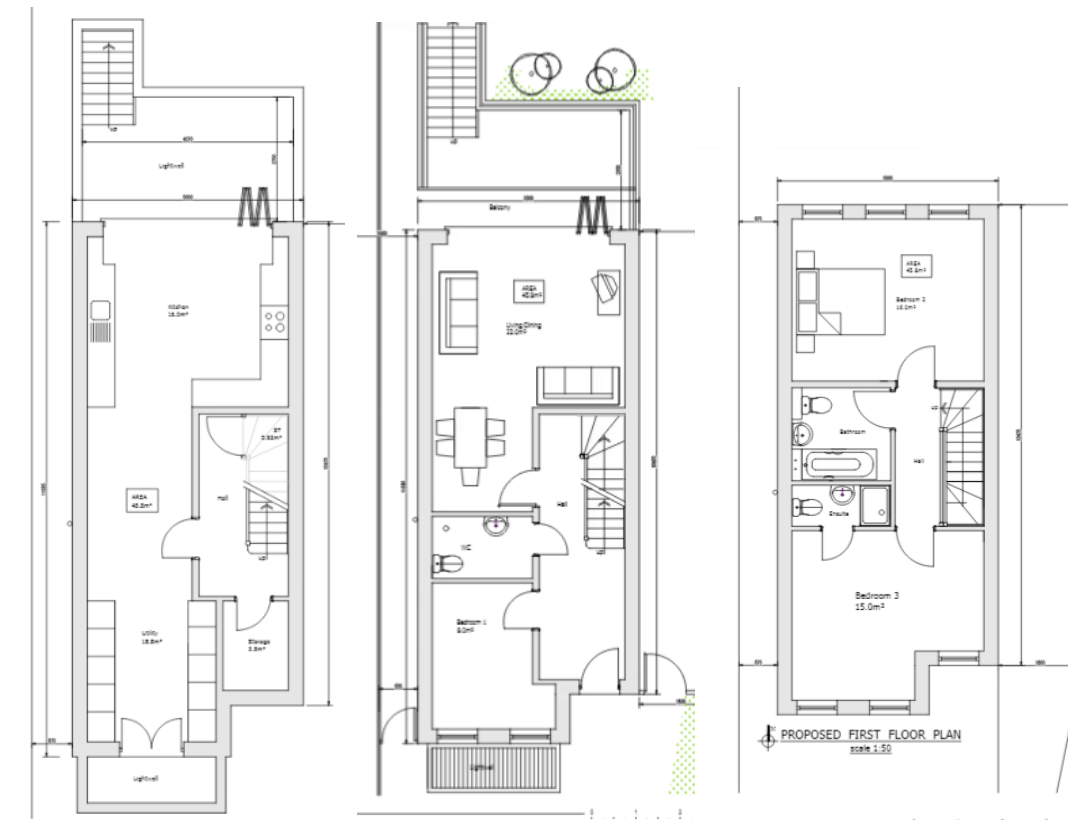
10. The dwelling would be constructed to the following dimensions:

- Maximum depth: 11.585m
- Maximum width: 5m
- Maximum height: 6.175m
- Private outdoor space: 352 square metres



Proposed site plan

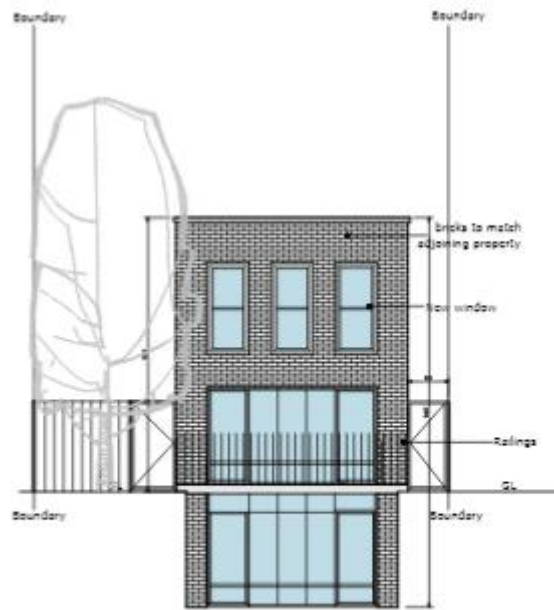
- The application proposes to utilise the existing parking space and crossover for the newly created unit.



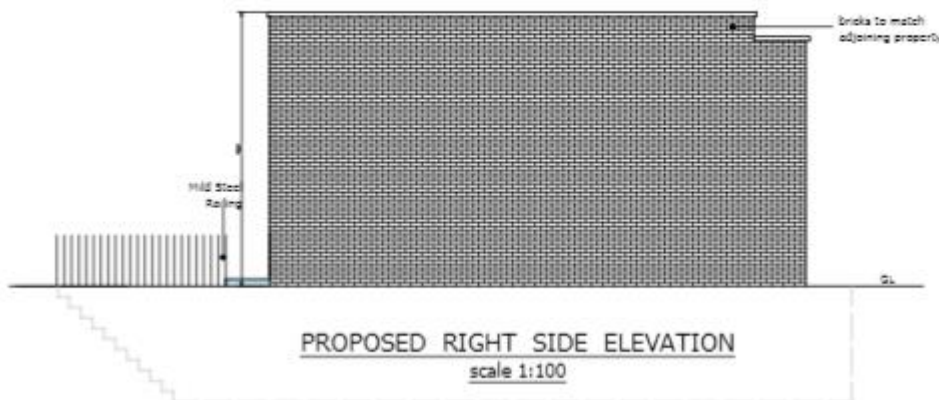
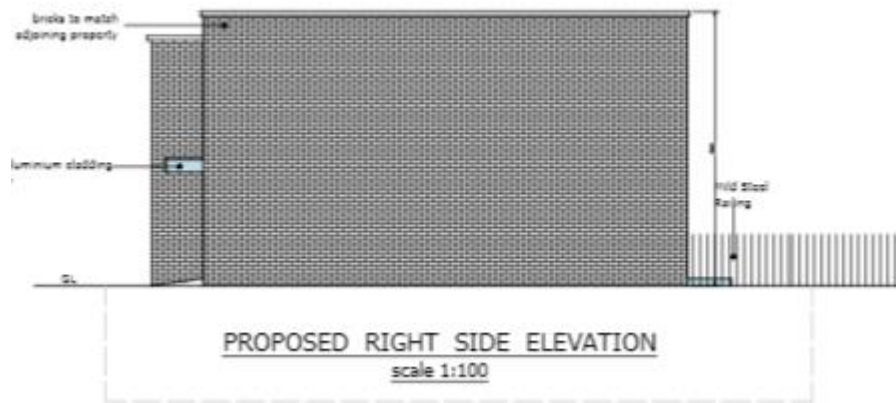
Proposed Basement Plan Proposed Ground Floor Plan Proposed First Floor Plan



PROPOSED FRONT ELEVATION
scale 1:100



PROPOSED REAR ELEVATION
scale 1:100



Relevant planning history

12. See Appendix 1 for any relevant planning history of the application site.

Key issues for consideration

Summary of main issues

13. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use
 - Viability Affordable housing
 - Quality of residential accommodation and outdoor amenity space
 - Fire safety regulations
 - Design, layout, heritage assets and impact on Borough and London views
 - Landscaping and trees
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area

- Transport and highways
- Refuse storage
- Noise and vibration
- Energy and sustainability
- Ecology and biodiversity
- Air quality
- Ground conditions and contamination
- Water resources and flood risk
- Planning obligations (S.106 undertaking or agreement)
- Mayoral and borough community infrastructure levy (CIL)
- Community impact and equalities assessment
- Human rights
- Carbon concurrent; and
- Positive and proactive statement.

14. These matters are discussed in detail in the 'Assessment' section of this report.

Legal context

15. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021 and the Southwark Plan 2022.
16. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

National Planning Policy Framework (the Framework) 2023

17. The revised National Planning Policy Framework ('NPPF') was published on 19 December 2023 and sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
18. Paragraph 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
19. The relevant chapters from the Framework are:
- Chapter 2 Achieving sustainable development
 - Chapter 5 Delivering a sufficient supply of homes
 - Chapter 8 Promoting healthy and safe communities
 - Chapter 9 Promoting sustainable transport
 - Chapter 11 Making effective use of land
 - Chapter 12 Achieving well-designed places
 - Chapter 14 Meeting the challenge of climate change, flooding and coastal change

- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

20. On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D10 Basement development
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy HC1 Heritage conservation and growth
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T7 Deliveries, servicing and construction

Southwark Plan 2022

21. The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- P1 Social rented and intermediate housing
- P2 New family homes
- P11 Self and custom build
- P13 Design of places
- P14 Design quality
- P15 Residential design
- P18 Efficient use of land
- P19 Listed buildings and structures
- P20 Conservation areas
- P50 Highways impacts
- P53 Cycling
- P54 Car Parking

- P56 Protection of amenity
- P60 Biodiversity
- P61 Trees
- P65 Improving air quality
- P69 Sustainability standards
- P70 Energy

Area based AAP's or SPD's

22. Of relevance in the consideration of this application are:

- 2015 Technical Update to the Residential Design Standards SPD (2011)
- Heritage SPD (2021)
- Dulwich SPD (2013)

Assessment

Principle of the proposed development in terms of land use

23. The principle of residential development on this site is considered appropriate subject to design and amenity impacts. Policy ST1 of the Southwark Plan (2022) states that the Council's target is to deliver 40,035 homes between 2019 – 2036.
24. Policy P18 (Efficient use of land) of the Southwark Plan (2022) states that development will be permitted that optimises land use, does not unreasonably compromise development or legitimate activities on neighbouring sites and provides adequate servicing facilities, circulation spaces and access to, from and through the site. The proposed development comprises the erection of one dwelling, this is considered acceptable in terms of principle subject to other material considerations such as design and impact on neighbouring amenity.
25. The principle of the development is also assessed relative to the additional guidance contained within the Section 5.5 'In-fill development' of the Dulwich SPD (2013) which requires that in-fill development meet the following criteria;

Paragraph 5.5.2 outlines the following;

In-fill development is generally acceptable provided that the proposal:

- i. Follows the existing street pattern to ensure that new development reflects the established urban grain, and specifically building lines and building sizes as well as the spacing between buildings*
- ii. Makes efficient use of the land*
- iii. Preserves historic property boundaries and plot forms within the Archaeological Priority Zone*
- iv. Provides adequate convenient and safe access, suitable for the entry and egress of vehicles, cyclists and pedestrians*
- v. Does not contribute or add to parking problems in the area (we will usually require a local parking survey to demonstrate this)*
- vi. Does not result in a loss of privacy and amenity for adjoining houses and their back gardens*
- vii. Is in keeping with density and prevailing patterns of development found locally and*

viii. Is demonstrated to sustain and enhance the character and setting of designated or undesignated heritage assets.

26. The proposal would follow the existing pattern of the urban grain, as the proposed dwelling will be a subservient addition to the townscape, maintaining the existing building lines, heights and spaces between properties. The proposal is acceptable in respect of density and does not present design, amenity or quality of accommodation concerns. The property maintains historic plot sizes relative to its suburban location and is not located in an Archaeological Priority Zone (APZ). The proposal maintains existing off-street parking arrangements and does not present any additional hazard to vehicular or pedestrian movements locally. The proposal is not considered to lead to an unacceptable loss of amenity for neighbouring occupiers. The proposal is considered proportionate to the plot size and local urban environment and does not prejudice the character and setting of any designated or undesignated heritage assets.
27. For the reasons outlined above, the proposal is considered to be acceptable in land use terms in accordance with section 5.5 'In-fill' development of the Dulwich SPD (2013).

Affordable housing and viability

28. Policy P1 (Social rented and intermediate housing) of the Southwark Plan (2022) states that development that creates 9 homes or fewer (inclusive) must provide the maximum amount of social rented and intermediate homes or a financial contribution towards the delivery of new council social rented and intermediate homes with a minimum of 35% subject to viability as set out in Table 1 on page 107 of the Southwark Plan (2022).
29. The applicant has confirmed that the proposed development would be a self-build and as such the applicant must enter into a Legal Agreement in the event the dwelling is sold within three years of occupation.
30. The contribution to be secured is calculated on the basis of the following:
- £30,000 per habitable room
 - Proposal includes 6 habitable rooms
 - Gross contribution (30,000 X 6): £180,000
 - Total contribution (35%): **£63,000**
31. For the reasons outlined above, the proposal is considered to demonstrate compliance with P1 'Social rented and intermediate housing' of the Southwark Plan (2022).

Quality of residential accommodation and outdoor amenity space

32. The internal minimum space standards for the proposed dwelling are provided below.

Schedule of accommodation for dwelling type: 3B5P			
Room	Floor area (sq. m)	Minimum floor area requirement (sq. m)	Complies
Kitchen (Where eating area is in the lounge)	16	8	YES
Living room (Where the eating area is in the Lounge)	22	18	YES
Bedroom 1	8	7	YES
Bedroom 2	16	12	YES
Bedroom 3	15	12	YES
Bathroom	4.7	3.5	YES
Built-in storage	3.5	2.5	YES
Dwelling	Area (sq. m)	Minimum area requirement (sq. m)	Complies
Gross Internal Floor Area	137.4	99	YES
Private outdoor space	352 <i>(Remaining at no. 70: 319)</i>	50	YES YES

33. As outlined above, the dwelling would provide generously proportioned spaces to support a good quality of accommodation. The dwelling is apportioned a generously sized private outdoor amenity area which would meet the requirements of a family dwelling.

Outlook and privacy

34. The dwelling would benefit from good vertical outlook. The kitchen space would be located on the lower ground floor, however it would be served with a terrace

of 2.5m depth to provide good outlook. Furthermore, the principal habitable spaces of the living room diner to the ground floor and bedrooms would be served with good vertical outlook. The proposal would be set back from the road, with sufficient defensible space and would benefit from sufficient levels of privacy for the future occupiers.

Internal daylight and sunlight

35. Section 5.1 of daylight and sunlight report submitted in support of the application outlines the target daylight factors achieved for the room types proposed. The living / dining room, kitchen and bedrooms achieved target daylight factors of 1.10, 1.4 and 0.7 respectively, across more than 50% of the room's area. This demonstrates how the proposal has met the new BRE guidance on internal daylight.
36. With regard to sunlight, at least one habitable room (preferably a main living room), should receive at least 1.5 hours of sunlight on 21 March. It is noted that all rooms bar the lower ground floor kitchen are above target. The kitchen would receive 1.33 hours of sunlight, due to its lower ground level and north eastern orientation. Furthermore, all other rooms including the principal living room space and bedrooms receive greater levels of sunlight due to their placement on the ground floors and above as well as south west orientation, therefore supports a good quality of accommodation across the dwelling.
37. For the reasons outlined above, the proposal is considered to comply with P15 'Residential design' of the Southwark Plan (2022).

Fire Safety Regulations

Policy D12 (A) of the London Plan (2021)

38. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
39. *Summary of Information Contained in Planning Fire Safety Strategy*
 - A planning fire safety strategy (PFSS) has been submitted in support of the application and considered acceptable.
40. *Assessment of Planning Fire Safety Strategy*

Policy D12(A) of the London Plan (2021), requires that development meet the following criteria to be discussed in turn:

 - Identify space for the positioning fire appliances and the provision of an evacuation assembly point
 - Passive and active measures to reduce the risk of fire
 - Be constructed to minimise fire spread
 - Provide a suitable means of escape
 - Developed strategy for evacuation
 - Provide suitable access and equipment for firefighting.
41. The PFSS contains clear plans that demonstrate the proximity of the proposed dwelling to the public highway, where fire appliances can gain easy access to the

site in the event of a fire. There is ample space to the front and rear of the proposed dwelling for the purposes of evacuation and assembly.

42. The passive fire safety measures include fire protection between floors, between rooms and circulation spaces as well as between the walls, all to a standard of 30 minute fire rating.
43. The proposal would be sited logically with good access to the street for fire appliances and the nearest fire hydrant.
44. For the reasons outlined above, the proposal is considered to accord with D12(A) of the London Plan (2021).

Design, layout and heritage assets

45. The application site is a residential garage associated with no.70 Croxted Road, which is one of a pair of late Victorian two-storey houses with attic storeys in a street characterised mainly by similar semi-detached period properties on its east side, contrasted by the low-rise, 1960's Pymers Mead Estate on the other.
46. Croxted Road is on the boundary of Dulwich Village with West Dulwich, and is a local main road that junctions nearby with the South Circular. It has an open, leafy, suburban character, being a relatively wide tree-lined street with properties set back behind good-sized front gardens. The layout of Pymers Mead Estate with its grass verges and integral landscaping add to this green quality, as does the townscape gaps between the pairs of period houses that provide glimpsed views through to the rear gardens and the wooded railway embankment immediately beyond. It is not designated a conservation area, although the railway embankment forms the boundary of the Dulwich Village Conservation Area.
47. The application scheme has been revised in response to officers' comments. It remains for the demolition of the existing garage, excavation of a single basement and construction of a new house with basement. However, the scheme has been amended bringing the ground floor close to grade, sinking the basement from semi to full; reducing the width of the building from 6m to 5m; and altering the detailed designs of the front elevation.
48. In terms of the principle of the design, as previously stated, the demolition of the existing garage is not resisted on design grounds. The structure is an ancillary building outside of a conservation area and, although of some architectural interest with its pedimented gable, is not considered a Non Designated Heritage Asset (NDHA) or worthy of retention.
49. Regarding the replacement building, the development remains on the same or very similar front building line as the current garage, which is some 3m behind the front building line of the host property (70) and 2-3m behind its neighbour (68). The positioning is welcome, ensuring a low-key appearance within the streetscape, which is important given its contrasting built form and the open character of this part of the front garden.

50. In terms of its height and massing, the revised height brings the development c.700mm below the eaves line of the adjacent period houses, ensuring it does not read notably large or bulky between the neighbouring properties, particularly when combined with its setback position. The form is relatively simple, with a 1m forward articulation of a two-storey bay, providing modest visual interest and to some extent gesturing the more articulated form of its neighbours. It is notable that a similar building form has been approved and constructed nearby at no.134a Croxted Road, albeit the constructed building sits within a larger space and does not have a basement.
51. Importantly, the width of the proposed building has been reduced and is shown as 5m. Whilst this maintains a reasonable building width for a functional internal layout, the reduction helps moderate the bulk, but also provides more space between the new and existing buildings. This is sufficient to maintain the sense of a townscape gap between the properties and views through to the greenery of the rear gardens and railway embankment when seen head-on, preserving the suburban character of the townscape in direct views. However, with the flanks at 10m and 11m in length, the increased massing of the upper floor will reduce the view of the rear greenery in oblique views, although the impact will be modest.
52. The flat roof is simple. The parapet has been reduced in height to minimise the building's apparent massing at c.600mm, this is sufficient to conceal the green roof finish and PVs. A condition requiring sectional drawings showing the green roof build up and angled arrangement of the PVs has been recommended.
53. That the ground floor has been brought close to grade is important in ensuring level access and DDA compliance, as well as contributing to the lowering of the overall height of the building. The section drawing shows an upstand of c.120mm and a small ramp.
54. Bringing the building to general grade also ensures the basement is not visible within the streetscape, which is welcome, as the street is not characterised by evident basement accommodation. Whilst there is a window opening to the front of the basement, it is for the most part concealed from view, being set below grade, and only visible close by. A grille for safety and security covers the lightwell.
55. The revised scheme offers a simple appearance for the street frontage. This comprises two window openings within the front bay and an offset entrance with projecting canopy and window above within the setback façade. The windows are large, with a vertical proportion, and has a simple 1-over-1 fenestration. Their arrangement is ordered and the overall appearance is low-key, and generally supported. Overall, the front elevation is reasonably composed.
56. In terms of material finishes, the use of brick is welcome, although a condition for material samples will ensure the use of full brick for the outer leaf and not brick slips for robustness.

Design conclusion

57. The scheme has been revised and is for a simple design that sits moderately rearward of the general building line and moderately lower in height than its period neighbours. It 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. Nonetheless, conditions are included to ensure its detailing is of a suitably high quality and that additional greenery is provided within the front garden area to support and harmonise with the wider suburban setting.

Landscaping and Trees

58. The impact of the proposals is considered to be acceptable in relation to the trees onsite with the appropriate conditions to be attached to ensure there is mitigation for the loss of trees. The submitted Arboricultural Impact Assessment (AIA) notes the presence of four trees; T1 (TPO Lime B category) to the front of No.70 Croxted Road, T2 (Eucalyptus C category) to the rear of the garage, T3 (Lime B category) and T4 (Cherry C category) in the garden. Due to the omission of the crossover to serve the host property and the siting of the proposed dwelling outside of the root protection area, (RPA) T1 is to be retained. The removal of T2 is considered acceptable due to its category and mitigation will be secured via condition to request the submission of details of four 12-14cm girth fruit trees to be planted in the rear garden. The rear garden trees T3 and T4 will be retained; in addition further conditions will be attached to ensure that the works permitted are carried out in accordance with tree protection measures outlined in the submitted AIA, as well as details of a schedule of site supervision to be submitted prior to occupation of the residential dwelling.

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

Impact upon privacy of adjoining neighbours

59. The proposal is considered to preserve privacy of neighbouring occupants. It is noted that there are no windows within the side elevations of the proposed property, as such there will be no opportunity to overlook facing windows of either No.68, No. 70 or other neighbours along Croxted Road. In addition, the boundary treatment proposed between the application property and both adjoining neighbours will be constructed to a height of 1.8m, sufficiently preserving privacy.
60. The proposed dwelling would be set in line with the maximum extent of the first floor outrigger at No.68 and the ground floor at No.70. Whilst there would be some mutual overlooking from the upper floors of the rear façade to the gardens of No.68 and 70, it is considered that this is characteristic of semi-detached and terraced properties. With regard to No.68, it is considered that the splaying of the parcel of land as the extent of the site progresses in a north easterly direction, would produce acute sight lines to offset this impact. For these reasons, the proposal would not be considered to lead to harmful overlooking impacts to neighbouring garden spaces or properties.

Impact to outlook of No.68 Croxted Road

61. The proposal is considered to be acceptable in relation to its impact upon outlook of neighbouring occupiers. From an examination of planning records (Ref:

18/AP/1989) it is noted that the neighbouring property at No.68 Croxted Road contains 7 windows within the left side elevation that face onto the application site. The ground floor contains four with two in the playroom and two in the kitchen, whilst first floor contains 3 windows, with two in bedroom 1 and one in the bathroom. Of the facing windows on the ground floor, the impact upon those within the kitchen would be considered acceptable as this room is served by other sources of outlook most notably to the rear and side of the outrigger.

62. In relation to the ground floor windows to the play room and first floor bedroom windows, it is considered that the location of the single storey garage and their proximity to the boundary would have already established a sense of enclosure, and that the proposal will not cause further harm to an unacceptable level. Whilst it is acknowledged that the windows to bedroom one will experience a greater sense of enclosure from the proposal, this is considered to be acceptable as the relationship generated would resemble the urban typology that is characteristic of the terraces of semi-detached properties along Croxted Road. Furthermore, on the first floor, the window to the bathroom would not relate to a habitable room by virtue of its use, and therefore the impact upon outlook is considered to be acceptable.

Impact to outlook of No.70 Croxted Road

63. No.70 contains 5 windows in the south east façade which would be affected by the development. Of the windows affected, one relates to the kitchen, two relate to a stairwell, one relates to a bathroom and the final to a pantry, as detailed in the daylight sunlight assessment. As the kitchen's main rear facing outlook would be maintained, the proposal would not unacceptably affect outlook to this building. As the remaining rooms would not relate to habitable rooms, the impact upon the outlook to these rooms would be considered acceptable.

Impact to daylight and sunlight of No.68 Croxted Road

64. The impact of the development to daylight received by windows located in the northern façade of No.68, is assessed by the Vertical Sky Component (VSC) set out within the applicant's daylight sunlight report below;

65. **4.1.1 Vertical Sky Component**

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

66. As outlined above, it is noted that of the windows affected in the facing flank of No.68, all bar one experience a negligible impact as a result of the development.

One window to the kitchen of this property experiences a minor adverse impact where the VSC figure 0.68 of its existing level of daylight provision. However, it is noted that this is one of two windows to the kitchen on this façade and this room is served with principle outlook to the rear. Furthermore, the impact of the proposal upon the daylight distribution received to the habitable rooms at No.68 would remain unchanged. With regard to sunlight, it is noted that the facing windows in the north elevation of this property are not oriented within 90 degrees of south, therefore do not require assessment.

67. The siting of the proposed dwelling to the north of No.68, would avert a harmful overshadowing impact to No.68, which receives at least 2 hours of sunlight on the 21 March and this would remain the same.
68. Neighbour responses have asserted that windows have been omitted from assessment at No.68. It is considered that all relevant windows have been assessed as part of the submitted daylight and sunlight report. In addition, concern has been raised at the accuracy of the VSC results between the iterations of the daylight sunlight report. Whilst it is noted that the VSC results between the iterations of the daylight and sunlight report demonstrate a variance in the figures, this is explained by more accurate modelling in response to the siting of the dwelling and its reduction in height. For the purposes of the assessment of this application, it is considered that the submitted daylight and sunlight report is accurate in its representation of the site's surroundings and the proposed development.
69. Comments received have referred to an alleged impact from solar dazzle from photovoltaics located on the roof to facing windows at No.68. It is noted that the solar panels would be set on the roof which would only be visible high above the internal floor area of the neighbouring property No.68, when compared to the elevations approved under application 18/AP/1989.

Impact to daylight and sunlight of No.70 Croxted Road

70. The applicants VSC results of the impact of the development to No.70 are below;

71.

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

72. Following an examination of the existing floor plans of no. 70, it is considered that the impact of the proposal in respect of daylight and sunlight would be acceptable, by virtue of the type of rooms these windows relate to. It is noted that across the ground, first and second floors the adjoining property contains seven windows that face the application site to the South. On the ground floor moving West to East, the facing windows relate to a; pantry, W.C, entrance hallway and kitchen. All but the latter would not be considered habitable rooms therefore would not require further assessment. With regard to the kitchen window, it is noted that this room is served by two larger windows to the side and rear, which would be the

main source of daylight and sunlight and would not be unduly affected by the siting of the proposal. In relation to the first and second floor, it is noted that the facing windows relate to a bathroom with the latter two relating to a hallway, again these would not be considered habitable rooms, therefore the impact of the proposal is considered to be acceptable.

73. The daylight distribution of the kitchen breakfast room to No.70 would remain unchanged, whilst average daylight factors would be affected to a negligible degree. With regard to the impact to sunlight, it is noted that all windows bar one relate to non-habitable rooms and therefore do not require an assessment. One window relates to the kitchen at No.70 which would face onto the kitchen which is not a principal habitable room in the context of the property where other main reception rooms are located elsewhere within the floor plan. Due to the size of the garden retained at No.70, the majority of the garden space would likely retain 2 hours of sunlight on 21 March, and therefore the development would not experience harmful overshadowing.
74. For the reasons outlined above, the proposal is not considered to 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).

Transport and Highways

75. The application would retain the existing crossover serving No.70, which is proposed to serve the new dwelling. As such, the proposal would not be considered to lead to overspill parking on Croxted Road. The Transport Policy team has requested a condition for the retention of the off street parking to the front of the property, to avoid any future on street parking congestion. However, it is considered that as the proposal would maintain existing off street parking arrangements and given the surrounding area is not within a controlled parking zone it is not considered necessary add this condition. It is acknowledged that the proposed development would result in the loss of the existing parking serving no. 70 Croxted Road. However the road has existing on street parking arrangements which is considered acceptable given the location of development and the small quantum of development proposed.
76. The proposal would be served with 5 horizontally arranged cycle parking spaces, located in the rear garden which would be in excess of the 3 required in accordance with Southwark Plan standards. Whilst the cycle parking would be covered and located in the rear garden, it is considered that the appearance of the proposed shed visible on the planning register would not be residential in scale so it has been considered necessary to secure the submission of details of cycle parking to ensure the provision of secure, convenient and weatherproof cycle parking that is also of a high quality of design and appropriate to its residential surroundings. Concern has been raised that the cycle parking location would affect the root protection area of the tree on the boundary between Nos. 70 and 72, however, the site plans shows this to be near the new boundary created between the new dwelling and No.70 therefore would not harm the health of this tree.
77. For the reasons outlined above, the proposal is considered to accord with P50 'Highway Impacts' and P53 'Cycling' and P54 'Car parking' of the Southwark Plan (2022).

Refuse storage

78. The site location plan submitted in support of the application form, shows the provision of a small bin store perpendicular to the public highway, which could accommodate three 240L wheeled bins, for recycling, general waste and garden waste. This would be considered sufficient to accommodate the needs of the new dwelling, in accordance with P62 'Reducing waste' of the Southwark Plan (2022).

Noise and vibration

79. The proposal would not be considered to lead to undue noise pollution. Whilst some comments have referred to noise from construction, it is considered that this can be controlled and enforced by the appropriate statutory body of the council if required.

Energy and sustainability

80. The application has been supported with an energy statement to demonstrate compliance with P70 'Energy' of the Southwark Plan (2022). This requires that development be; lean (energy efficient design and construction), clean (low carbon energy supply) and green (on site renewable energy generation and storage). The proposal will utilise efficient U values which improve upon the minimum requirement of Part L1A 2013 of the Building Regulations. The following values will be provided; walls 0.18, roof 0.13 as well as windows and doors 1.4. This will ensure that the building fabric efficiently manages heat to reduce energy demand in line with be lean requirements. The development would also utilise efficient combi boilers which have a flue gas heat recovery system fitted and designed to reduce gas demand by 25%, in accordance with be clean requirements. In addition, the proposed roof plans show the presence of 10 photovoltaic panels which will help provide renewable energy to the proposed dwelling. For the reasons outlined above, the proposal is considered to provide climate mitigations proportionate to the scale of the development and in accordance with P70 'Energy' of the Southwark Plan (2022).

Ecology and biodiversity

81. The proposal has been assessed in consultation with the council's ecology officer who has raised no objection subject to conditions. It is noted that the application site abuts a SINC to the rear, with the railway embankment running North to South. It is noted that the presence of bats has been recorded here, as such a condition will be attached to ensure that there is not lighting installed that would illuminate the rear boundary of the property. Furthermore, the applicant has agreed for details of swift brick boxes and a green roof to be secured by condition. It is considered that with these conditions in place the proposal accords with P60 'Biodiversity' of the Southwark Plan (2022).

Air quality

82. The application has been assessed in consultation with EPT, who had requested the attachment of conditions for the compliance of the development with the air quality report submitted in support of the application and the provision of an ultra-low nitrous oxide boiler. With regard to the latter condition, it is not considered necessary to add a condition for the specification of boilers as this is not considered to be within the remit of the planning system. For the reasons outlined

above, the proposal accords with P65 'Improving air quality' of the Southwark Plan (2022).

Ground conditions and contamination

83. The application site is currently undeveloped and is considered to be at low risk of being contaminated. EPT have requested that the compliance element of a standard contamination condition be retained, which obliges the developer to notify the council if any contaminants are found within the construction period, in accordance with P64 'Contaminated land and hazardous substances' of the Southwark Plan (2022).
84. The application has been assessed in consultation with Thames Water who have requested the attachment of a condition for the submission of a piling method statement before the carrying out of foundation works due to the site's proximity to Thames Water assets.

Water resources and flood risk

85. The proposed development is within Flood Zone 1, however, it is at high surface water flood risk and sits within a critical drainage area. The Flood Risk Management Team at the Council have been extensively consulted despite the application being minor in nature, as a result of the objections raised in relation to flooding.
86. Over the life of the planning application, a Basement Impact Assessment has been provided in support of the application, this has been reviewed by the Flood Risk Management Team who raise no objection subject to two conditions relating to a detailed drainage design and drainage verification report.
87. Officers have included the requested conditions in relation the flood risk and as such consider the proposed development is in accordance with Policy SI 13 of the London Plan (2021).

Planning obligations (S.106 undertaking or agreement)

88. The proposal is considered to be acceptable in accordance with Policy P1 'Social rented and intermediate housing' and Policy 1P3 'Community Infrastructure Levy (CIL) and Section 106 Planning Obligations', subject to the applicants entering into a Section 106 Legal Agreement to secure the required affordable housing contribution that is outlined in the table enclosed below.

89.

Planning obligation	Mitigation	Applicant's position
Housing, Viability and Amenity Space		
Affordable rent (social and	Fast track route;	Agreed

intermediate) housing Provision	<ul style="list-style-type: none"> • 6 Habitable rooms • £30,000 per habitable room • Gross contribution (6 X 30,000 = £180,000) • 35% affordable housing contribution £63,000 	
Administration fee	Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum.	Agreed

90. In the event that the legal agreement is not completed by 24 October 2024 it is recommended that the Director of Planning and Growth be directed to refuse planning permission on the following grounds;
91. In the absence of a signed legal agreement, the proposal would fail to provide suitable mitigation in terms of planning gain contrary to policies DF1 'Delivery of the Plan and Planning Obligations' of the London Plan (2022), Policy P1 'Social rented and intermediate housing' and Policy 1P3 'Community Infrastructure Levy (CIL) and Section 106 Planning Obligations' of the Southwark Plan (2022) and the Southwark 'Section 106 Planning Obligations and Community Infrastructure Levy SPD' (2015).

Mayoral and borough community infrastructure levy (CIL)

92. The property is located in CIL zone 2 and MCIL2 band 2 in the Dulwich Village ward. The application is CIL liable as it is creating a new dwelling and has been credited demolition as garage ancillary to house. The demolition amount could change if main house not used as house for 6 months within 3 years prior to decision date.

The estimated MCIL is £6580.91 and the estimated SCIL is £27115.15. The total amount is £33696.06. However, if self-build relief sought and granted then CIL amount estimated to be £0.

Consultation responses, and how the application addresses the concerns raised

Consultation responses from members of the public

93. Summarised below are the material planning considerations raised by members of the public undertaken in the first round of consultation, undertaken between: **27/01/20 – 17/02/20:**
- The proposal would not accord with guidance in the Dulwich SPD
 - The proposal would be harmful to the design amenity of the street and would be uncharacteristic of the area

- The proposal fails to preserve the character of nearby heritage assets
- The existing garage is a heritage asset and should be preserved
- The proposal would overdevelop the site
- The proposal would lead to overspill parking congestion
- The proposal would lead to the loss of trees
- The proposal would overlook neighbouring properties
- The proposal would detrimentally harm the receipt of daylight and sunlight to neighbouring properties
- The proposal would provide an inadequate quality of accommodation
- The plans submitted overstate the size of the site and are inaccurate
- The proposal would increase flood risk in the area
- The proposed basement would lead to subsidence for neighbours
- The sustainability credentials of the development are overstated
- The proposal has not surveyed the impact upon bats locally
- The proposal has not mitigated against poor air quality in the area
- The application has not addressed all points raised by the pre-application advice
- The construction process would lead to noise nuisance
- The proposal would lead to increased fire risk
- The proposed cycle parking storage details are insufficient
- The proposal would enhance access to the rear gardens of neighbouring properties.

94. Summarised below are the additional material planning considerations, not previously raised by members of the public in the first consultation window. The comments below are taken in the first re-consultation between: **30/04/2020 – 14/05/2020**

- The proposal has not altered sufficiently since the first consultation
- The amended proposal retains inaccurate information on the size of the site
- The site plans show the ground floor maximum extent of No.70, not the upper floors which is inaccurate
- The siting of the new building behind neighbours at the upper floor level is inappropriate
- The amended plans do not accord with the require space standards
- The proposal does not assess a light or overshadowing impact to neighbouring properties

95. Summarised below are the additional material planning considerations, not raised by members of the public in previous rounds of consultation. The comments below are taken in the second re-consultation between:

26/06/2020 - 17/07/2020

- No comments received.

96. Summarised below are the additional material planning considerations, not raised by members of the public in previous rounds of consultation. The comments below are taken in the third re-consultation between: **16/03/2021 – 08/04/2021**

- Other planning approvals along the road have not consented buildings behind the rear building line
- The positioning of trees in the submitted plans and details is incorrect
- The application does not contain a basement impact assessment and highlights significant risks associated with basement construction
- The flood risk assessment highlights ground water risk from a basement
- The amended daylight and sunlight assessment shows an adverse impact to No.70 Croxted Road
- The standard of cycle parking remains unclear
- Insufficient detail on how the crossover will preserve the highway.

97. Summarised below are the additional material planning considerations, not raised by members of the public in previous rounds of consultation. The comments below are taken in the fourth re-consultation between: **15/05/2023 – 05/06/2023**

- The amended daylight and sunlight report does not contain assessment of all windows at No.68
- The daylight and sunlight report does not assess solar dazzle to nearby windows
- The difference of VSC figures between the previous versions of the daylight sunlight report is unclear.
- The energy statement refers to flats therefore may have incorrect calculations
- The fire statement incorrectly refers to approved drawings
- The proposal would not result in any affordable housing
- The council has not consulted sufficiently on the proposal and amended details
- The application has not demonstrated compliance with climate policy through loss of the tree.

98. Summarised below are the additional material planning considerations in the final round of public reconsultation. The comments below are taken in the fifth re-consultation between: **08/01/2024 – 29/01/2024**

- The back of 2nd floor building is way too high that disturb neighbouring privacy
- Money making scheme
- Eye sore
- There are two similar new build type houses nearby – 136A Croxted Road and 80 Turney Road which have been on the market for a while and are struggling to sell, another property of this sort here is not necessary
- Not inkeeping with the neighbouring homes
- Lack of privacy
- Proposal is longer than every single new and existing building on the street
- No precedent for a building of this length or the proposed rear building line overhang
- Recently approved new builds on the street (136A, 142A, 144A Croxted Road) have had to align with the establish urban grain of the neighbouring properties and rear building lines
- Building length will have a significant detrimental impact on the amenity and privacy of all neighbours within the vicinity
- Loss of light impacts would be severe to neighbouring properties

- A two storey extension would look odd and out of line compared to the rest of the road and would result in a loss of privacy for the surrounding properties which is a key benefit on our particular road given the quiet gardens which are not currently overlooked
- House is completely out of keeping with Victorian façade
- The 2nd floor of this property height and massing is significantly more than the existing dwelling
- Concerns over surface water and flooding if approved the excavation and build could again impact and change the water table adding flood risk
- Concerns re: cutting down mature and healthy tree, displacement of more grass, replacement of ecosystems with more concrete foundations, building process itself, infrastructure implications
- Oversized and inappropriate massing – footprint is 50% larger than existing garage and extends much further back than the existing garage
- Proposed development does not maintain the spacing between the adjacent houses that currently exists along the streetscape and provides character to the area
- Aggressively modern front elevation that is not in keeping with the local area
- The proposed off street parking provision for the existing main house on the site requires a new dropped curb to be created and reduces the on-street parking provision which is already limited
- Additionally the off-street parking provision for the existing main house on the site in front of the bay window does not appear achievable for a family sized car without overhanging the public pavement outside
- Increased congestion as a result of another dwelling
- Reduced amenity for neighbouring houses on Croxted Road due to: loss of light, obstruction to views from the side windows of both no. 68 and no. 70, overshadowing to 70 Croxted Road in particular loss of light to habitable kitchen space of this property
- Piling needed to create basement will likely have negative impact on no. 70
- Detrimental views from the rear gardens of both neighbours
- Basement patio which is not inkeeping with local area
- The balcony design impacts the privacy of the immediate neighbours and is not in keeping with Dulwich Estate guidelines
- The new dwelling will provide substandard accommodation
- There will be a lack of privacy to the bedrooms proposed
- The removal of mature trees to the rear
- Concerns over the mature and healthy eucalyptus tree situated behind the existing and attractive garage is still in jeopardy
- Impact on privacy over 7 houses away due to the length of the proposed application.

99. In total 55 letters of objection have been received during the life of the planning application and no letters of support.

Consultation responses from internal and divisional consultees

100. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.

101. Design and Conservation Team:

- Design comments provided in above relevant section of the report.

Officer Comment: Noted.

102. Transport Policy:

- The proposed development would have adequate cycle parking and bin storage. The provision of 5 cycle parking spaces is more than acceptable. The proposed parking is acceptable as it is as existing. Condition recommended to submit details of cycle parking and retain the driveway to the front for parking

Officer Comment: Noted.

103. Environmental Protection Team:

- Acceptable subject to the following conditions: Residential internal noise levels, Horizontal sound transmission between residential units, Plant Noise, Protection from vibration, Compliance with air quality assessment, Domestic gas boilers, Contaminated land – further findings, CEMP

Officer Comment:

- Conditions for rated internal noise and vibration levels have been added
- It is noted that the application seeks consent for one residential dwelling, so there is no risk of sound transmission between units
- It is noted that no plant machinery is proposed as part of the works
- The requested air quality conditions are not required
- The condition for potential land contamination will be added
- CEMP has been added
- Both informatives related to hours of work will be added.

104. Highways:

- Install a new vehicle crossover outside 70 Croxted Road using materials in accordance with the SSDM (Southwark Streetscape Design Manual)
- Upgrade the existing vehicle crossover using materials in accordance with the SSDM (Southwark Streetscape Design Manual)
- The applicant or developer will be required to repair any damage to the highway due to construction activities for the development including construction work and the movement of construction vehicles.

Officer Comment:

- The above listed comments were received in response to the proposal's first iteration where the development included the provision of an additional vehicle crossover which has now been omitted, as such the condition for the improvement of the existing crossover is not required.
- A joint condition survey is no longer considered to be required for this scale of

development which no longer includes an additional crossover to serve no. 70. The applicant is reminded of the requirements in relation to damage on the highway as a result of the development.

105. Urban Forester:

- The proposed new crossover and parking area is sited within the root protection area of the TPO lime tree and does not conform to required lengths in terms of design and would require its removal
- A no-dig approach over the crossover would need to be conducted under strict arboricultural supervision so as not to prejudice the root system
- Two trees have been earmarked to replace the Eucalyptus, any shortfall would need to be met through a S.106 contribution based on the CAVAT value of the tree.
- The Basement Impact Assessment notes there is a moderate risk of subsidence and recommends that trees near the building are not removed without expert advice.

Officer comment:

- The originally proposed crossover to serve No.70 has been omitted
- A condition has been agreed for the planning of four fruit trees to mitigate the loss of the Eucalyptus tree
- The Basement Impact Assessment has been assessed in consultation with Flood Risk Management and would be subject to Building Regulation compliance.

106. Ecology:

- The application form is incorrect in stating there are no trees onsite, as there is a TPO tree to the front of the property and one behind the garage
- There are records of Bats along the SINC boundary so no new lighting should be installed that illuminates the rear boundary
- The development could have a green roof and nest boxes, I advise the appropriate conditions to secure these.

Officer comment:

- The presence of trees onsite is noted, the impact of the development is noted and assessed in the arboricultural impact assessment
- The requested conditions for nest boxes and provision of a green roof are attached
- A condition will be instated to prohibit rear lighting.

107. Flood Risk Management Team:

- Proposed development is acceptable subject to the imposition of the following conditions: Detailed Drainage Design and Drainage Verification Report
- Assessed the flood risk aspects of the BIA which appears to show the risk of groundwater flooding as moderate and as such suitable waterproofing

measures should be included within the design of the basement to mitigate against the risk of groundwater flooding

- Any structural/geotechnical elements of the BIA would fall outside our remit as the LLFA.

Officer comment: Noted and included.

Consultation responses from external consultees

108. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.

109. Thames Water:

- No objection to the proposed development based on the information provided.
- As the application site is located within 15m of a strategic sewer, Thames Water request that a condition be attached requiring that no piling take place in connection with the development permitted until a Piling method statement has been submitted to and approved in writing by the Local Planning Authority.
- Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Officer Comment:

- The requested condition has been attached and the additional comments are noted with the informatives added.

110. These matters are addressed comprehensively in the relevant preceding parts of this report.

Community impact and equalities assessment

111. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.

112. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

113. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
114. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

Human rights implications

115. This application has the legitimate aim of providing one dwelling for residential use. 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.

Positive and proactive statement

116. The council has published its development plan on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
117. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and submissions that are in accordance with the application requirements.

118. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	Yes
If the pre-application service was used for this application, was the	Yes

advice given followed?	
Was the application validated promptly?	Yes
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	Yes
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	Yes

Conclusion

119. 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. The proposed development would not result in harm to neighbouring amenity nor raise concerns in regards to flood risk. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth 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 0254

APPENDICES

No.	Title
Appendix 1	Recommendation - Draft Decision Notice
Appendix 2	Planning policies
Appendix 3	Relevant planning history
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Lara Davison, Planning Officer	
Version	Final	
Dated	10 April 2024	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team	10 April 2024	

Recommendation

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

Applicant	Mr T YUSUF	Reg. Number	19/AP/7597
Application Type	Minor application		
Recommendation	GRANT subject to Legal Agreement	Case Number	2544-70A

Draft of Decision Notice

Grant subject to Legal Agreement for the following development:

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

70 Croxted Road London Southwark SE21 8NP

In accordance with application received on 30 December 2019 and Applicant's Drawing Nos.:

Existing Plans

Proposed Plans

PROPOSED BASEMENT FLOOR PLAN 02B received 15/03/2021

PROPOSED GROUND FLOOR PLAN 03B received 15/03/2021

PROPOSED FIRST FLOOR PLAN 04B received 15/03/2021

EXISTING REAR CONTEXT ELEVATION 60 received 11/05/2023

EXISTING STREETSCENE FRONT ELEVATION 14F received 23/11/2023

PROPOSED STREETSCENE FRONT ELEVATION 08F received 23/11/2023

PROPOSED REAR CONTEXT ELEVATION 61A received 23/11/2023

PROPOSED FRONT - REAR ELEVATIONS 05C received 23/11/2023

PROPOSED SIDE ELEVATIONS 06B received 23/11/2023

PROPOSED FRONT ELEVATION AND 136A CROXTED ROAD EXISTING FRONT ELEVATION 09D received 23/11/2023

PART PROPOSED GROUND FLOOR - FRONT ELEVATION AND 68 CROXTED ROAD EXISTING FRONT 100B received 23/11/2023

Other Documents

FOR REFERENCE - EXISTING - PROPOSED SITE PLAN WITH DIMENSIONS 21B received 15/03/2021

PROPOSED BASEMENT DRAINAGE LAYOUT 200 received 14/04/2023

PROPOSED GROUND FLOOR DRAINAGE LAYOUT 201 received 14/04/2023

PROPOSED FIRST FLOOR DRAINAGE LAYOUT PLAN 202 received 14/04/2023

DRAINAGE DETAIL 205 received 14/04/2023

SITE DRAINAGE LAYOUT 199 received 14/04/2023

PROPOSED ROOF PLAN 12D received 24/04/2023

LOCATION AND SITE PLANS 01H received 11/05/2023

PROPOSED NEIGHBOUR CONTEXT PLAN 50A received 11/05/2023

PROPOSED SECTION 07B received 23/11/2023

AIR QUALITY ASSESSMENT received 21/02/2020

AMENDED DESIGN ACCESS STATEMENT received 28/04/2020

ENERGY STATEMENT received 14/04/2023

AMENDED - ARBORICULTURAL IMPACT ASSESSMENT CRLDN-01 received 27/05/2020

FLOOD RISK ASSESSMENT AND SUDS ASSESSMENT REPORT 1027 received 15/03/2021

PLANNING FIRE SAFETY STRATEGY received 25/04/2023

Time limit for implementing this permission and the approved plans

2. The development hereby permitted shall be begun before the end of three years

from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

Permission is subject to the following Pre-Commencements Condition(s)

3. No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure

4. No works (excluding demolition and site clearance) shall commence until full details of the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) have been submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance, as detailed in the Flood Risk Assessment and SuDS Assessment Report prepared by Flume Consulting Engineers (dated October 2020) and supporting information. The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows. The site drainage must be constructed to the approved details.

Reason: To minimise the potential for the site to contribute to surface water flooding in accordance with Southwark's Strategic Flood Risk Assessment (2017) and Policy SI 13 of the London Plan (2021).

5. No dwelling shall be occupied until a drainage verification report prepared by a suitably qualified engineer has been submitted to and approved in writing by the Local Planning Authority. The report shall provide evidence that the drainage system (incorporating SuDS) has been constructed according to the approved details and specifications (or detail any minor variations where relevant) as detailed in the Flood Risk Assessment and SuDS Assessment Report prepared by Flume Consulting Engineers (dated October 2020) and supporting information, and shall include plans, photographs and national grid references

of key components of the drainage network such as surface water attenuation structures, flow control devices and outfalls. The report shall also include details of the responsible management company.

Reason: To ensure the surface water drainage complies with Southwark's Strategic Flood Risk Assessment and Policy SI 13 of the London Plan (2021).

6. Prior to works commencing, full planting details of 4 fruit trees to be at a minimum girth of 12-14cm, shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

7. Before any above grade work hereby authorised begins, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roof(s) shall be:

* biodiversity based with extensive substrate base (depth 80-150mm);

* laid out in accordance with agreed plans; and

* planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the green/brown roof(s) and Southwark Council agreeing the submitted plans, and once the green/brown roof(s) are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity as well as contributing to the Urban Greening Factor requirements of the London Plan (2021) with the aim of attaining a minimum score of 0.4 for residential developments and 0.3 for commercial developments in accordance with the National Planning Policy Framework (2023); Policy G1 (Green Infrastructure), Policy G5 (Urban Greening), Policy G6 (Biodiversity and access to nature); Policy P59 (Green infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

8. Details of 2 Swift nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission.

No less than 2 nesting bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The Swift nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in

accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity as well as contributing to the Urban Greening Factor requirements of the London Plan (2021) with the aim of attaining a minimum score of 0.4 for residential developments and 0.3 for commercial developments in accordance with the National Planning Policy Framework (2023); Policy G1 (Green Infrastructure), Policy G5 (Urban Greening), Policy G6 (Biodiversity and access to nature); Policy P59 (Green infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

9. Prior to the commencement of any above ground works (excluding demolition and archaeological investigation), the following details shall be submitted to the Local Planning Authority for its approval in writing: Section detail-drawings at a scale of at least 1:5 or 1:10 through:
- o the façades;
 - o roofs and parapets; and
 - o heads, cills and jambs of all openings.

The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the Local Planning Authority may be satisfied as to the quality of the design and details in accordance with the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

10. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:

- A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;

- Site perimeter continuous automated noise, dust and vibration monitoring;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.);
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations; and
- A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.

To follow current best construction practice, including the following:

- Southwark Council's Technical Guide for Demolition & Construction at <https://www.southwark.gov.uk/construction>;
- Section 61 of Control of Pollution Act 1974;
- The London Mayors Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition';
- The Institute of Air Quality Management's 'Guidance on the Assessment of Dust from Demolition and Construction' and 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites';

- BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise';
- BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration';
- BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration;
- BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting; and
- Relevant Stage emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 as amended & NRMM London emission standards (<https://nrmm.london>).

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the National Planning Policy Framework (2023); Policy P50 (Highway impacts), Policy P56 (Protection of amenity), Policy P62 (Reducing waste), Policy P64 (Contaminated land and hazardous substances), Policy P65 (Improving air quality) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Permission is subject to the following Grade Condition(s)

11. Prior to above grade works commencing (excluding demolition and archaeological investigation), material samples/sample panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall remain on site for inspection for the duration of the building's construction and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of

design and detailing in accordance with the National Planning Policy Framework (2023), Policy D4 (Delivering good design) of the London Plan (2021) and Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

12. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, available rooting space, tree pits, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season.

Works shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations, BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 03:2022 (EN) - Tree Planting Standard.

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2021; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

Permission is subject to the following Pre-Occupation Condition(s)

13. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. 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 a suitably qualified and pre-appointed tree specialist.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021 Parts, 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021); Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan (2021); Policy P13 (Design of Places), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

Permission is subject to the following Compliance Condition(s)

14. The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T†, 30 dB LAeq T*, 45dB LAFmax T *

Living rooms- 35dB LAeq T †

Dining room - 40 dB LAeq T †

* - Night-time 8 hours between 23:00-07:00

† - Daytime 16 hours between 07:00-23:00.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation in accordance the National Planning Policy Framework (2023); Policy P56 (Protection of amenity); and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

15. Prior to occupation this development shall achieve full compliance with the air quality assessment mitigation measures as detailed in Air Quality Assessment ref P1027_A_1 by Air Pollution Services Ltd (APS) dated 10 February 2020.

Reason: To minimise the impact of the development on local air quality within the designated Air Quality Management Area in accordance with the National Planning Policy Framework (2023); Policy P65 (Improving air quality); and Policy P70 (Energy) of the Southwark Plan (2022).

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA), shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be assessed in consultation with the Environment Agency and implemented as approved, verified and reported to the satisfaction of the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework (2023); Policy P56 (Protection of amenity) and Policy P64 (Contaminated land and hazardous substances) of the Southwark Plan (2022).

17. 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 (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Report dated 27/05/20. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) and BS3998: (2010).

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2021 Parts, 8, 11, 12, 15 and 16; Policies G1 (Green Infrastructure, G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021); Policies G5 (Urban greening) and G7 (Trees and woodland) of the London Plan (2021); Policy P13 (Design of Places), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

18. The development must be designed to ensure that habitable rooms in the residential element of the development are not exposed to vibration dose values in excess of 0.13 m/s during the night-time period of 23.00 - 07.00hrs.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation in accordance the National Planning Policy Framework (2023); Policy P56 (Protection of amenity); and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

19. In the interest of preservation of the habitats of bats in the Sydenham Hill and West Dulwich Railside SINC, no lighting shall be erected that illuminates the rear boundary of the property, unless agreed in writing by the Local Planning

Authority.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework (2023); Policy G1 (Green Infrastructure), Policy G5 (Urban Greening), Policy G6 (Biodiversity and access to nature) of the London Plan (2021); Policy P59 (Green infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

Informatives

- 1 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 3 All developers and contractors working on this development are given notice that standard site hours are:

Monday to Friday - 08.00 - 18.00hrs

Saturday - 09.00 - 14.00hrs

Sundays & Bank Hols - no works

Any programmed/expected work required outside the standard site hours will require permission from Southwark's Environmental Protection Team under S61 of the Control of Pollution Act 1974 (e.g. regular extensions for set-up and clean down periods, extended concrete pours, the delivery and collection of abnormal loads, etc.). An application form can be found on the Southwark website - the link is:- <http://www.southwark.gov.uk/construction>

Follow the instructions on the web page to the form, complete it and submit it on-line. Forms need to be submitted a minimum of 28 working days before permission is needed to be in place for regular extended site hours and 5 working days before permission is needed to be in place for a short, temporary extension to site hours.

- 4 Should a site manager require an un-foreseen emergency extension of site hours (for emergency engineering or health & safety reasons) they will require express permission from Southwark's Noise & Nuisance Team who can be contacted 24/7 via a call centre on 0207 525 5777. An officer will call back to address the issue verbally as soon as they are available.

Planning Policies

National Planning Policy Framework (the Framework) 2023

The revised National Planning Policy Framework ('NPPF') was published on 19 December 2023 and sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

Paragraph 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D10 Basement development
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy HC1 Heritage conservation and growth
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling

- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T7 Deliveries, servicing and construction

Southwark Plan 2022

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- P1 Social rented and intermediate housing
- P2 New family homes
- P11 Self and custom build
- P13 Design of places
- P14 Design quality
- P15 Residential design
- P18 Efficient use of land
- P19 Listed buildings and structures
- P20 Conservation areas
- P50 Highways impacts
- P53 Cycling
- P54 Car Parking
- P56 Protection of amenity
- P60 Biodiversity
- P61 Trees
- P65 Improving air quality
- P69 Sustainability standards
- P70 Energy

Area based AAP's or SPD's

Of relevance in the consideration of this application are:

- 2015 Technical Update to the Residential Design Standards SPD (2011)
- Heritage SPD (2021)
- Dulwich SPD (2013)

Relevant planning history

No relevant planning history

Consultation undertaken

Site notice date: 02/03/2020

Press notice date: 30/01/2020

Case officer site visit date: 11/10/2023

Neighbour consultation letters sent: 08/01/2024

Internal services consulted

LBS Design & Conservation Team [Formal]

LBS Design & Conservation Team [Formal]

LBS Transport Policy

LBS Environmental Protection

LBS Ecology

LBS Flood Risk Management & Urban Drain

LBS Urban Forester

LBS Highways Development & Management

LBS Community Infrastructure Levy Team

Statutory and non-statutory organisations

Thames Water

Neighbour and local groups consulted:

68 Croxted Road London Southwark

Re-consultation:

Consultation responses received

Internal services

LBS Design & Conservation Team [Formal]

LBS Transport Policy

LBS Environmental Protection

LBS Ecology

LBS Flood Risk Management & Urban Drain

LBS Urban Forester

LBS Highways Development & Management

Statutory and non-statutory organisations

Thames Water

Neighbour and local groups consulted:

10 Lings Coppice London SE21 8SY

80 CROXTED ROAD LONDON SE21
8NP

96 Croxted Road London SE21 8NP

56 Walkerscroft Mead London

102 Croxted Road London SE21 8NR

3 Pickwick road London SE217JN

72 Croxted Road London SE21 8NP

72 Croxted Road London SE21 8NP

76 South Croxted Road London SE21
8BD

116 Croxted Road Dulwich London

66 Croxted Rd London SE21 8NP

68 Croxted Road London SE21 8NP

50 Champion Hill London SE5 8BS

151 Thomas More House Barbican
London

Turney Road London SE21

51 Great Brownings Dulwich London

98 Croxted Rd London SE218NP

64 Croxted Road London SE21 8NP

84 Croxted Road West Dulwich London

98 Croxted Rd London SE218NP

68 Croxted Road London SE21 8NP

74 Croxted Road West Dulwich London

87 pymers mead london se21 8nj

3 Pymers Mead LONDON SE21 8NQ

68 Croxted Road London SE21 8NP

12 Perifield West Dulwich London

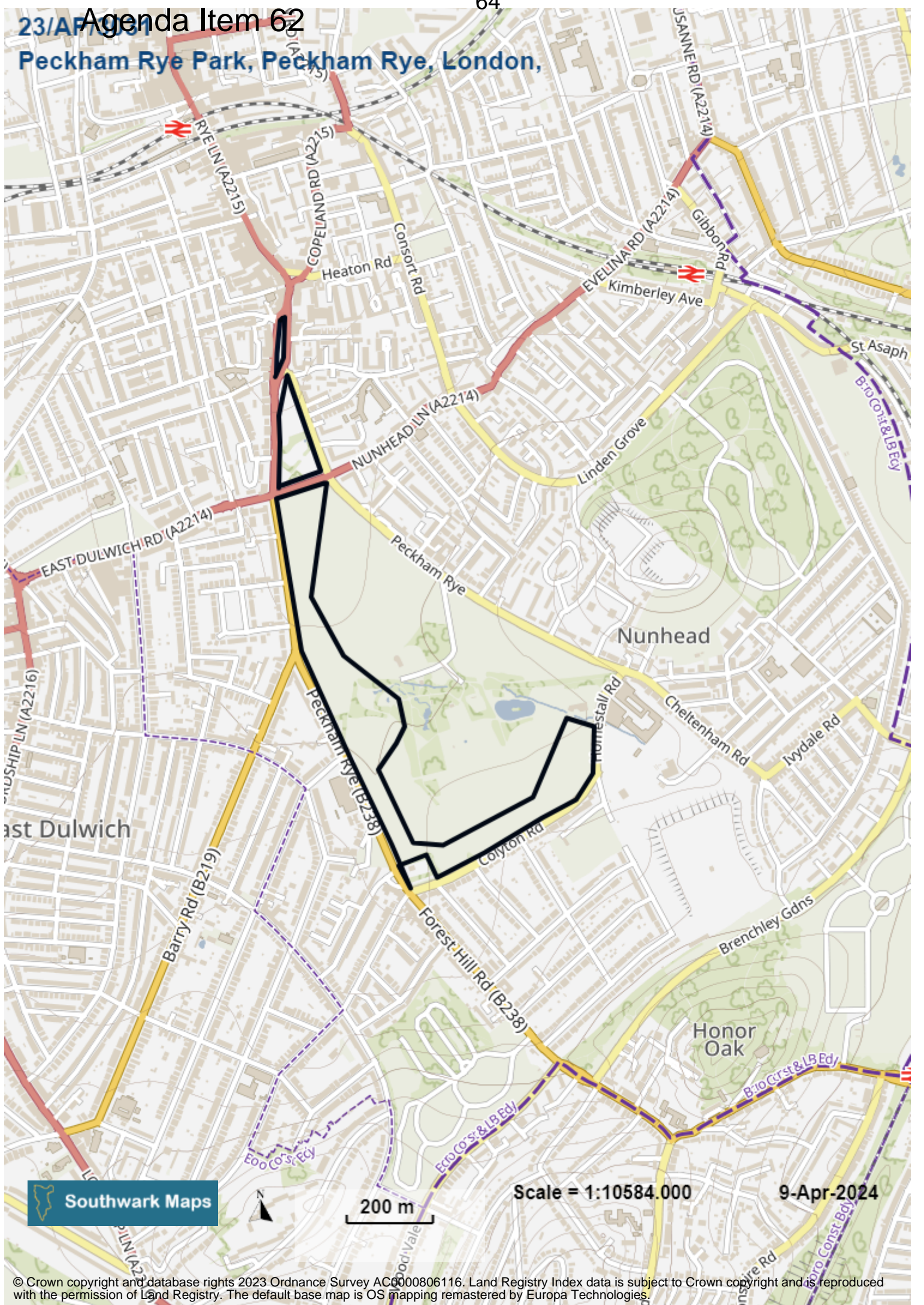
72 Croxted Road London SE21 8NP

84 Croxted Road London SE21 8NP

98 Croxted Road London SE21 8NP
3 Secker House Loughborough Estate
London
Apt B54 23 Albert Embankment London
9 Cokers Lane Dulwich London
66 Croxted Road London SE21 8NP
51 Great Brownings Dulwich London
74 Croxted Road West Dulwich London
3 Cokers Lane London SE27 9AX
68 Croxted Road West Dulwich London
80 Croxted Road London SE21 8NP
19 Cheviot Road London SE27 0LF
51 Great Brownings London SE21 7HP
84 Croxted Road West Dulwich London
84 Croxted Road West Dulwich London

68 Croxted road London Se218np
84 Croxted Road London Southwark
74 Croxted Road West Dulwich SE21
8NP
84 Croxted Road West Dulwich London
88 Croxted Road London SE21 8NP
269 Croxted Road London SE21 8NN
72 Croxted Road London SE21 8NP
94 croxted road London Se218np
64 Croxted Road London SE21 8AE
68 Croxted Road London SE21 8NP
80 Croxted Road London SE21 8NP
9 Cokers Lane 3 London
98 Croxted Road London SE21 8NP

Peckham Rye Park, Peckham Rye, London,



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Item No. 6.2	Classification: Open	Date: 24 April 2024	Meeting Name: Planning Committee (Smaller applications)
Report title:	Development Management planning application: Application for: Full Planning Application 23/AP/3031 Address: PECKHAM RYE PARK AND COMMON, SOUTHWARK SE15 3UA Proposal: 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.		
Ward or groups affected:	Peckham Rye		
From:	Director of Planning and Growth		
Application Start Date 05/01/2024		PPA Expiry Date 05/04/2024	
Earliest Decision Date 03/04/2024			

RECOMMENDATION

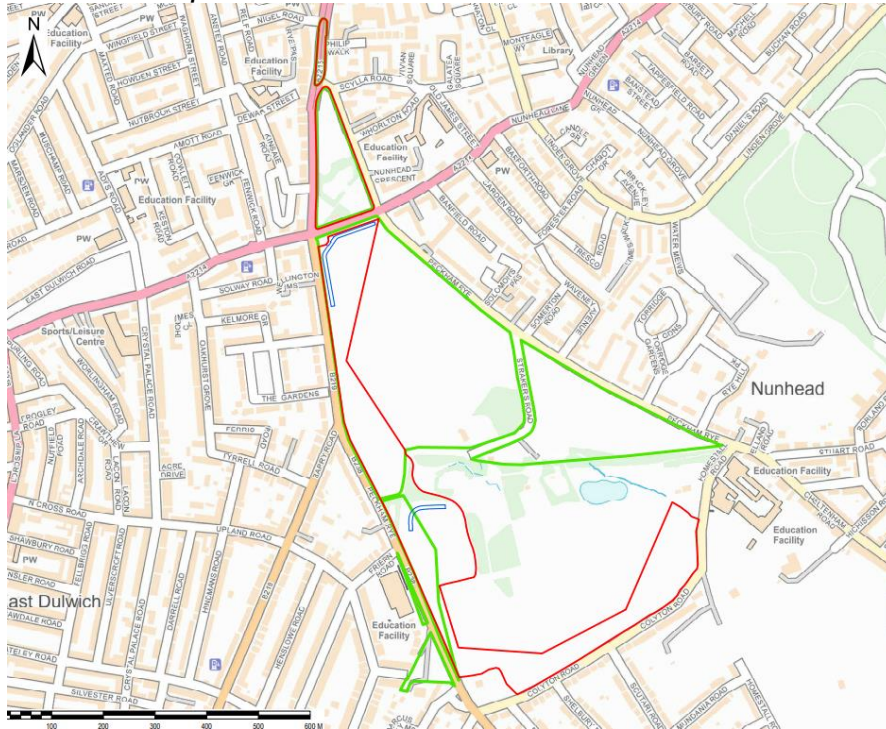
1. That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

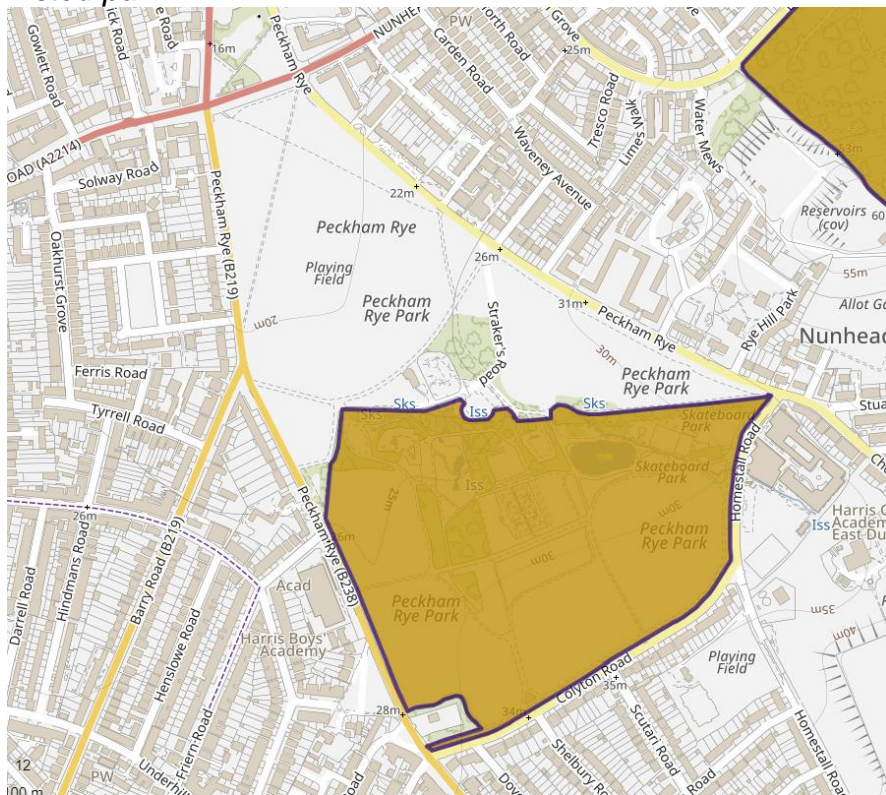
2. The application site is within Peckham Rye Park and Common predominantly along the southern and western boundaries of the park, adjacent to Colyton Road and Peckham Rye respectively, as well as the areas of the park to the north of East Dulwich Road.
3. The site is subject to the following designations:
 - Metropolitan Open Land (MOL)
 - Site of Importance for Nature Conservation (SINC)
 - Green Chain Park
 - Air Quality Management Area
 - Peckham and Nunhead Action Area
 - Nunhead Area Vision Boundary
 - East Southwark Critical Drainage Area

Site location plan



4. The south of Peckham Rye Park itself is a Grade II listed registered Park and Garden, as shown below.

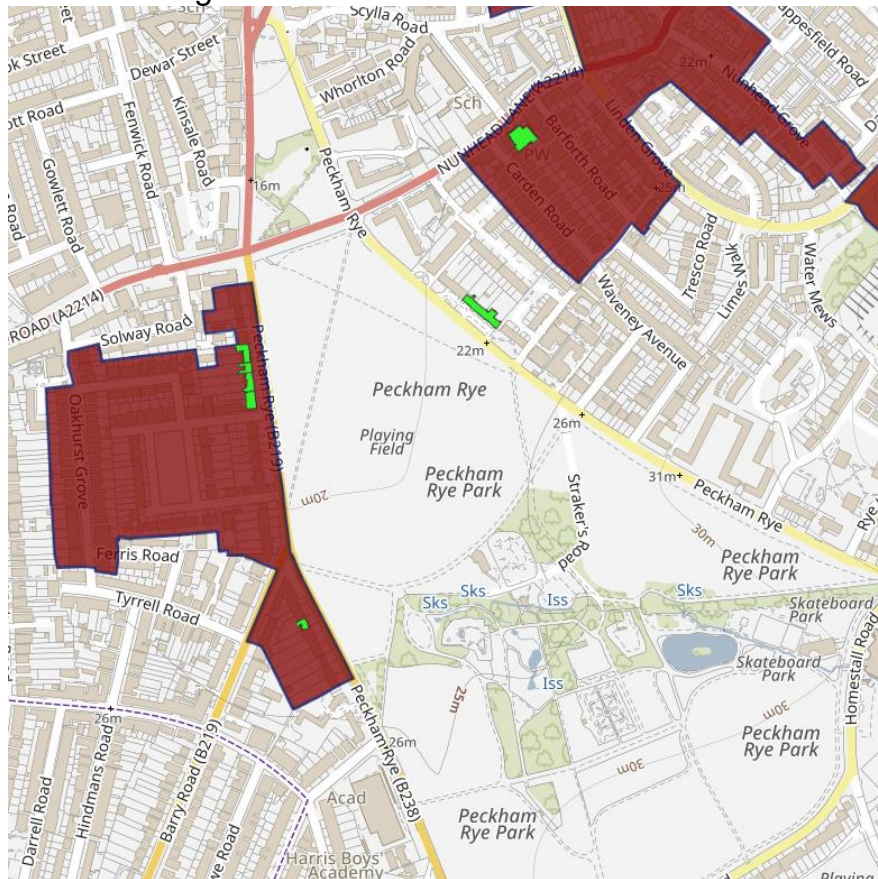
Listed park



5. The Gardens Conservation Area is located directly to the west of the application site. There are no listed buildings on the site, although Numbers 156 and 158

Peckham Rye, Numbers 160 and 162 Peckham Rye (The British Red Cross Society) and Number 200 Peckham Rye, to the west, are Grade II listed buildings. 141 to 153 Peckham Rye, to the east, are also Grade II listed buildings. Nunhead Green Conservation Area is located beyond the application site to the north east.

Listed buildings and conservation areas



Details of proposal

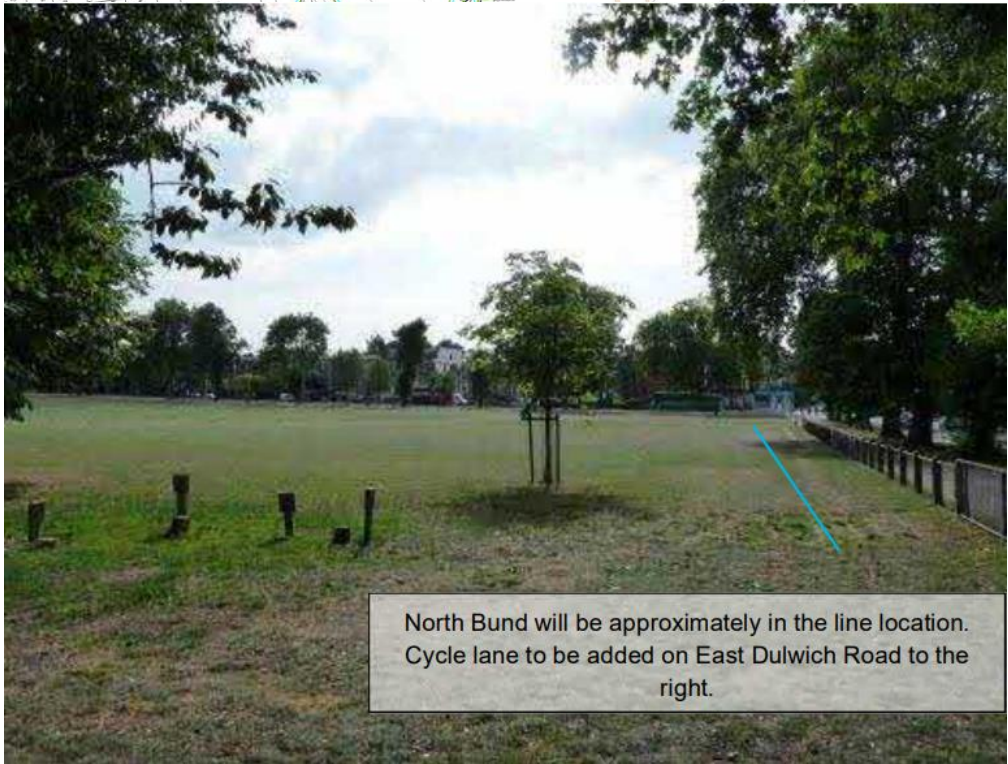
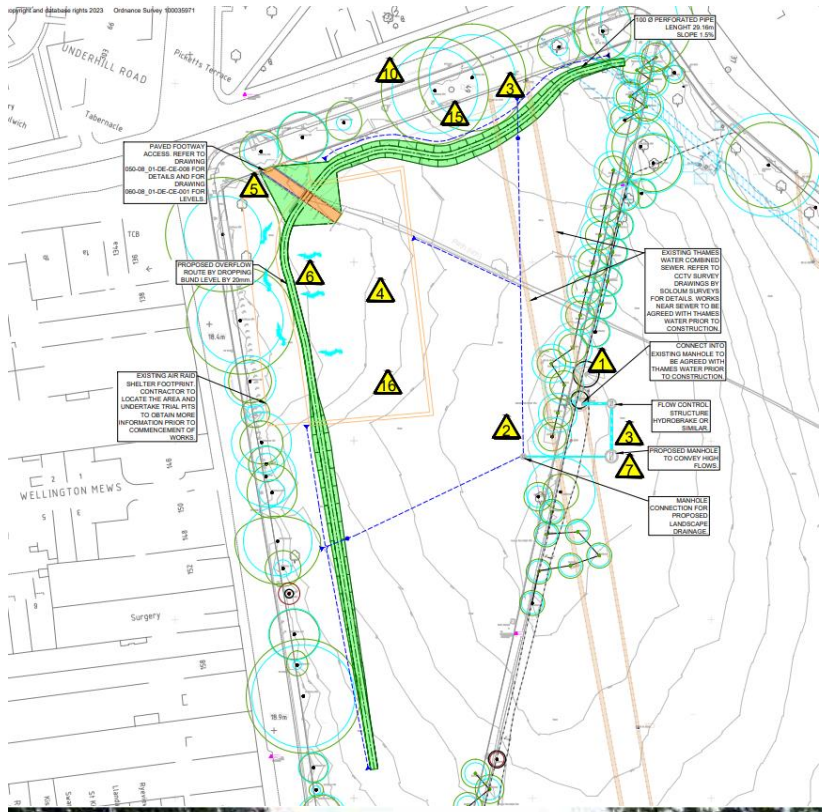
6. This application has been submitted by the council's Flood Risk and Drainage Team. The aim of the scheme is to alleviate flood risk in Peckham Rye Park and Common and for the surrounding properties to the north by collecting surface water flowing north along the course of the 'lost' River Peck and discharging the collected flow, whilst simultaneously providing improvements to the existing landscaping and biodiversity. This would attenuate flood risks downstream in a 1 in 75 year event.
7. The Peckham and Nunhead area action plan within the Local Flood Risk Management Strategy 2015 states that 'flood storage in Peckham Rye Common and Peckham Rye Park will provide an opportunity to enhance the quality and use of the area whilst reducing flood risk'. The proposed development would facilitate this aim within the local flood risk management strategy.

Illustrative masterplan

8. The proposed drainage works include:

- Creation of a southern bund and a northern bund for storage; the southern bund is to be located within the Grade II listed Peckham Rye Park;
- 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.

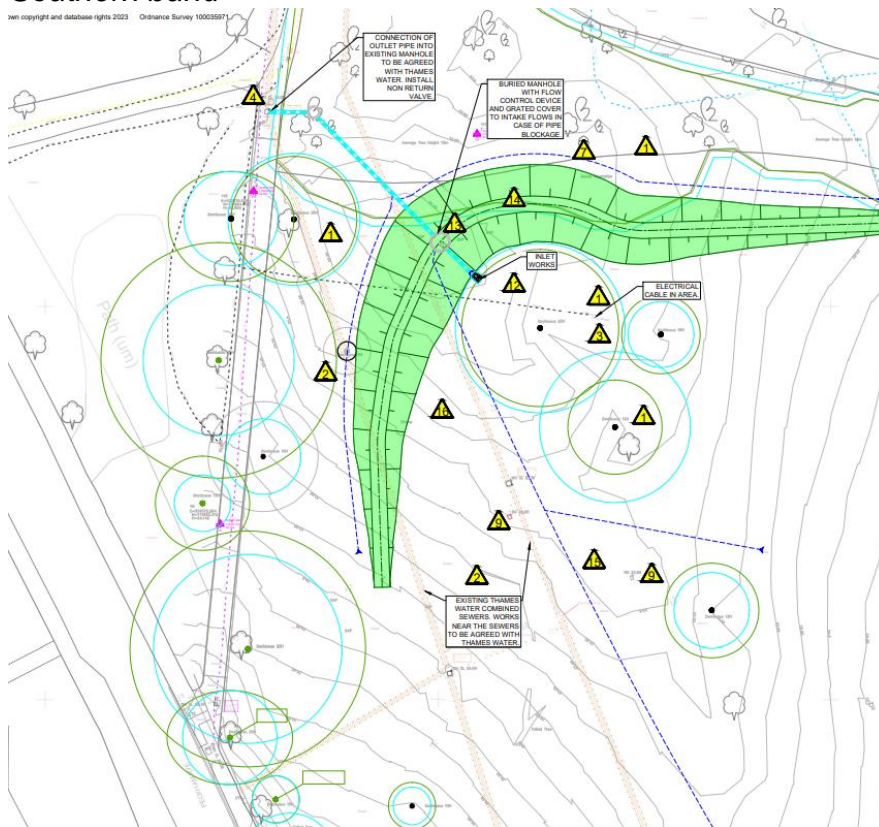
9. Northern bund



North Bund will be approximately in the line location. Cycle lane to be added on East Dulwich Road to the right.

Southern bund

see copyright and database rights 2023 Ordnance Survey 10003987



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

10. 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 boards and environmental enhancements along the Lost River Peck;
 - Improvements to local air quality and visual amenity through enhanced planting to the edges of the park.
11. Planning permission for this proposal was previously granted under planning application 19/AP/5692 on 24 March 2020, following Planning sub-committee B's decision to grant on 4 March 2020. The planning permission has now expired and was not implemented due to the COVID-19 pandemic. This application is a re-submission of the proposal granted under planning application 19/AP/5692.

Consultation responses from members of the public and local groups

12. Five site notices were erected on 10 January 2024. Six comments have been received in response to the application. These comprise two objections, one in support and two neutral.
13. 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
14. The neutral comments raise the following material planning considerations:
- Queries around the length of construction
 - Concerns around noise impacts from construction
 - Impacts on parking
15. 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
16. 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

Planning history of the site, and adjoining or nearby sites

17. Planning application 19/AP/5692 was granted on 24 March 2020 for:
- ‘Proposed landscape and environmental improvements with public access improvements and the construction of 2 x shallow embankments along the length of the northern and western boundaries of the common and park, associated underground drainage chambers.’

This permission was not implemented.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

18. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use;
 - Impact of proposed development on amenity of adjoining occupiers and users of the park;
 - Environmental Impact Assessment;
 - Environmental considerations;
 - Trees and landscaping;
 - Historic and cultural benefits;
 - Community impact and equalities assessment.
19. These matters are discussed in detail in the ‘Assessment’ section of this report.

Legal context

20. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021 and the Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
21. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

22. The statutory development plans for the borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2023 and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 3. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of the proposed development in terms of land use

23. The proposed development would involve flood alleviation works to Peckham Rye Park and Common through the creation of two storage areas and the installation of drainage chambers and flow control devices near the lowest point of their respective storage areas. The proposal would also include a landscaping scheme which would enhance the green space and as such, would be a public benefit. The proposal would not involve any alterations to the established land use of the site. The principle of development in land use terms is therefore supported.
24. Policy P57 (Open Space) of the Southwark Plan 2022 states that development will not be permitted on MOL. In exceptional circumstances, development may be permitted when:
- It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or
 - It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or
 - It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.
25. Policy G3 (Metropolitan Open Land) of the London Plan 2021 affords MOL the same status and level of protection as Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the NPPF states that inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances. Paragraph 148 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Appropriate development on MOL is considered to be:
- Buildings for agriculture or forestry;
 - The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - Limited infilling in villages;
 - Limited affordable housing for local community needs under policies set out in the development plan;
 - Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning Authority.
26. The proposal would not involve any significant development works or structures which would detract from the openness of the MOL. The purpose of the proposal, which is an engineering operation, is to enhance the open space through landscaping improvement works; the proposed bunds would be incorporated into the landscaping improvement works. It is therefore deemed that the proposal would comply with the development plan policies seeking to protect MOL in this regard.
27. The application site also falls within a Site of Importance for Nature Conservation (SINC). Policy P60 (Biodiversity) of the Southwark Plan 2022 states that development must contribute to net gains in biodiversity through enhancing the nature conservation value of SINC and must protect and avoid damage to SINC. The scope of the proposed works would not adversely impact on the nature conservation value of the site; the applicant has submitted an Ecological Walkover Survey identifying measures for the mitigation of impact and enhancement of biodiversity. This involves native planting, dead wood and 10 nesting and roosting boxes. Compliance with the Ecological Walkover Survey has been recommended as a condition. It is therefore considered that the proposed development would not adversely impact on the SINC and that the principle of development is acceptable in this regard.

Impact of proposed development on amenity of adjoining occupiers and users of the park

28. The proposed development would be limited to Peckham Rye Park and Common itself and as such, would not directly impact upon properties surrounding the park.
29. The proposed works would improve entrances to the site and make the green space more attractive. The locations of the proposed northern and southern bunds have been selected to provide sufficient storage volume whilst not affecting any of the existing paths and structures or harming any existing trees or ecological assets. The existing access routes throughout the common would be maintained and an additional wheelchair accessible point is proposed at the north west entrance of the park.
30. The flood alleviation scheme would also help to contain the potential flooding extent to certain zones and therefore improve the access routes for users. Accordingly, the proposed works would significantly improve the usability of the open space and this can therefore be considered a public benefit.
31. Given that the application site is common land and is bound by residential properties a condition has been recommended for a construction environmental

management plan to be submitted to ensure that there would not be any adverse impacts on residents or users of the park during the construction phase.

Environmental Impact Assessment (EIA)

32. The proposal is for development that is referred to in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (amended 2018). It is however considered that the potential impact would not be of more than local significance and would not give rise to significant adverse environmental impacts. As such, it is concluded that the proposed development would not be an EIA development.

Trees and landscaping

33. The proposed development would include two large bunds; one would be to the north of the site bound, by East Dulwich Road and Peckham Rye, and one would be to the south of the site, opposite Friern Road. These would be of a minimal scale and would range from 35cm to 1.1m in height and up to 7m in depth. The scheme would also incorporate significant landscaping enhancements in the form of biodiversity improvements to the north of East Dulwich Road, bulb planting to the middle of the site and buffer planting to the south of the proposed southern mound.
34. The area to north of East Dulwich Road would benefit from seasonal flowering planting and natural play areas, whilst the southern pavement along East Dulwich Road would benefit from permeable paving adjacent to the proposed mound. A ramp is also proposed to improve access and would connect the park entrance to the existing park pathway; this would only rise to a height of 0.40 metres.
35. The proposed landscaping is considered appropriate to the character of the area and would enhance the visual amenity of Peckham Rye Park and Common, as well as the biodiversity on the site. A condition has been recommended for a full hard and soft landscaping scheme, with ecological management, to be submitted.
36. The proposed development would result in the removal of 12 trees; all trees to be removed are Category U trees (some of which are stumps) and are therefore of very limited value as they are not expected to live more than 10 years. Subsequent mitigation for this loss would be provided within the red line boundary of the site. This is to be secured via the recommended hard and soft landscaping condition. Furthermore, the proposed bunds would be set at a minimum distance of 0.5m from the root protection areas of the most significant trees. Notwithstanding this, conditions have been recommended for an Arboricultural Method Statement, arboricultural site supervision details, a hard and soft landscaping scheme and a tree planting strategy to be submitted.
37. For the first 12 months following completion of the proposed development the maintenance of the landscaping would be undertaken by an appointed contractor BDP. Following this the landscaping would be maintained by the council. Southwark's Parks Manager is satisfied with the proposed landscaping scheme. A landscape management plan is to be secured via condition.

Ecology

38. Peckham Rye Park and Common has several valuable habitat features. The most important of these is the only remaining aboveground section of the River Peck, being the most natural stream in the borough. The stream is heavily shaded by native, unmanaged wet woodland dominated by alder, ash and pedunculated oak with a ground cover of pendulous sedge and bramble. Alder dominated woodland is a rare habitat in Southwark. Although somewhat altered with weirs, other artificial structures and ornamental planting, some sections are still in their natural banks and includes yellow flag, watercress, water figwort and cuckooflower. The largest of three ponds supports marginal vegetation including hemp agrimony. A variety of waterfowl nest on the wooded island, including tufted duck, coot, Canada goose and mallard. Substantial flocks of gulls visit the park in winter and bats are likely to forage over the water. A small block of predominantly native woodland, on the boundary between the Park and the Common, is dominated by oak and ash with a well-developed understory, but sparse ground flora. Spring bulbs have been planted in previous years. This and several dense shrubberies support a good bird population and small numbers of pipistrelle bats are present. Infrequently mown grassland is located in three large areas. The two within the common are thought to be natural relics, whilst the third was seeded in 2009. All have a similar composition including giant fescue, ladies bedstraw, meadowsweet, black knapweed and wild carrot with frequent anthills in the common areas.
39. The rest of the park, and most of the Common, consists of amenity grassland with some fine mature trees. The nationally-scarce musk stork's-bill (*Erodium moschatum*) occurs in short turf in the north of the Common. A small community garden managed by the Friends of Peckham Rye supports a small pond with good marginal vegetation, a stag beetle loggery and a range of nectar rich herbaceous planting.
40. The SINC boundary was extended in two places in 2022. Firstly in the southwest corner to include Peirmont Green, which comprises amenity grassland and mature native and ornamental trees. The second area is located in the northern corner of the SINC that comprises mature trees and hard standing, and located on the central reservation where the A2215/ Peckham Rye road splits in two.
41. Appropriate landscaping material palettes are proposed to support the habitat features within the SINC.
42. The proposed works would not have any adverse impacts on ecology subject to conditions and compliance with the suggested mitigation measures.
43. 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. A condition has also been recommended for an updated bat survey to be submitted if more than one season passes between the most recent bat survey and the commencement of tree works to ensure that there have been no changes that would result in impacts to bats.

Archaeology

44. The application include details of an air raid shelter. This is worthy of recording and understanding prior to its demolition and removal. The construction of the bunds also relate to the course of the historic River Peck which is of archaeological interest.
45. To manage these issues an archaeological watching brief is recommended. The site works should be monitored to ensure the recording of any archaeological features which are exposed during ground works. As such, conditions for an archaeological watching brief and archaeological reporting are recommended.

Historic and cultural benefits

46. The proposed development would include the provision of a sequence of education boards providing information and associated environmental enhancements on the Lost River Peck, which runs through the middle of Peckham Rye and Common.
47. The Friends of Peckham Rye Park and Common are supportive of the proposal to provide historical and cultural information for users regarding the Lost River Peck. The detailed design of this project will therefore be developed further with stakeholders, in particular the Friends, to incorporate the history of the site and create a beneficial scheme for visitors.

Consultation responses from internal and divisional consultees

48. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response where necessary.
49. Archaeologist:
 - Advise mitigation and reporting conditions.
50. Environmental Protection Team:
 - Recommend conditions to ensure compliance with recommendations within various soil reports regarding the re-use of materials.
51. Ecologist:
 - Requested an updated PEA to cover the entirety of the application site – satisfied that the proposal would not have any adverse impacts
 - Recommend conditions for an updated bat survey, details of bat friendly lighting, bat and bird boxes, invertebrate features and a landscape and ecological management plan to be submitted.
52. Urban Forester:
 - Advise conditions for submission of an Arboricultural Method Statement, hard and soft landscaping scheme and tree planting plan.
53. Design and Conservation Team:
 - No comment.

54. Parks:
- Concern with the planting palette – this was updated during the course of the application and is now considered appropriate and suitable for maintenance by the council
 - The project would benefit from permanent interpretation/education signage explaining the purpose and benefits of the changes.

Consultation responses from external consultees

55. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.
56. Environment Agency:
- No comments.

Community impact and equalities assessment

57. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
58. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
59. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
 3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
60. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and

civil partnership.

Human rights implications

61. This planning application engages certain human rights under the Human Rights Act 1998 (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.
62. This application has the legitimate aim of providing flood risk improvements to the park and common. 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.

Positive and proactive statement

63. The council has published its development plan on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
64. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

Positive and proactive engagement: summary table

Was the pre-application service used for this application?	YES
If the pre-application service was used for this application, was the advice given followed?	NO
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	YES
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	YES

CONCLUSION

65. The proposed development would involve flood alleviation works to Peckham Rye Park and Common, as well as landscaping and biodiversity improvements.

The principle of such development on MOL is considered acceptable as the proposed works can be considered engineering operations and would not retract from the openness of the area. Furthermore, the proposal would not adversely impact on the amenity of adjoining occupiers or users of the park and would provide a public benefit by improving its usability. Properties to the north of Peckham Rye Park and Common would be protected in a 1 in 75 year event as a result of the proposal. The application is therefore recommended for approval, subject to conditions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254

APPENDICES

No.	Title
Appendix 1	Recommendation - Draft Decision Notice
Appendix 2	Relevant planning history
Appendix 3	Planning policies
Appendix 4	Consultation responses received
Appendix 5	Consultation undertaken

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Abbie McGovern, Team Leader	
Version	Final	
Dated	8 April 2024	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	No	No
Strategic Director of Environment Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team	10 April 2024	

APPENDIX 1

Recommendation Draft Decision Notice

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

Applicant	Mr Nicholas Metcalfe Southwark Council	Reg. Number	23/AP/3031
Application Type	Local Authority Development		
Recommendation		Case Number	PP-12568977

Draft of Decision Notice

for the following development:

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.

Peckham Rye Park Peckham Rye London Southwark

In accordance with application received on 31 October 2023 and Applicant's Drawing Nos.:

LOCATION MAP 001 received 31/10/2023

FILTER DRAINS AND ANCILLARIES - STANDARD DETAILS - SHEET 06 OF 09
22304 METCS 050 08 01 DE CE 006 REV P04 received 31/10/2023

STANDARD DETAILS SHEET - 07 OF 09 22304 METCS 050 08 01 DE CE 007 REV
P04 received 31/10/2023

STANDARD DETAILS SHEET 08 OF 09 22304 METCS 050 08 01 DE CE 008 REV P04 received 31/10/2023

NMH01 STANDARD DETAILS - SHEET 01 OF 09 22304 METCS 050 08 01 DE CE 001 REV P04 received 31/10/2023

NMH01 STANDARD DETAILS - SHEET 02 OF 09 22304 METCS 050 08 01 DE CE 002 REV P04 received 31/10/2023

NMH02 & NMH03 STANDARD DETAILS - SHEET 05 OF 11 22304 METCS 050 08 01 DE CE 003 REV P03 received 31/10/2023

NMH04 STANDARD DETAILS - SHEET 04 OF 09 22304 METCS 050 08 01 DE CE 004 REV P04 received 31/10/2023

STANDARD DETAILS - SHEET 05 OF 09 22304 METCS 050 08 01 DE CE 005 REV P04 received 31/10/2023

SOUTHERN BUND SITE CLEARANCE PLAN - SHEET 01 OF 02 22304 METCS 020 08 01 DRG CE 001 REV P04 received 31/10/2023

NORTHERN BUND SITE CLEARANCE PLAN - SHEET 2 OF 2 22304 METCS 020 08 01 DRG CE 002 REV P04 received 31/10/2023

SOUTHERN BUND DRAINAGE PLAN - SHEET 1 OF 2 22304 METCS 050 08 01 DRG CE 001 REV P04 received 31/10/2023

NORTHERN BUND DRAINAGE PLAN - SHEET 2 OF 2 22304 METCS 050 08 01 DRG CE 002 REV P04 received 31/10/2023

SOUTH BOUND CROSS SECTIONS - CL1 CH 60.00 TO 93.37 - SHEET 04 OF 12 22304 METCS 060 08 01 DRG CE 004 REV P04 received 31/10/2023

NORTH BOUND CROSS SECTIONS - CL2 CH 0.00 TO 95.00 - SHEET 05 OF 12 22304 METCS 060 08 01 DRG CE 005 REV P03 received 31/10/2023

NORTH BOUND CROSS SECTIONS - CL2 CH 100.00 TO 195.00 - SHEET 06 OF 12 22304 METCS 060 08 01 DRG CE 006 REV P03 received 31/10/2023

NORTH BOUND CROSS SECTIONS - CL2 CH 200.00 TO 265.00 - SHEET 07 OF 12 22304 METCS 060 08 01 DRG CE 007 REV P03 received 31/10/2023

LONG SECTIONS SOUTH BUND ALIGNMENT - CL1 - SHEET 08 OF 11 22304 METCS 060 08 01 DRG CE 008 REV P02 received 31/10/2023

LONG SECTIONS NORTH BUND ALIGNMENT - CL2 SHEET 09 OF 11 22304 METCS 060 08 01 DRG CE 009 REV P03 received 31/10/2023

LONG SECTIONS NORTH BUND ALIGNMENT - CL2 SHEET 10 OF 11 22304 METCS 060 08 01 DRG CE 010 REV P03 received 31/10/2023

LONG SECTIONS ALIGNMENT - CL2, F1, F2 - SHEET 11 OF 11 22304 METCS 060 08 01 DRG CE 011 REV P03 received 31/10/2023

LONG SECTIONS ALIGNMENT - 1 - SHEET 12 OF 12 22304 METCS 060 08 01 DRG CE 012 REV P03 received 31/10/2023

SOUTHERN BUND EARTHWORKS - SHEET 1 OF 12 22304 METCS 060 08 01 DRG CE 001 REV P04 received 31/10/2023

NORTHERN BUND EARTHWORKS - SHEET 2 OF 12 22304 METCS 060 08 01 DRG CE 002 REV P04 received 31/10/2023

SOUTH BOUND CROSS SECTIONS - CL1 CH - 0.00 TO 55.00 - SHEET 03 OF 12 22304 METCS 060 08 01 DRG CE 003 REV P03 received 31/10/2023

OVERALL SITE PLAN LP-BDP-ZZ-00-DR-L-900001_P04 received 18/03/2024

EAST DULWICH ROAD GENERAL ARRANGEMENT SHEET 1 OF 2 LP-BDP-ZZ-00-DR-L-900101_P04 received 18/03/2024

EAST DULWICH ROAD GENERAL ARRANGEMENT SHEET 2 OF 2 LP-BDP-ZZ-00-DR-L-900102_P04. received 18/03/2024

NORTHERN BUND GENERAL ARRANGEMENT SHEET 1 OF 2 LP-BDP-ZZ-00-DR-L-900103_P04 received 18/03/2024

NORTHERN BUND GENERAL ARRANGEMENT SHEET 2 OF 2 LP-BDP-ZZ-00-DR-L-900104_P03 received 18/03/2024

SOUTHERN BUND GENERAL ARRANGEMENT LP-BDP-ZZ-00-DR-L-900105_P03 received 18/03/2024

EXISTING FEATURES TO BE REMOVED PLAN LP-BDP-ZZ-00-DR-L-900106_P03 received 18/03/2024

CONSTRUCTION DETAILS LP-BDP-ZZ-00-DR-L-900501_P04 received 18/03/2024

Permission is subject to the following Pre-Commencements Conditions

2. No development shall take place until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:

A detailed specification of construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;

Site perimeter continuous automated noise, dust and vibration monitoring;

Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;

Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.);

A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;

Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations; and

A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with Policies P50 (Highway impacts), P56 (Protection of amenity), P62 (Reducing waste), P64 (Contaminated land and hazardous substances), P65 (Improving air quality) and P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan 2022.

3. Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.
 - a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
 - b) 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 demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then 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.

c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

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 the method statement. Following the pre-commencement meeting, all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with the National Planning Policy Framework 2021, Policies G1 (Green infrastructure), G3 (Metropolitan Open Land), G6 (Biodiversity and access to nature) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P56 (Protection of amenity), P57 (Open space), P59 (Green infrastructure), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

4. Prior to works commencing, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period.

Details of a management plan, responsibilities and maintenance schedules shall be submitted to and approved by the Local Planning Authority.

This shall include an irrigation schedule for all trees to ensure successful establishment.

For stem girths of up to 20cm the schedule shall be a minimum of three years, and five years for stem girths greater than 20cm. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

All tree planting shall be carried out in accordance with those details and at those times. All trees and shrubs will conform to the specification for nursery stock as set out in British Standard 3936 Parts 1 (1992) and 4 (1984). Advanced Nursery stock trees shall conform to BS 5236 and BS: 4428 Code of practice for general landscaping operations; BS 8545:2014 Trees: from nursery to independence in the landscape; BS: 5837 (2012) Trees in relation to demolition, design and construction; BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 03:2022 (EN) - Tree Planting Standard, and Trees and Design Action Group guidance.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

Reason:

So that the Council may be satisfied that the proposed tree planting scheme is in accordance with Policies G1 (Green infrastructure), G5 (Urban greening) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P13 (Design of places), P56 (Protection of amenity), P57 (Open space), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

5. Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological mitigation works, an archaeological watching brief, in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with the National Planning Policy Framework 2023 and Policy P23 (Archaeology) of the Southwark Plan 2022.

6. Before any work hereby authorised begins, a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and to ensure the management of the public realm, in accordance with the National Planning Policy Framework 2023, Policies G1 (Green infrastructure), G5 (Urban greening), G6 (Biodiversity and access to nature) and D8 (Public realm) of the London Plan 2021 and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

Permission is subject to the following Grade Conditions

7. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme including replacement tree planting and showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance

Recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the council may be satisfied with the details of the landscaping scheme, in accordance with the National Planning Policy Framework 2021, Policies G1 (Green infrastructure), G3 (Metropolitan Open Land), G4 (Open space), G6 (Biodiversity and access to nature) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P56 (Protection of amenity), P57 (Open space), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

8. Before any above grade work hereby authorised begins, detailed drawings of permanent education signage shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be retained for the duration of the use.

Reason:

To ensure educational signage is incorporated suitably within the development in accordance with the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policy P15 (Design quality) of the Southwark Plan 2022.

9. Before any above grade work hereby authorised begins, details of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

No less than 8 bat boxes shall be provided and the details shall include the exact location, specification and design of the habitats. The bat boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2023, Policies G1 (Green infrastructure), G5 (Urban greening) and G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

10. Before any above grade work hereby authorised begins, details of invertebrate features (to include stag beetle loggeries) shall be submitted to and approved in writing by the Local Planning Authority.

No less than 4 invertebrate features shall be provided and the details shall include the exact location, specification and design of the habitats. Bee bricks and/or invertebrate hotels shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The features shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework 2023, Policies G1 (Green infrastructure), G5 (Urban greening), G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

11. Before any above grade work hereby authorised begins, details of bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

No less than 9 bird boxes shall be provided and the details shall include the exact location, specification and design of the bird boxes. Three of the boxes should be open fronted bird boxes, three should have 32mm entrance holes and three with 26mm entrance holes. The boxes shall be installed on mature trees.

The bird boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with National Planning Policy Framework 2023, Policies G1 (Green infrastructure), G5 (Urban greening), G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

Permission is subject to the following Compliance Condition

12. The mitigation measures set out in the Ecological Walkover Survey (Betts

Ecology and Estates 6708/HAUD October 2018) and the Preliminary Ecological Appraisal North Triangle (Simlaw SE24-2261 V.01 March 2024) shall be implemented in full prior to the new development being first brought into use, or in accordance with the timetable detailed in the approved

Reason:

To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with the National Planning Policy Framework 2021, Policies G1 (Green infrastructure), G3 (Metropolitan Open Land), G4 (Open space), G6 (Biodiversity and access to nature) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P56 (Protection of amenity), P57 (Open space), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

Permission is subject to the following Special Conditions

13. Part 1: 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.

Part 2: 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 within 28 days of completion of the development hereby permitted. 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.

Works shall comply to BS: 5837 (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations; BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 01:2021 (EN) - Tree Pruning Standard; EAS 02:2022 (EN) - Tree Cabling/Bracing Standard; EAS 03:2022 (EN) - Tree Planting Standard.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with Policies G1 (Green infrastructure), G5

(Urban greening) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P13 (Design of places), P56 (Protection of amenity), P57 (Open space), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

14. Within one year of the completion of the archaeological work on site, an assessment report detailing the proposals for the off-site analyses and post-excavation works, including publication of the site and preparation for deposition of the archive, shall be submitted to and approved in writing by the Local Planning Authority, and the works detailed in the assessment report shall not be carried out otherwise than in accordance with any such approval given. The assessment report shall provide evidence of the applicant's commitment to finance and resource these works to their completion.

Reason:

In order that the archaeological interest of the site is secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with the National Planning Policy Framework 2023 and Policy P23 (Archaeology) of the Southwark Plan 2022.

15. If more than one season passes between the most recent bat survey and the commencement of demolition and/or tree works, an updated bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

Reason:

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act (1981) (as amended).

16. If any lighting is proposed, prior to installation a bat friendly Lighting Plan shall be submitted to and approved by the Local Planning Authority.

The recommended lighting specification using LED's (at 3 lux) because they have little UV. The spectrum recommended is 80% amber and 20% white with a clear view, no UV, horizontal light spread ideally less than 70° and a timer.

If required a 3D plan of the illumination level should be supplied so the Local Planning Authority can assess potential impact on protected species.

Reason:

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act (1981), (as amended), and because bats are known to be active in vicinity of the development site.

APPENDIX 2**Relevant planning history**

19/AP/5692	Proposed landscape and environmental improvements with public access improvements and the construction of 2 x shallow embankments along the length of the northern and western boundaries of the common and park, associated underground drainage chambers	Granted 24 March 2020
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Relevant Planning Policies

National Planning Policy Framework (the framework)

The revised National Planning Policy Framework ('NPPF') was published December 2023 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental. Paragraph 218 states that the policies in the Framework are material considerations, which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

The London Plan 2021

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G3 Metropolitan Open Land
- Policy G4 Open space
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage

Southwark Plan 2022

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- Policy P13 Design of places

- Policy P20 Conservation areas
- Policy P21 Conservation of the historic environment and natural heritage
- Policy P23 Archaeology
- Policy P56 Protection of amenity
- Policy P57 Open space
- Policy P59 Green infrastructure
- Policy P60 Biodiversity
- Policy P61 Trees
- Policy 68 Reducing flood risk

APPENDIX 4**Consultation undertaken**

Site notice date: 21/04/2023

Case officer site visit date: 21/04/2023

Internal services consulted:

Flood Risk Management & Urban Drainage

Ecology

Archaeologist

Design and Conservation Team

Urban Forester

Arboricultural Services

Parks and Cemeteries Team

Statutory and non-statutory organisations

Environment Agency

Neighbour and local groups consulted:

The Peckham Society

Friends of Peckham Rye

APPENDIX 5

Consultation responses received

Internal services:

Ecology

Archaeologist

Design and Conservation Team

Urban Forester

Arboricultural Services

Parks and Cemeteries Team

Statutory and non-statutory organisations:

Environment Agency

Neighbour and local groups consulted:

Friends of Peckham Rye

Agenda Item 63

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



Southwark Maps

20 m

Scale = 1:661.500

9-Apr-2024

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Item No. 6.3	Classification: Open	Date: 24 April 2024	Meeting Name: Planning Committee (Smaller Applications)
Report title:	Development Management planning application: Application 23/AP/3551 for: Full Planning Application Address: Dulwich Picture Gallery, Gallery Road London Southwark SE21 7AD Proposal: Temporary permission for installation of sculptures (6No.) within the gardens of Dulwich Picture Gallery from April 2024 to the end of October 2026.		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning and Growth		
Application Start Date: 12.01.2024		EOT Expiry Date: 01.05.2024	
Earliest Decision Date: 07.03.2024			

RECOMMENDATION

1. That planning permission be granted, subject to conditions.

EXECUTIVE SUMMARY

2. Dulwich Picture Gallery seeks permission for the temporary installation and display of 6 sculptures from April 2024 until October 2026.
3. The installation of the sculptures require concrete slabs to be buried below ground level. 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.
4. A further condition is recommended to restrict the temporary duration of the display and the making good of the land (including removal of the sub-base structures) post display.
5. It is not anticipated the proposal will result in harmful impact on heritage assets, neighbouring amenity, transport infrastructure, trees and local ecology - subject to planning conditions.

BACKGROUND INFORMATION

Site, location and description

6. The application site refers to the garden space south-east of the main Dulwich Picture Gallery building. The wider site covers Dulwich Picture Gallery and its surrounding gardens.
7. The surrounding area to the east and south is predominantly residential, save for the buildings/land owned by Dulwich College and Dulwich Gallery. To the north sits Dulwich Village shopping parade. To the west lies Lloyds Register Cricket Club Ground.
8. The site is subject to the following planning designations:
 - Article 4: Pt 3 Class MA - CoU - E to C3
 - Article 4: Pt 20 Class ZA - Demolition & C3
 - Air Quality Management Area
 - Critical Drainage Area - Herne Hill
 - Conservation Area - Dulwich Village
 - Dulwich Estate Scheme of Management Zone
 - Listed Buildings: Grade II - Dulwich Picture Gallery and Mausoleum
 - Suburban Density Zone - South
 - Smoke Control Zone - Dulwich Village
 - Air Quality Management Area
 - Area Visions - AV.07 Dulwich
 - Local Town Centre - Dulwich Village
 - Metropolitan Open Land
 - Suburban Zone South
 - Green Chain Park
 - Southwark Adopted Highway - College Road

9. Figure 1. Site Location Plan10. Figure 2. Satellite View

11. Figure 3. Roadside view from corner of College Road and College Gardens



12. Figure 4. Roadside view from the entry of Dulwich Picture Gallery along College Road



Details of proposal

13. Description of development:

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

14. Figure 5 'To Find A Way Home' (consisting of five parts) by Li Li Ren**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 1/3)

Weight: 136 kg

(SH046)

**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 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)

**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 V, 2023*

Bronze, patina and glass

82 x 77 x 65 cm

Edition of 3 plus 1 artist's proof

Weight: 115 kg

(SH050)

15. Figure 6 'Material (SG IV)' by Yinka Shonibare



Consultation responses from members of the public and local groups

16. Public consultation was undertaken in accordance with the Development Management Procedure Order (DMPO) 2015, and the locally adopted Statement of Community Involvement (SCI) 2022.
17. 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).
18. 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."

19. Case officer response:
Dulwich Picture Gallery has recently had planning permission approved for the 'Erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and

creation of a new access point from Gallery Road with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump.’ (Minor App: 23/AP/1156 & LBC: 23/AP/1157)

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

Planning history of the site, and adjoining or nearby sites.

22. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. A fuller history of decisions relating to this site, and other nearby sites, is provided in Appendix 3.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

23. The main issues to be considered in respect of this application are:
 - Principle of the proposed development in terms of land use
 - Design, layout, heritage assets and impact on Borough and London views
 - Landscaping and trees
 - Ecology and biodiversity
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - Transport and highways
 - Noise and vibration
 - Community involvement and engagement
 - Community impact and equalities assessment
 - Human rights and;
 - Positive and proactive statement.
24. These matters are discussed in detail in the ‘Assessment’ section of this report.

Legal context

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

26. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

Planning policy

27. The statutory development plans for the Borough comprise of the Southwark Plan 2022 and The London Plan 2021. The National Planning Policy Framework 2023 constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application are provided in Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

ASSESSMENT

Principle of proposed development

28. The proposal seeks temporary permission (2 years) for the installation of sculptures within the grounds of Dulwich Picture Gallery. 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 use of the gardens to display sculptures would be viewed as incidental to the primary day to day use of the gallery.
29. The gallery gardens are on land designated as metropolitan open land (MOL). Metropolitan open land is the equivalent of green belt land for the purposes of land use planning.
30. The relevant development plan policy to consider for MOL is P57 Open Space (Southwark Plan 2022) which states that:
1. *Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL). In exceptional circumstances development may be permitted on MOL or BOL when:*
 - *It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or*
 - *It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions and above the size of the*

original building; or

- *It consist of the replacement of an existing building, provided that the new building is no larger than the building it replaces.*
2. *Development will not be permitted on Other Open Space (OOS). In exceptional circumstances development may be permitted if it consists of replacement OOS of equivalent or greater size or substantial better quality can be secured on site to nearby before development commences.*

31. 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. As such, it is considered the proposal is acceptable in planning land use terms.

Design, layout, heritage assets

32. 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 policies echo the statutory requirements highlighted above.

33. Figure 7. Listed Buildings

34. The map above is north orientated, Grade II listed buildings are shown in green, Grade II* are shown in red. There are no Grade I listed buildings within proximity of the application site. Within the parcel of land sandwiched between Gallery Road and College Road (Dulwich College & Gallery land) there are four listed buildings/structures: a War Memorial (Gr.II), Dulwich Old College (Gr. II), Dulwich Picture Gallery & Mausoleum (Gr.II*) and a Cottage (Gr.II) [ordered north to south]. East of College Road there are six listed buildings/structures: Park Lodge (Gr.II), Old College Gate (Gr.II), Stella House (Gr.II), 13-15 College Road (Gr.II) and Bell Cottage (Gr.II) [ordered north to south].
35. The proposed sculptures would sit within setting of the Gr.II* Dulwich Picture Gallery & Mausoleum. 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'.

36. Figure 8. Conservation Areas



37. The entirety of the site and surrounding area lies within Dulwich Village conservation area - designated September 1968, extended September 1971 and again in March 2005. An extract from the Dulwich Village conservation area appraisal 2006 broadly outlines the character and appearance of the area: 'The Dulwich Village Conservation Area is located at the southern end of the borough and Denmark Hill, Camberwell, East Dulwich, Herne Hill and Sydenham loosely border it. The character of the conservation area is established by the historic layout of property boundaries and thoroughfares, the sense of openness and greenery, views along streets as well as between buildings and other townscape characteristics. The buildings date from the mid-18th to the 21st centuries, with excellent examples of domestic architecture ranging from grand houses to humble terraces. Substantial Georgian houses and fine Victorian and Edwardian terraces sit comfortably alongside 1930s family homes. There are also good examples of 1960s architecture as well as more recently approved high quality modern developments. All of these make a positive contribution to establishing the special interest of Dulwich village.'
38. Dulwich Picture Gallery is specifically referenced within the CA appraisal: 'A key feature of this area is the Dulwich Picture Gallery, which can be viewed from both Gallery Road and College Road (figure 10). The Gallery was built in 1811-14 to designs of Sir John Soane to house pictures originally acquired by Noel Desenfans for King Stanisław August of Poland but sold instead to Sir Francis Bourgeois, who, in turn, left his collection to the College. It was also intended to house a small mausoleum to Desenfans and almshouse cottages for six poor

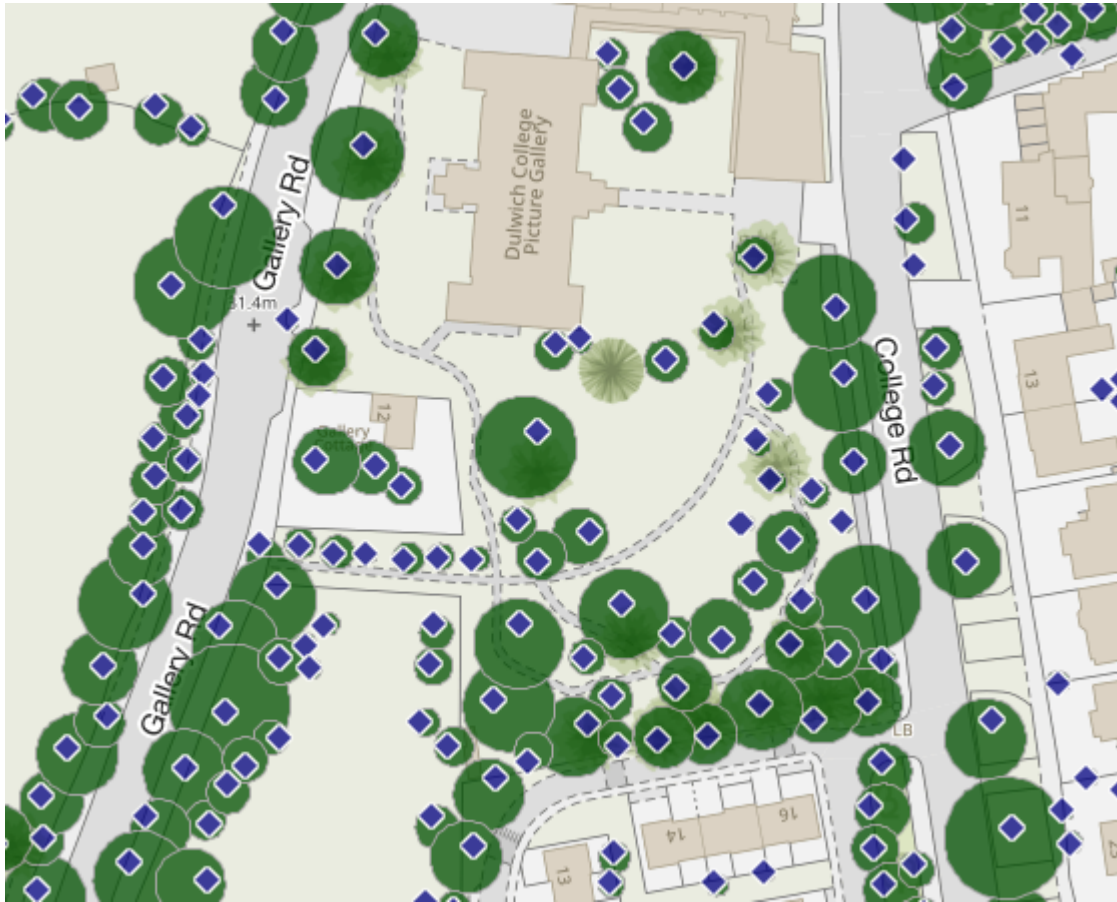
women. It is one of Soane's most original compositions and notable as one of the first public art galleries in England. The Gallery, which attracts visitors from all over the world, had its original colour scheme restored in 1980-1, after detailed research, by Ian Bristow. It was separated from the Foundation in 1995 and shortly afterwards was awarded a substantial National Lottery Fund grant to build lecture, educational and catering facilities, connected by a glass cloister, designed by the architect Rick Mather. The architectural quality of the Picture Gallery and its new extension serves the community well. It too is set within finely maintained gardens, which serve to enhance the character of the conservation area.'

39. 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 and enhance the character and appearance of the designated conservation area.
40. Overall, the proposal is acceptable with regards to heritage considerations.

Landscaping and Trees

41. 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...'
42. The above provision is echoed in the NPPF 2023, and in London Plan 2021 & Southwark Plan 2022 policy. Policy G7 of the London Plan 'Trees and woodlands' states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy P61 of the Southwark Plan states that development must retain and protect significant existing trees. It states that development must retain and enhance the borough's trees and canopy cover.
43. Some trees are protected, for example a tree which is subject to a Tree Preservation Order (TPO) or over 75mm diameter measured at breast height (DbH) and located in a Conservation Area.

44. Figure 9. ProximiTREE 2023 layer



45. 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.
46. 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 commencement of works, a schedule of arboricultural site supervision will be submitted to the LPA for approval. The schedule will be prepared by the applicants appointed tree specialist.
47. As such, the proposal is considered acceptable with regards to landscaping and trees subject to condition.

Ecology and biodiversity

48. 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).
49. The LBS Ecology Team were consulted for comment and stated ‘Structures should be positioned away from trees and shrubbery. It is stated that no trees or plants will be removed and no lighting will be used. If these details change an ecological assessment should be produced’.
50. The proposal does not seek to remove any trees or plants. There is also no lighting proposed. The aforementioned condition will ensure that trees are protected during installation by a suitably qualified arboriculture specialist. As such, it is considered the proposal is acceptable by way of ecology and biodiversity - subject to condition.

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

51. Policy P56 ‘Protection of Amenity’ of the Southwark Plan 2022 states that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations which will be taken into account include privacy and outlook, overlooking, smell, noise, vibration, daylight, sunlight and wind microclimate impacts. The adopted Residential Design Standards SPD 2011 [updated 2015], expands on policy and sets out guidance for protecting amenity in relation to privacy, daylight and sunlight.
52. The proposed sculptures are likely to have negligible impact on neighbouring amenity in terms of privacy, sunlight/daylight and openness/outlook. There are no new views established. The structures are modest in size and located ~30m from the nearest neighbouring properties.
53. No lighting is proposed as part of this application and therefore there would be no impact regarding to light pollution to surrounding occupiers. As such, the proposal is considered acceptable by way of neighbouring amenity.

Transport and highways

54. The application 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.

55. 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. It is not seen as commensurate to the scale of development to condition transport and highways related matters under planning also.
56. It is not expected the proposal will result in undue pressure on local transport infrastructure beyond what normal day to day operation of the gallery would entail. As such, it is considered the submission is acceptable with respect to transport and highways impacts.

Noise and vibration

57. It is not considered the installation and/or display of the sculptures will result in harmful impact to neighbouring amenity with regards to noise. 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.) Therefore, the potential for late night noise is mitigated. It is not anticipated the proposal will result in noise beyond that of the regular day to day operation of the gallery.

Fire Safety

58. Policy D12 (a) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlines in Policy D12 (a). In reviewing whether the proposal demonstrates compliances with the relevant criteria, the council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.
59. A Reasonable Exemption Statement has been provided for this proposal as it does not involve any alterations to the existing evacuation strategy. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development.

Mayoral and borough community infrastructure levy (CIL)

60. The proposal is not CIL liable.

Community Involvement and Engagement

Community impact and equalities assessment

61. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
62. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
63. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
 1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
 3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
64. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. It is not considered the proposal would prejudice any of the protected characteristics above. The gallery has existing operating procedures in place and the path looping around the proposed sculptures is flat and accessible for those with mobility issues.

Human rights implications

65. This planning application engages certain human rights under the Human Rights Act 1998 (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. 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.

Positive and proactive statement

67. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
68. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

69. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	NO - further information was sought.
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed PPA/EOT date?	YES

CONCLUSION

70. The proposal demonstrates conformity with the principles of sustainable development. It complies with current policy, respects the amenity of neighbouring properties and is of good design. Accordingly, it is recommended that planning permission be granted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Application file: 23/AP/3551 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received.

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth	
Report Author	Sean Gomes, Planning Officer	
Version	Final	
Dated	5 April 2024	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
Date final report sent to Constitutional Team		10 April 2024

APPENDIX 1**Recommendation****Draft Decision**

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

Permission is subject to the following Approved Plans Condition:

- 1 The development shall be carried out in accordance with the following approved plans:

Reference no. / Plan/document name / Revision:	Received on:
PR-01 PROPOSED SCULPTURE LOCATION AREA	21.12.2023
31340 STRUCTURAL ENGINEERING INSTALLATION REPORT REV C03	21.12.2023
MD23907 MTEC INSTALLATION AND REMEDIATION PLAN	21.12.2023
SPECSHEET: TO FIND A WAY HOME	21.12.2023
SPECSHEET: MATERIAL	21.12.2023

Reason:

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

2. **Time limit 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).

Reason:

The proposed structures are not suitable other than for a limited period, having regard to the National Planning Policy Framework 2023 Chapter 13 'Protecting Green Belt land & Chapter 15 'Conserving and enhancing the natural environment'; London Plan 2021 Policy G3 Metropolitan Open Land & Policy G4 Open space; and Southwark Plan 2022 Policy Policy P57 'Open space'.

3. **Pre-commencement condition**

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;

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'.

4. **Compliance condition**

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation.

Reason: In the interest of the design and appearance of the area in accordance with the National Planning Policy Framework 2023 Chapter 12 'Achieving well-designed and beautiful places'; Policy D4 'Delivering good design' of the

London Plan '2021'; Policy P13 'Design of places' and Policy P14 'Design quality' of the Southwark Plan 2022.

5. Compliance condition

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.

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'.

Informative notes to the applicant relating to the proposed development

Planning Policies

National Planning Policy Framework 2023

Chapter 2. Achieving sustainable development
 Chapter 8. Promoting healthy and safe communities
 Chapter 9. Promoting sustainable transport
 Chapter 11. Making effective use of land
 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 D4 Delivering good design
 Policy D12 Fire safety
 Policy D14 Noise
 Policy HC1 Heritage conservation and growth
 Policy G3 Metropolitan Open Land
 Policy G4 Open space
 Policy G6 Biodiversity and access to nature
 Policy G7 Trees and woodlands
 Policy T4 Assessing and mitigating transport impacts

Southwark Plan 2022

Policy P13 Design of places
 Policy P14 Design quality
 Policy P16 Designing out crime
 Policy P18 Efficient use of land
 Policy P19 Listed buildings and structures
 Policy P20 Conservation areas
 Policy P21 Conservation of the historic environment and natural heritage
 Policy P46 Leisure, arts and culture
 Policy P50 Highways impacts
 Policy P51 Walking
 Policy P53 Cycling
 Policy P56 Protection of amenity
 Policy P57 Open space
 Policy P59 Green infrastructure
 Policy P60 Biodiversity
 Policy P61 Trees
 Policy P66 Reducing noise pollution and enhancing soundscapes

APPENDIX 3

Planning history

Planning Applications (40)

- Extension of the time on-site from removal by 15th October to removal by 2nd November, removal to commence 21 October of planning permission 18/AP/3490 - Construction of a temporary pavilion building for summer period up to the end of September 2019 to provide ancillary exhibition and gallery facilities comprising of an accessible, raised gantry walkway at approximately 2.1m high within a timber cube structure measuring approximately 10m high, 11m wide and 11m deep, to be accessible during standard gallery opening hours (09:00 - 18:00) and for occasional events up to 22:00.

Ref. No: 19/AP/5360 | Status: Agreed

- Magnolia grandiflora (T1 and T2) - reduce height by 20-25% by carefully choosing suitable side branches and re-shape for best effect. Reduction cycle of every 2-3 years for a period not exceeding 6 years.

Ref. No: 20/AP/2234 | Status: Granted TCA

- Internal alterations to provide new door way. (LBS 91/0722)

Ref. No: 91/AP/0722 | Status: GRANTED- Listed Building Consent

- Internal alterations to premises to provide office accommodation on the first floor and a self contained residential flat on the second floor

Ref. No: 91/AP/0984 | Status: GRANTED- Listed Building Consent

- Change of use First floor to provide office accommodation for Dulwich Art Gallery administrative staff. Second floor staff flat

Ref. No: 91/AP/0985 | Status: GRANTED- Change of Use Application

- 1x Beech - Crown reduce by up to 30%

Ref. No: 21/AP/2911 | Status: Granted TCA

- Erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and creation of a new access point from Gallery Road with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump. (associated LBC ref: 23/AP/1157)

Ref. No: 23/AP/1156 | Status: GRANTED- Minor Application

- Listed building consent for the erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage,

closure of an existing access and creation of a new access point from Gallery Road, landscaping, erection of bin storage and bicycle storage and installation of a ground source heat pump.

Ref. No: 23/AP/1157 | Status: GRANTED- Listed Building Consent

- Works to trees in a conservation area: T1 and T2 - Holm Oak trees overhanging College Gardens to trim back reducing the overhang by around 2m to be inline with the remaining Holm Oak trees either side.

Ref. No: 23/AP/1674 | Status: Granted TCA

- Magnolia grandiflora (T1 and T2) - reduce height by 20-25% by carefully choosing suitable side branches and re-shape for best effect

Ref. No: 23/AP/2434 | Status: Granted TCA

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

Ref. No: 23/AP/3551 | Status: Pending consideration

- Details of Condition 3 (Samples for Extension on Site) pursuant to planning permission ref no.23/AP/1157 - Listed building consent for the erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and creation of a new access point from Gallery Road, landscaping, erection of bin storage and bicycle storage and installation of a ground source heat pump.

Ref. No: 24/AP/0726 | Status: Pending consideration

- Details of Condition 6 (Cycle parking) pursuant to planning permission ref no 23/AP/1156 - Erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and creation of a new access point from Gallery Road with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump. (associated LBC ref: 23/AP/1157)

Ref. No: 24/AP/0729 | Status: Pending consideration

- Details of Condition 3 (Arboricultural Method Statement) pursuant to planning permission ref no 23/AP/1156 - Erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and creation of a new access point from Gallery Road with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump. (associated LBC ref: 23/AP/1157)

Ref. No: 24/AP/0769 | Status: Pending consideration

- Details of Condition 7 (Refuse storage) pursuant to planning permission ref no 23/AP/1156 - Erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing

access and creation of a new access point from Gallery Road with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump. (associated LBC ref: 23/AP/1157)

Ref. No: 24/AP/0771 | Status: Pending consideration

- Details of Condition 8 (Pedestrian entrance) pursuant to planning permission ref no 23/AP/1156 - Erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and creation of a new access point from Gallery Road with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump. (associated LBC ref: 23/AP/1157)

Ref. No: 24/AP/0772 | Status: Pending consideration

- Details of Condition on 2 (Schedule of Condition and Schedule of Works) pursuant to planning permission ref no LBC 23/ap/1157 - Listed building consent for the erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and creation of a new access point from Gallery Road, landscaping, erection of bin storage and bicycle storage and installation of a ground source heat pump.

Ref. No: 24/AP/0804 | Status: Pending consideration

- Details of Condition 5 (Landscaping) pursuant to planning permission ref no 23/AP/1156 - Erection of a new building to house a Children's Picture Gallery, erection of a single storey extension to the Gallery Cottage, closure of an existing access and creation of a new access point from Gallery Road with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump. (associated LBC ref: 23/AP/1157)

Ref. No: 24/AP/0821 | Status: Pending consideration

- Construction of a temporary pavilion building for summer period up to the end of September 2019 to provide ancillary exhibition and gallery facilities comprising an accessible, raised gantry walkway at approximately 2.1m high within a timber cube structure measuring approximately 10m high, 11m wide and 11m deep, to be accessible during standard gallery opening hours (09:00 - 18:00) and for occasional events up to 22:00.

Ref. No: 18/AP/3490 | Status: GFLP

- Relocate 1.3m wide tarmac footpath in the grounds next to Dulwich Picture Gallery due to intrusion on roots of a 43 year old Wellingtonia tree.

Ref. No: 18/AP/1569 | Status: Granted

- T1: Oak - Remove dangerous and damaged stem (large clear split in left hand stem at about 7 metres high). This would leave the seemingly healthy more upright stem intact.

Ref. No: 17/AP/4093 | Status: TCAA

- 4x London Plane trees overhanging College Road - to be lifted as necessary. 2x Evergreen Magnolia's to be trimmed and uplifted.

Ref. No: 17/AP/0372 | Status: TCAA

- Construction of a detached single storey temporary pavilion building.

Ref. No: 17/AP/0624 | Status: GFLP

- Details pursuant to non-material amendments including: Omission of approved changes on existing second floor; Omission of approved dormer; Retention of existing residential staircase in 16a; Retention of existing layout of the offices in the south range of the Old College; Omission of approved changes to existing flat 16 of planning permission 14AP4868 'Fit out of existing Gallery Offices, including the removal of internal partitions, addition of shower, removal of existing residential fit out of Flat 16a; Introduction of dormer between South Range of the Old College and the West Wing; Modification of the escape route from Dulwich Estate Offices.'

Ref. No: 16/AP/1851 | Status: Agreed

- Minor rearrangement of internal partitions and removal of existing residential functions including kitchen and bathroom on first floor in Flat 16A. New connection between south range of the old college, and the west wing on first floor only. Relocation of existing disabled accessible WC.

Ref. No: 16/AP/1825 | Status: Granted

- Non-Material amendment to planning permission 17AP0624 granted 25/05/2017(Construction of a detached single storey temporary pavilion building.) Addition of decked terrace to south of pavilion, to extend seating area.

Ref. No: 17/AP/2003 | Status: Agreed

- 1: Line of Holm Oak trees overhanging College Gardens - Face to be trimmed back where necessary up to 3 metres to uncover street lights, reduce overhang of larger trees to create a more uniform effect. 2: Line of London Plane trees overhanging College Road - To be lifted as necessary to give clearance of road and pavement with special emphasis on the bus stop end where two small branches require removing and some clearance needed of the picture gallery sign. 3: Evergreen Magnolia by north end of gallery - To be trimmed and reshaped as much as possible without creating unsightly gaps in the upper shape. 4: Dawn Redwood to the right of Magnolia (3) - Remove lower tier of branches, trim growth towards Cloister, reshape for best effect and removal of dead branch. 5: Evergreen Magnolia left hand side of building - Prune in similar way to other Magnolia with less emphasis on the height. 6: Beech trees on Gallery Road side - To be lifted and trimmed as necessary over the road and pavement. 7: Dawyck Beech by Gallery Road gate - To have crown carefully lifted to reveal the base of the main stem.

Ref. No: 13/AP/3793 | Status: TCAA

- Display of 1 no. non-illuminated fascia sign applied to the exterior of the Gallery Cafe

Ref. No: 13/AP/1061 | Status: Granted

- Display of three single mast banner advertisement signs

Ref. No: 11/AP/2432 | Status: Granted

- Details of samples as required by Condition 3 of listed building application 10AP3204 dated 14/01/2011 for the Changes to existing external approach to the main entrance to provide step free access for disabled visitors and staff. Internal modifications to entrance lobby to improve accessibility for visitors coat and bag storage.

Ref. No: 11/AP/1293 | Status: Treated as Withdrawn by LPA

- Details of 1) Portland stone kerbs/edging Portland stone paving as required by condition 3 of planning permission dated 14/01/2011 LBS.REG.NO.10-AP-3204 for changes to existing external approach to the main entrance to provide step free access for disabled visitors and staff. Internal modifications to entrance lobby to improve accessibility for visitors coat and bag storage.

Ref. No: 11/AP/1166 | Status: Granted

- Changes to existing external approach to the main entrance to provide step free access for disabled visitors and staff. Internal modifications to entrance lobby to improve accessibility for visitors coat and bag storage.

Ref. No: 10/AP/3204 | Status: GRANTED- Minor Application

- Details of Condition 2 details of the structural changes as required by listed building consent dated 01/07/2016 LBS.REG.NO. 16/AP/1825 for: (Minor rearrangement of internal partitions and removal of existing residential functions including kitchen and bathroom on first floor in Flat 16A. New connection between south range of the old college, and the west wing on first floor only. Relocation of existing disabled accessible WC.)

Ref. No: 16/AP/3169 | Status: Granted

- New single storey extension & cloister link to existing building ancillary to art gallery inc. cafe/w.c/lecture room etc; new vehicle access:(REVISED APPLICATION with no car parking area).

Ref. No: 97/AP/0063 | Status: GRANTED- Minor Application

- Details relating to brick samples (condition 3), elevational treatment plus other works (con.4) of LBC 9700064, refuse (con.4), ventilation ducting (con.3) and access gate (con.5) of planning permission 9700063.

Ref. No: 99/AP/0238 | Status: Application withdrawn

- Erection of two 7m high flag posts each supporting a banner 3.5m x 0.9m in size (each to be illuminated by 2 ground level uplighters)

Ref. No: 00/AP/0497 | Status: REFUSED-Advertisement Consent

- Details pursuant to Conds 3,4 & 5 Reg 9700063 & Conds 3, 4a- 4n Reg 9700064 for new single storey extension and cloister link to existing building ancillary to art gallery including cafe/WC/lecture room together with new access gates

Ref. No: 00/AP/1826 | Status: GRANTED- Approval of Details Application

- Erection of two 8m high poles with advertising banners. (lbs 95/899)

Ref. No: 95/AP/0899 | Status: REFUSED-Advertisement Consent

- The erection of two 8m. high poles with advertising banners.

Ref. No: 95/AP/0755 | Status: REFUSED-Advertisement Consent

- Internal and external alterations to include construction of new ancillary building and linking cloister (College Road side). Formation of new off-street car parking area and new vehicular access (Gallery Road side).

Ref. No: 97/AP/0064 | Status: GRANTED- Listed Building Consent

Consultation undertaken

Site notice date: 08.02.2024

Press notice date: 12.03.2024

Case officer site visit date: N/A

Neighbour consultation letters sent: N/A

Internal services consulted

LBS Ecology

LBS Design & Conservation Team [Formal]

LBS Urban Forester

External services consulted

N/A

Consultation responses received

Site notice date: 08.02.2024

Press notice date: 12.03.2024

Case officer site visit date: N/A

Neighbour consultation letters sent: N/A

Internal services consulted

LBS Ecology - No objection.

LBS Design & Conservation Team [Formal] - No objection.

LBS Urban Forester - No objection, conditions recommended.

Public responses

1x Objection received.

OPEN

MUNICIPAL YEAR 2023-24

COMMITTEE: PLANNING COMMITTEE (SMALLER APPLICATIONS)

NOTE: Original held in Constitutional Team; all amendments/queries to Beverley Olamijulo, Constitutional Team, Tel: 020 7525 7234

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