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<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 18 July 2023	<b>Meeting Name:</b> Planning Committee (Major Applications) A
<b>Report title:</b>	<b>Development Management planning application:</b> Application for: Full Planning Application (23/AP/1156) and Application for: Listed Building Consent (23/AP/1157)  <b>Address:</b> Dulwich Picture Gallery, Gallery Road, London, Southwark SE21 7AD  <b>Proposal:</b> 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)		
<b>Ward(s) or groups affected:</b>	Dulwich Village		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date:</b> 25 April 2023		<b>PPA Expiry Date:</b> 20 July 2023	
<b>Earliest Decision Date:</b> 20 June 2023			

## RECOMMENDATIONS

1. That planning permission be refused for planning application 23/AP/1156 for the following reason:

The proposed Children's Picture Gallery constitutes inappropriate development on the application site which is designated as Metropolitan Open Land (MOL). It would detract from the openness of the MOL and would result in the permanent loss of the MOL. The proposal is therefore contrary to the National Planning Policy Framework (NPPF) 2021, Policy G4 (Open space) of the London Plan 2021 and Policy P57 (Open space) of the Southwark Plan 2022.

2. That consent be granted for Listed Building Consent 23/AP/1157 subject to conditions.

## EXECUTIVE SUMMARY

3. This report provides an assessment of both the full planning application (23/AP/1156) and the associated Listed Building Consent (23/AP/1157) for the

proposals relating to the site at Dulwich Picture Gallery. It should be noted that the Listed Building Consent assessment covers only the impacts on Grade II listed Gallery Cottage and this is set out in paragraphs 77 - 106 of this report. While this must form part of the assessment of the full planning application, other planning considerations are taken into account in the assessment of 23/AP/1156 including the principle of the development, impacts on heritage assets, impacts on neighbours, ecology and biodiversity and fire safety.

4. In summary, it is recommended that the Listed Building Consent (23/AP/1157) is granted as the harm is less than substantial and is outweighed by the modest heritage gains of restoring the appearance and operation of the front door and removing elements of clutter; securing the long-term viability of the building as a historic asset; and by the new public access to the building, as a schools' welcome point and occasional café. In addition, the impacts having been sufficiently minimised and deemed necessary to provide a functioning new space for large school groups.
5. It is recommended that the full planning permission (23/AP/1156) is refused. While many elements of the proposal are acceptable in principle, the proposal for a new building is contrary to the development plan. The proposal causes significant harm to the Metropolitan Open Land (MOL) and this harm is not outweighed by any other considerations. This is set out in detail in paragraphs 40-76 of this report.
6. Two pre-apps were held with the applicant prior to the submission of a planning application (22/EQ/0245 and 23/EQ/0038). At both of these pre-apps, officers raised concerns regarding the impact on the MOL amongst other issues including impact on the Listed Building and details surrounding the landscaping proposals. Although it is welcomed that the applicant has made efforts to reduce the harm on the MOL by reducing the scale of the proposed new build, a significant level of harm remains.
7. Throughout the assessment of this application, a number of changes have been made to the application including the removal of any lighting proposals and alterations to the Listed Cottage such as a change to proposed canopy to provide a retractable awning rather than a fixed canopy. All changes came in response to consultation comments.
8. This application is being determined at Planning Committee (Major Applications) A as it has been referred by councillors and agreed by the chair of committee.

## **BACKGROUND INFORMATION**

### **Site location and description**

9. The application site relates to Gallery Cottage and the landscaped area which are within the curtilage of the Dulwich Picture Gallery, which is Grade II\* listed.
10. Gallery Cottage sits to the southwest of the gallery building. The cottage is Grade II listed and is thought to be designed by Sir John Soane for use by the gallery caretaker. Its significance derives from its close association with the architect and

the main gallery, and for its contrasting humble design.

11. Public access to the gallery is from College Road, where a formal gateway within the boundary brick wall leads initially to the café and onwards to the gallery's main entrance. A secondary public entrance is to the grounds and is an informal entrance within the timber fencing onto Gallery Road, located between the meadow and main gardens. A servicing/ staff entrance is located in the northwest corner of the grounds, with a vehicle and adjacent pedestrian gate within the boundary railings onto Gallery Road.
12. The grounds to the picture gallery comprise mainly lawns with trees, shrubs and gravel bound pathways. The landscape is simple and in a more formal arrangement immediately to the front (east) and rear (west) of the gallery, but becomes more informal to the south, forming a copse of trees and an area of meadowland, and includes freestanding sculptures. The boundary is formed by a low plinth wall and metal railings to the west, a brick wall to the east, and close-boarded fencing to the south and southwest. Trees and hedges run along the perimeter of much of the site.
13. The Gallery and mausoleum were originally designed by Sir John Soane and constructed between 1811 and 14, and then partly rebuilt following damage in World War II. The contemporary cloister and cafe pavilion were added to the gallery by Rick Mather Architects in 2000. The main entrance to the Gallery is via College Road. The significance of the building is its age; architectural composition and material quality; its close association with Soane; and its form and detailing as a formal building set within a loosely formal landscape, visible on a purposeful east/ west axis from the adjoining streets. The building's historic significance is also derived from its use as a purpose-built gallery and its location in a suburban setting surrounded by gardens; as the first art gallery open to the general public; but also from its unique part use as a mausoleum to its founders.
14. The gallery building and its café are adjacent to the Grade II listed complex of Dulwich College Old School/ Christ's Chapel and Edward Alleyn almshouses (and near to the Grade II listed Old Grammar School at the junction of Gallery Road/ College Road; and opposite the Grade II listed late 18th /early 19th century Stellar House (no.11) and mid-18th century semi-detached houses of no.13 and 15 College Road.
15. The site is also opposite the registered parks and gardens of Dulwich Park (Grade II) to the east and Belair Park (Grade II) to the west. The nearest residential properties are located to the south and south-east of the site at College Gardens.
16. The site is within the Dulwich Village Conservation Area (sub-area 2) which is characterised by its historic layout of thoroughfares and property boundaries; its sense of openness and greenery and views along spacious streets; and fine Victorian and Georgian residential and institutional buildings. The village as a strong 'rus in urbe' character, with the conservation area sub-area 2 notable for the highly positive contribution of its listed buildings, well-maintained gardens and registered parkland. The site is also located on Metropolitan Open Land.

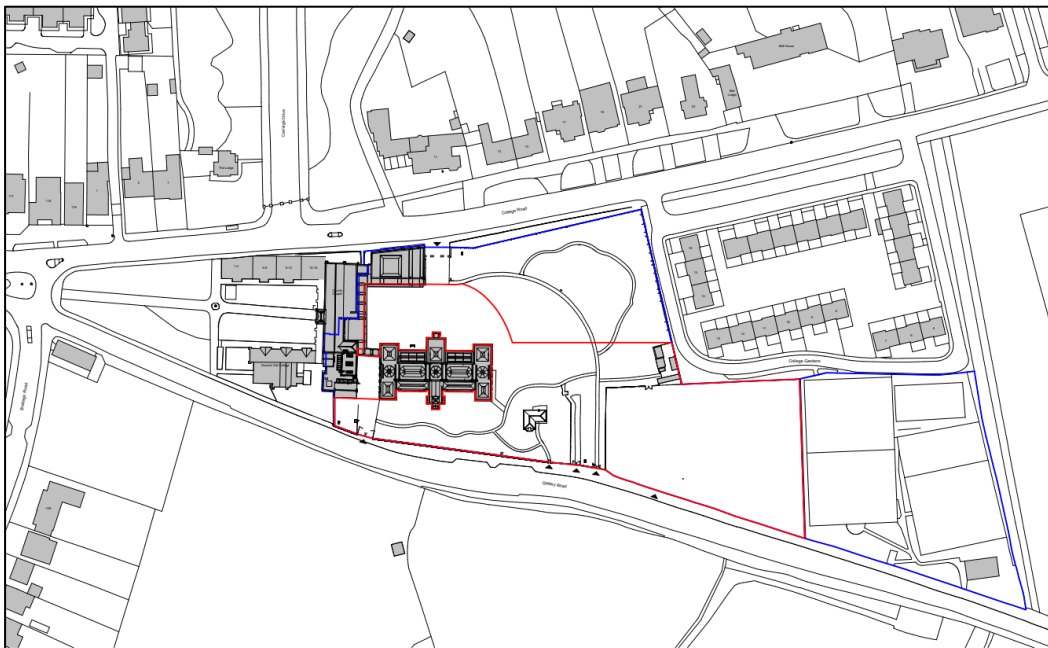


*Map of conservation area and listed buildings.*

*Red buildings are Grade II\* Listed  
Green buildings are Grade II Listed*

17. The following designations are relevant to the site:

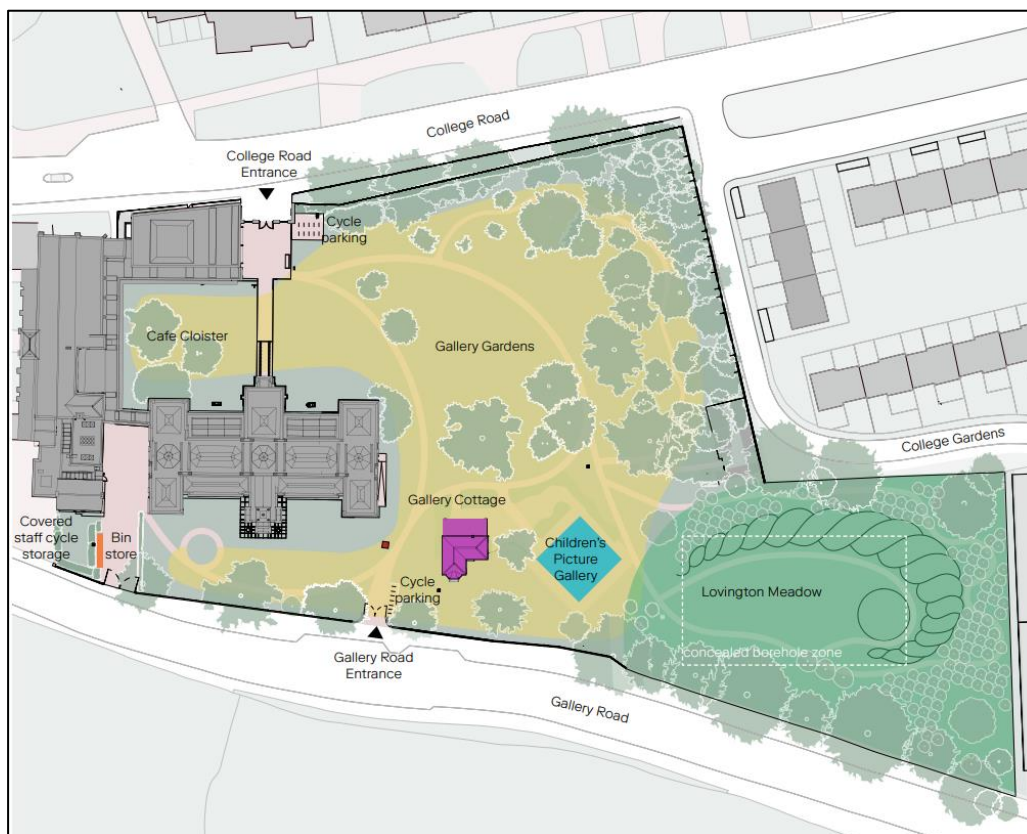
- Dulwich Picture Gallery/ Hitherwood Metropolitan Open Land (MOL)
- Dulwich Village Conservation Area
- Dulwich Village Local Town Centre
- Dulwich Picture Gallery Green Chain Park
- Critical Drainage Area



*Site location plan*

## Details of proposal

18. A number of elements form part of this application and are illustrated in the following proposed site plan:



19. The proposals include the following:

### Children's Picture Gallery

20. The proposed Children's Picture Gallery will be a single storey building with a footprint of 160sqm. The proposal would be located centrally in the Gallery Gardens and to the south of the listed Gallery Cottage.
21. The submission documents describe the Children's Picture Gallery as a space 'where children can interact with and learn to appreciate art with a particular focus on tactile activities that will take their lead from the Gallery's Collection and Exhibitions in the Main Gallery.' The space is intended for children up to 8 years of age with defined 45 minute sessions from 9am – 5pm. The space will have capacity for 30 children plus carers and 3 staff members. No plans have been provided for the internal layout of the gallery and it is assumed that the space is intended for more interactive arts-based programmes rather than for the display of artwork given that the large windows likely limit the ability to hang art on the walls and details of free-standing art displays are not provided at this stage.

22. The building also contains four toilets and a plant room to facilitate a Ground Source Heat Pump (GSHP) which will be used to connect to all of the Gallery buildings.
23. The elevations are clad in timber panels with horizontal joints and the parapets are finished with a metalwork trim. The picture windows have surrounds that slightly project, creating a pothole effect, with the surrounds highlighted in a contrasting metallic finish. A further feature of the building are the large fixed canopies on each of the facades.



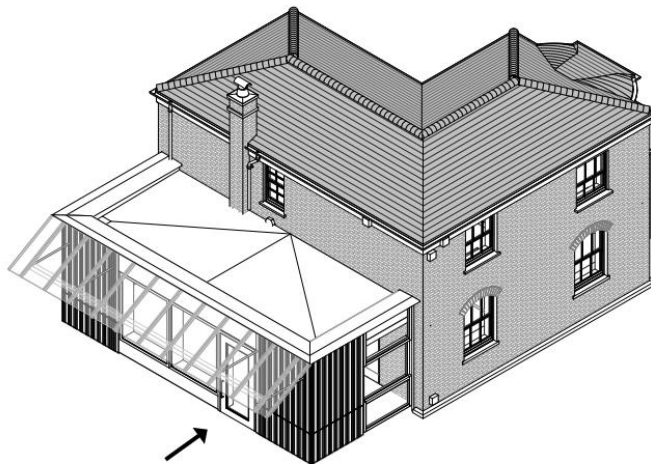
*Image of proposed Children's Gallery*

### Extension to Gallery Cottage

24. A 31sqm single storey rear extension is proposed to the listed cottage. The primary use of the ground floor of the two storey building is as a school reception and lunchroom on Mondays to Thursdays for visiting schools groups. It is proposed that the Cottage will be used as a café on Friday to Sundays. The café will not provide any cooking equipment and will only be opened at the same times as the Gallery. The upper floor of the building would continue to function as ancillary staff offices and storage for the gallery.
25. The proposed works to the cottage comprise:
  - an extension to the eastern elevation, with awnings, requiring formation of a new opening within the existing elevation for access
  - refurbishment of existing windows and entrance doors, including addition of vinyl privacy film to WC windows and removal of modern trellis and internal plasterboard to the former front door on the western elevation to re-open doorway
  - repointing of brickwork and repairs to chimney, including insertion of new flue/

ventilation equipment within chimney, and rationalisation of any external clutter

- replacement of partitioning within ground floor southern wing to create two WCs (including disabled WC) and storage room
- installation of exposed mechanical ventilation to ground floor ceiling soffits, serving WCs and extension
- widening of existing internal doorways at ground floor level from hallway through to main room for mobility access
- upgrading or replacement of internal doors for fire resistance, and repositioning of original internal door for store room
- provision of bench seating within ground floor main room, attached to walls
- refurbishment of parquet floor to main room
- provision of new and additional radiators below windows throughout, concealed behind bench seating on ground floor level, and
- installation of insulation and plasterboard lining to internal walls at ground and first floor levels, requiring removal and re-fixing of skirtings and architraves



*Proposed rear extension to Gallery Cottage (canopy now a retractable awning)*

## Landscaping

26. Landscaping proposals include the removal of hedges around Gallery Cottage and the field which will become known as 'Lovington Meadow'. Hedges and 18 trees will be removed to facilitate the development including 5 Category B trees. However, the proposals include the planting of 126 new small trees (Sorbus Torminalis), 4 Oak trees and 1 Elm New Horizon tree.
27. There are multiple references to the use of the Meadow as a sculpture garden. However, specific details of the sculpture garden have not been provided. The applicant has provided indicative information regarding what might be included in the sculpture garden but there is no specific information provided relating to the quantity or scale of the sculptures or the period of time for which they may be present. Therefore, there is insufficient information to assess the impacts on the openness of the MOL and whether or not there is a change to the character of the



MOL. Without being able to fully assess the impact of the proposal, it is not possible to confirm whether or not the proposal would comply with planning policies. The description of development does not reference a sculpture garden and therefore in assessing this proposal, only the landscaping proposals will be considered and not any potential sculpture garden. Separate planning permission would need to be sought for the installation of sculptures within this area. If planning permission were to be granted for this application, the sculpture garden would not form part of this planning permission as it not shown on the proposed plans.



*Proposed landscaping plan*

### New entrance

28. The existing pedestrian entrance on Gallery Road will be moved to the north of the Cottage to be closer to the Gallery with the existing telephone box moved from the existing vehicle entrance to the new pedestrian entrance. New railings will also be introduced along the whole of the Gallery Road boundary.



*View of proposed new pedestrian entrance, new railings and Children's Picture*

## *Gallery*

### Bin and bike storage

29. A new bin store and cycle storage for staff will be provided adjacent the existing vehicle entrance. Additional cycle storage for visitors is proposed alongside the new pedestrian entrance.

### **Consultation responses from members of the public and local groups**

30. The application has received 36 public comments including 2 comments of objection (one objection was subsequently replaced with a comment of support by the Dulwich Society; see para 33) and 34 comments of support. Summarised below are the material planning considerations raised by members of the public. These matters are addressed in the subsequent parts of this report.
31. Support:
- Enable the Gallery to increase its cultural and educational offer
  - Children's Picture Gallery will encourage new, younger and more diverse audiences to the Gallery
  - The project will make the Gallery more likely to be a cultural destination of choice for all the schools of Southwark
  - Provide opportunities for young children to engage in creative play and will allow for more school groups to visit
  - The development will secure the Gallery's future, help the Gallery remain viable and will be a benefit to the local community. The Gallery gets no government funding.
  - Opportunity to improve public realm and make the Gallery more accessible
  - Sensitive, well-designed, sustainable extension of a public amenity that increases public space
  - The ground source heating is a benefit; provides long term renewable energy
  - No contradiction between the intention to preserve open space and the scale and purpose of either the proposed new building or the practical modifications to the existing cottage.
  - The design improves access to and opens new views of the gallery's landscaped gardens
  - Need for a sculpture park in London. Sculpture gardens add to the environment and community. Proposal adds additional interest by providing a new sculpture garden
  - Welcome the new landscaping, trees and sculpture meadow. New trees will benefit surrounding by lessening pollution and increasing biodiversity. Proposals will enhance the piece of land adjacent to the Gallery
  - Concern that the proposed extension is too small and will not be able to cope with demand
  - Support for the re-purposing of the empty building to provide more and better facilities for the public, and to develop the unused surrounding
  - Proposal in line with Dulwich Area Vision (AV07)

32. Objections:

Conservation Area Advisory Group (CAAG) (summary of main points raised in comments)

- Applaud Gallery for plans to increase public access including a sculpture area, a new children's gallery, enhanced facilities and a café to be incorporated in an addition to the existing Gallery Cottage building.
- Buildings and landscape relate poorly to the architecture and fabric of the listed gallery
- The siting of the building at a 45degree angle to the other buildings on the site and to the adjoining road frontage seemed inappropriate, given the relationship of all other buildings on the frontage to it.
- Architects looked at eight different sites for the Children's Gallery building as designed, rather than designing it specifically to relate to one, to maximize its particular views and other advantages.
- MOL is a precious resource and loss of open space is questionable. Consideration should have been given to extending the existing gallery
- No objection to the new access from Gallery Road
- Concern for the loss of mature trees to facilitate landscaping proposals
- In summary, the panel had strong concerns about the creation of "an object building" in the context of the listed building. They applauded the ambitious work of the architects and the Gallery in looking to achieve an appropriate response to the Soanian plan but suggested that they might consider using materials with more gravitas in new building that will mellow and enhance with time rather than deteriorate. The panel supported the basic brief seeking to enhance the sites facilities. They acknowledged that the proposal for the new building has strong character but thought its design is not what is needed here.

33. Others:

Dulwich Society originally objected to the application (comment dated 14/05/2023). Their objection can be summarised as follows:

- Support the children's facility in principle but concerned about the detailed design. The canopies are very prominent and will distract from the listed building
- Support the extension of the cottage but concerned about the height of the extension and the prominent canopy
- Lack of detail on the soft and hard landscaping proposals
- Bins should be accessed from Chapel Cottage garden to deliver better aspect to public areas
- Object to the Construction Management Plan which is lacking in detail
- The proposal should be presented to Southwark's Design Review Panel (DRP)

Following this objection, the architects met with the Society and the Society and are now expressing support (comment dated 01/06/2023) for the application although requested some further information:

- Details of boundary treatment and landscaping to be secured via condition
- The Construction Management Plan should be amended prior to approval to give residents assurance that disruption will be minimised
- Children's Picture Gallery – support the facility and now accept the canopies as they serve to provide sheltered space and boost the building's sustainability credentials. The Society would like to have sight of all materials prior to approval
- Extension to cottage – the proposed extension is large when viewed with the host building but the Society now accepts the introduction of the canopy as it will draw the eye down and provide additional seating/circulation space. The proposed height is constrained for a public building. The Society would like to have sight of all materials prior to approval
- Public benefits of the scheme include economic, social and/or environmental objectives. The public benefits that may follow from this development are considerable. Any perceived harm is outweighed by the public benefit of providing a children's gallery, cafe and sculpture garden

### **Planning history of the site, and adjoining or nearby sites**

34. 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**

35. The main issues to be considered in respect of this application are:
- Principle of the proposed development on MOL in terms of land use;
  - Assessment of the works to the Listed Building;
  - Design and impact on the conservation area and setting of the listed buildings;
  - Transport and highways;
  - Landscaping and trees;
  - Ecology and biodiversity;
  - Impact on neighbours;
  - Sustainability and environmental issues;
  - Fire safety;
  - Mayoral and borough community infrastructure levy (CIL);
  - Consultation responses;
  - Community impact, equalities assessment and human rights.
36. These matters are discussed in detail in the 'Assessment' section of this report.

### **Legal context**

37. 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.

38. 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**

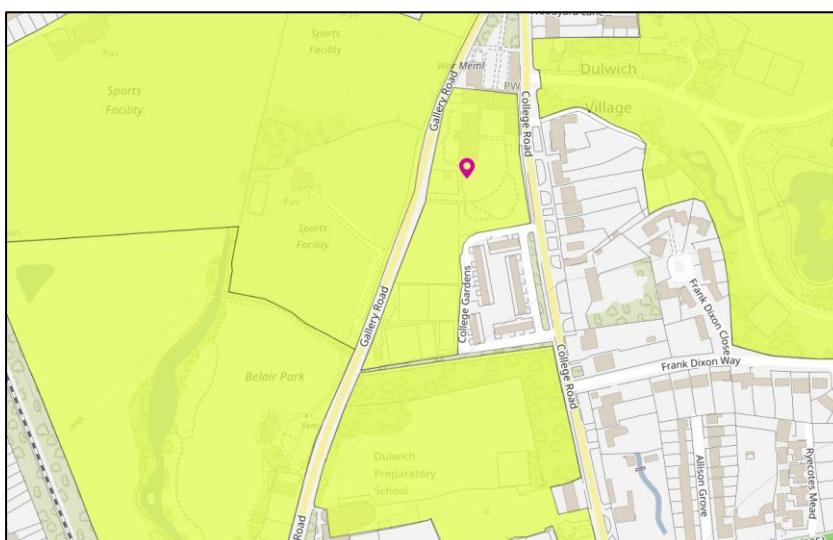
39. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework (2021) and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. 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**

40. With regards to the principle of the development, the main policy consideration relates to development on Metropolitan Open Land (MOL).

The extent of the MOL designation is shown below:



*MOL designation. To the east of the site is Dulwich Park, to the south is Dulwich College and to the west is Dulwich College Sports Ground and Belair Park*

41. Southwark Plan P57 (Open space) states that:

“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:

1. 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
2. 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
3. It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.”

42. This is supported by the London Plan 2021 Policy G3 (Metropolitan Open Land) which states that MOL is afforded the same status and level of protection as the Green Belt. However, the London Plan also goes on to say in paragraph 8.3.4 that:

“Proposals to enhance access to MOL and to improve poorer quality areas such that they provide a wider range of benefits for Londoners that are appropriate within MOL will be encouraged. Examples include improved public access for all, inclusive design, recreation facilities, habitat creation, landscaping improvement and flood storage.”

43. The National Planning Policy Framework (NPPF) 2021 paragraph 147 states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” The NPPF goes on to state in para 148 that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.”

The NPPF does not define what constitutes ‘very special circumstances’.

44. As set out in the NPPF any harm to the Green Belt should be given substantial weight. Therefore, while Southwark Plan P46 (Leisure, arts and culture) and P47 (Community uses) are also relevant to the principle of development, they must be given less weight in comparison to policies relating to MOL. Policy P46 states that development will be permitted where new leisure, art and cultural uses are provided and it delivers or supports the delivery of public art projects, independent museums and theatres. Policy P47 states that development will be permitted where new community facilities are provided that are accessible for all members of the community.

45. Given the wide-ranging proposals which form part of this application, the principle of each of these proposals are individually assessed as follows:

### Children's Picture Gallery

46. The proposed Children's Picture Gallery is a single storey building with a footprint of 160sqm. The proposed location is to the south of the listed Gallery Cottage and centrally located within the MOL which is currently an open landscaped area of the site.
47. The development does not meet any of the exceptions set out in Southwark Plan Policy P57 (Open space) or the NPPF where the principle of development could be considered appropriate development on MOL. This is because it is not an ancillary facility for a land use which would preserve the openness of MOL and would conflict with its MOL function. The policy supports the extension or alteration of an existing building or the replacement of an existing building, but not the construction of a new building within MOL designation. Therefore, given the fact that it is inappropriate development there is harm caused to the MOL as defined in the NPPF paragraph 147.
48. When assessing the impact of a proposal on the openness of Green Belt land, the Planning Practice Guidance (PPG) suggests that consideration should be given to a number of factors, including but not limited to:
- the spatial and visual impacts;
  - the duration of the development taking into account the provisions to return the land to its original state; and
  - the degree of activity likely to be generated such as traffic
49. In the Planning Statement, the applicant notes that the proposals when taken together (i.e. including the extension to the listed building) would only result in a 1% increase to the built-up footprint on the MOL, bringing the total built up area on the MOL to 13%.
50. With regards to the footprint, while it is welcomed that the applicant has made attempts to reduce the footprint of the building since the initial pre-application (22/EQ/0245), the proposed footprint of 160sqm, would remove a significant piece of an existing designated open space which is relatively small in a central location. The size of the proposed building is apparent when compared against the existing cottage (footprint of 62sqm excluding the new extension) and even when taking into account the proposed extension on the cottage (93sqm including the extension), which forms part of this application. The proposed new Children's Gallery Building is therefore considered to be a significant part of the MOL which will contain permanent buildings.
51. When assessing the spatial and visual impacts, it is important to note that openness is three-dimensional and factors such as the mass and views through the site are as important as the size of the footprint. The views through the currently open site of the MOL are lost with the introduction of a new building, the bulk of the proposed canopies also add to the visual impact making the building

appear larger than it is. In the Planning Statement, the applicant states that the openness and views will not be impacted by the proposal and that 'the removal of dense beech hedges throughout much of the site creates a greater sense of visual openness to the site'. Officers strongly disagree with this point – hedges and any other shrubbery are a natural feature to the environment of MOL and add to the rural-like and green character that would be expected on MOL. The Southwark Plan states that land designated as MOL contributes to the physical structure of London by being clearly distinguishable from the built up area and contains features or landscape of historic, recreational, nature conservation or habitat interest at a metropolitan or national level.

52. In this case, the proposal would be a permanent building on the site located very centrally within the MOL designation, therefore resulting in the permanent loss of MOL. In their objection, CAAG "noted that the architects had looked at around eight different sites for the Children's Gallery building as designed, rather than designing it specifically to relate to one, to maximize its particular views and other advantages". Officers agree with this point and have not seen any other design for the building in different locations within the site. This supports the fact that the building has not been appropriately designed for its location to retain the openness of the MOL.
53. Overall, there is clear harm to the MOL for the following reasons:
- The principle of the proposal is inappropriate development as per paragraph 147 of the NPPF and Policy P57 (Open space) of the Southwark Plan.
  - The size of the proposed Children's Gallery Building is significant in the context of this relatively small open area of the MOL as evident when viewed against the existing building on-site (Gallery Cottage).
  - The openness of the MOL is negatively impacted by introducing a building in a central and very prominent location in the MOL, this includes impacts of views through the site.
  - The proposed building would be a permanent structure on the site resulting in the permanent loss of MOL.
54. As the development does not meet the exceptions where development may be permitted on MOL, consideration is instead given to whether there are 'very special circumstances' that would justify the harm to the MOL.
55. Within the applicant's submission documents, the following reasons are provided for the need for a Children's Gallery:
- The Gallery is a nationally significant cultural institution
  - The proposal would diversify the audience attracted to the gallery
  - The proposal would provide greater amenity for visitors through the provision of additional toilets
  - The proposal is needed to help financially safeguard the gallery for the future.
56. The national, regional and local significance of the gallery is not disputed and the council is supportive of the gallery's aspirations to continue to evolve and expand its offer. However, the preservation of open space, in particular Metropolitan Open



Land, is a key priority and strategic aim of the council as set out in Southwark Plan Policy SP6 (Climate emergency) which states that we will protect and improve our network of open spaces and within Policy P57 (Open space). In addition, the protection of greenbelt land is a national objective as set out in the NPPF which looks to resist development on the greenbelt. Given the importance of the local objectives to protect open space, which must be given substantial weight, the significance of the gallery does not outweigh the harm to the MOL and does not constitute 'very special circumstances'.

57. The primary reason for the proposal is to diversify the audience attracted to the gallery. The applicant sets out that the proposal of a Children's Gallery would help in achieving the gallery's goals in increasing the level of provision for families and children. It is acknowledged by officers that the proposal for a Children's Picture Gallery received support during the public consultation of this planning application. The applicant also carried out public consultation as set out in their submitted Statement of Community Involvement, which illustrated support for the proposal. In addition, some weight must be given to the provision of a new child-focused art-themed space in line with Southwark Plan P46 (Leisure, arts and culture), which supports the delivery of such uses. However, as set out in the NPPF, substantial weight must be given to the harm to the MOL and given the council's priority to protect open space, this is not considered adequate to outweigh the harm to the MOL. The gallery maintains its ability to increase its offer to children and families through an extension to the listed Gallery Cottage which is acceptable in principle as set out in paragraphs 62-63 of this report. The addition of a new free standing building further detracts from the MOL and the provision of additional child-facilities, which could otherwise be provided in part through the extension of the cottage, are not considered to be 'very special circumstances' that outweigh the harm to the MOL.
58. With regards to the proposal providing greater amenity for visitors through the provision of additional toilets, officers note that the refurbishment of the adjacent cottage will also include toilets and the need for even more public toilets in such close proximity to each other do not constitute 'very special circumstances' that outweigh the harm to the MOL.
59. Finally, the Children's Gallery would be ticketed for under-8's and would provide a revenue stream for the gallery who do not currently receive funding from local or central government and are heavily reliant on ticketed exhibitions to generate income. The applicant suggests that economic measures that allow an organisation to continue to deliver cultural, community and social benefits constitute 'very special circumstances'. Again, officers are supportive of the gallery's aims to continue to expand its offer, however, this should not come at the expense of open space. While the provision of a ticketed Children's Picture Gallery may provide a financial benefit to the applicant, there is a very minor economic benefit to the wider community in that the proposal would only create 3 jobs and therefore the direct economic benefit to the wider community would be very minor and does not outweigh the harm to the MOL.
60. While it is acknowledged that the gallery must be able to finance itself, the wider community benefits of the proposal are questionable given that it will only be those

who can afford to pay to enter the Children's Gallery that will benefit from it. Although there are some discounted tickets available for access to the gallery it will not be a community facility that is open to all members of the community as per the requirements of Southwark Plan P47 (Community uses). Therefore, 'very special circumstances' do not outweigh the obvious harm to the MOL.

61. In summary, it is not considered that any of the 'very special circumstances' proposed by the applicant outweigh the clear harm to the MOL as a result of the proposed building on the site. The proposal is inappropriate development and the openness of the MOL is negatively impacted.

#### Extension to the grade II listed gallery cottage

62. Southwark Plan P57 (Open space) allows for development on MOL where "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".
63. In this case, the extension, while significant (approx. 31sqm), is not considered to be disproportionate in terms of land use as it is half the size of the existing footprint of the Cottage which measures at approx. 62sqm. Therefore, the principle of this extension is considered acceptable in land use terms and would not adversely detract from the openness of the MOL, subject to impacts on the listed building (discussed in paragraphs 77-106).

#### Landscaping of the meadow

64. Southwark Plan P57 (Open space) allows for development 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".
65. The principle of improving the landscaping is not contrary to Policy P57 (Open space) and will improve the quality and accessibility of the open space. The landscaping proposals will also not affect the openness of the MOL or detract from its character.
66. However, details of the sculpture garden have not been provided. The applicant has provided indicative information regarding what might be included in the sculpture garden but there is no specific information provided relating to the quantity or scale of the sculptures or the period of time for which they may be displayed. Therefore, there is insufficient information to assess the impacts on the openness of the MOL and whether or not there is a change to the character of the MOL. Without being able to fully assess the impact of the proposal, it is not possible to confirm whether or not the proposal could be considered acceptable on balance.
67. As the development description only includes reference to landscaping and not to a sculpture garden and none of the plans provide details of the sculptures, the sculpture garden is not considered part of this application although it is understood

from the applicant that this is their aspiration. Given the operational works likely required in installing a sculpture/statue/artwork, the applicant would need to apply for temporary planning permission for the sculptures when the quantity, scale and location of these features are known.

68. Notwithstanding this, the proposals for landscaping the meadow are acceptable and not considered to be contrary to Policy P57 (Open space).

#### Bin and cycle storage

69. New bin and staff cycle storage is to be located on the Gallery Road side of the site alongside the existing vehicle entrance. The bin storage will replace the existing arrangement on site which currently includes a number of bins located on the public highway. The proposed storage facilities are modest in scale and located on the edge of the MOL, alongside the vehicle entrance. Therefore, there is not considered to be a considerable impact on the openness of the main green space and the location of the new storage facility is acceptable.
70. New visitor cycle storage is also to be provided alongside the new visitor entrance on Gallery Road. While the location on the green space is not ideal, it is best practice to locate cycle storage as close as possible to an entrance. In addition, the stands are proposed to be Sheffield stands and are not in an enclosed storage facility which will minimise the impact on the MOL and can therefore be considered acceptable on balance.

#### New pedestrian access

71. A new pedestrian access is proposed on the Gallery Road side of the site to the north of the Cottage. The new entrance will have no significant impacts on the openness of the MOL and will improve pedestrian access to the site. Therefore, on balance the new access is considered acceptable.

#### Conclusion on principle of development

72. Although the proposals comply with Southwark Plan P46 (Leisure, arts and culture), the application site is designation as MOL. Paragraph 148 of the NPPF states that 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'. MOL is afforded the same level of protection as the Green Belt within the London Plan. Therefore, policies relating to MOL outweigh any other relevant policies which are given limited weight.
73. While many elements of the proposal are acceptable in principle, the introduction of the new Children's Gallery Building on the site is not appropriate development. The harm to the MOL is clear and 'very special circumstances' do not exist that outweigh this harm to the MOL.
74. The submitted Planning Statement suggests that the proposals when taken as a whole (i.e. including all elements of the application) would increase the public accessibility of the MOL by 35%. The applicant also states that funding for the proposals will only go ahead for all elements of the proposal are implemented. With regards to the funding, how an applicant finances their development is not a

planning consideration and is not a relevant factor in assessing this application. Notwithstanding this, officers do not consider this to be enabling development i.e. there is no need for a Children's Gallery Building to be provided in order for the Meadow to be made accessible and used by the public. While it is acknowledged that the level of landscaping as proposed may not be possible without funding, there is no reason why some level of access to the meadow area could not be provided if the Gallery wished to expand its offer and this does not justify the proposed loss of MOL as a result of the proposed Children's Gallery.

75. Permitting a new building on MOL sets a precedent for this type of development in the borough which undermines the strategic objectives of Southwark Plan SP6 (Climate emergency) and P57 (Open space). Development on MOL should be resisted in line with national and local policies.
76. In conclusion, it is recommended that the planning application (23/AP/1156) is refused on the basis that the Children's Picture Gallery is inappropriate development on MOL and the development would result in a level of harm to the MOL that is not outweighed by 'very special circumstances'.

### **Assessment of the works to the listed building**

77. This section of the report provides an assessment of the associated Listed Building Consent (LBC) application 23/AP/1157, which is assessed alongside the main planning application. The LBC relates to the works proposed to the Grade II listed Gallery Cottage.

#### **Description and heritage significance**

78. Paragraph 194 of the NPPF requires applicants together with the Local Planning Authority to identify the architectural or historic significance of a designated heritage asset and to record the effect of any proposal on that architectural or historic significance.
79. The architectural or historic significance of any heritage asset includes its internal and external historic features and its setting. In addition to the facades of a Listed Building its features of significance could include its roof, its plan form, decorative internal features like original cornices, skirtings and fireplaces and important structures like floor beams, staircases or chimneys.
80. Gallery Cottage sits within the institution's grounds, positioned to the southwest of the picture gallery and mausoleum. The cottage is Grade II listed and is recorded as being early 19th century and possibly designed by Sir John Soane for use by the gallery's builder and later caretaker/ groundskeeper. Its significance derives from its close association with the architect and the gallery/mausoleum building, and for its contrasting humble design.
81. The building is two storeys in the same brickwork as the gallery and has a low hipped slate roof with short eaves, and an 'L' shaped plan that projects towards Gallery Road. The brickwork pattern is mixed, with generally those elevations facing north and projecting west in Flemish bonded brickwork and those facing

east and south in stretcher bond.

82. The north facing façade is two windows wide, whilst the Gallery Road elevation (west) is one window wide to the projection and two windows wide for the main body. The projection features a full-height bay with quadrant corners, containing the single window and a panelled front door below, with the door shaded by a metalwork portico. A further front door is located within the inner corner of the L, facing towards Gallery Road, with a bracketed canopy. The entrances and first floor windows feature flat arched openings, whilst those at ground floor mainly cambered arched or segmental arched with swept window heads. The windows are mainly white painted timber sashes with a 3-over-3 fenestration, the exceptions being two blind windows on the west and south elevations, and the windows on the east elevation, which are nonetheless timber and multi-paned. The east elevation has a matching part timber and glass rear door, adjacent to a narrow projecting brick chimney stack.
83. Looking at the current condition of the cottage, the building has been altered over time, particularly during the 1950s and in response to wartime damage, with notable changes to the footprint and to the elevations and interior, reflected in the switch of the brickwork patterns. Further changes were made in the 1990s (TP9700063 and TP9700064), when the building was adapted for use as ancillary gallery storage and staff amenities.
84. The interior plan form and details are partly altered, although 4-panel doors with simple architraves, elements of picture rail and skirting are likely original. The ground floor cover is herringbone parquet, typical of the 1950s, whilst the ceilings are modern plasterboard. The two main rooms at ground floor within the original building footprint have been opened up to form a single room, albeit nibs and a downstand are retained, preserving a sense of the room proportions. Importantly the cottage's character is sufficiently preserved, with its charming bow fronted appearance, as reflected in its listing in 1998.
85. Lastly, the cottage has a small garden/ allotment area and is partly sectioned off from the main grounds by beech hedge fencing, with a gap retained within the hedge for access. The cottage is also accessed from Gallery Road by a pedestrian gateway within the boundary railings and a separate vehicle gate within the adjoining timber fencing.
86. As referenced above, the cottage's heritage significance derives from its architectural and historical interest, primarily through its association with the architect, Sir John Soane; and its close association with the gallery, being contemporaneous with and integral to the gallery's construction and on-going upkeep. The early 19th century cottage and gallery are of group value, with their historic interconnections and the simple cottage charm contrasting with the grandeur of the gallery/mausoleum; both set within a shared semi-rural landscape that makes a positive contribution to their significance.

### Gallery Cottage proposals

87. Full details of the proposals to the Listed Cottage are set out in paragraphs 24 – 25 of this report. The two main changes are the upgrading of the thermal

performance of the building and its extension; the remainder being matters of general refurbishment and the updating of finishes to meet fire and access regulations.

88. On the latter matters, the refurbishment works are welcome, particularly with the retention of existing windows and doors, which although not all original are nonetheless historical. The internal doors would be upgraded for fire resistance, applying fire seals and intumescent paint, which would have minimal impact on their appearance. The removal of the modern trellis and re-opening of the original front door are a positive feature, albeit the door would only be used in emergencies only.
89. Internally, at ground floor level the installation of new partitioning and toilets are acceptable, as they would replace existing modern fixtures and fittings and would not especially alter the current planform, which is non-original in this part of the building. The widening of the doorways from the hallway through to the main room at ground floor level will require some loss of historic building fabric. However, the loss is minimal and is required to secure sufficient access for those with disabilities. It is notable that access to the upper floor of the building would be cordoned off to visitors in a low-key manner, using a rope and sign, with the upper rooms locked.
90. The additional changes are the setting out of the main visitor space for seating, which involves fixing new benches to the walls within the through-room. Whilst the bench seating is extensive, the damage to the internal fabric would be modest and would not unduly affect the volume(s) of the conjoined rooms, which would continue to be read. The benching would also serve to screen from view the large radiators. The remaining furniture is free-standing. The changes are reversible, and are acceptable. If the application were to be approved, a condition is recommended for detailing of the benches to limit the fixings and ensure a high quality finish. The existing 1950s parquet floor is refurbished.
91. New ventilation ducts would be installed within the hallway, WCs and extension, exposed beneath the ceiling finish within the building, and exposed with other services between the joists within the extension. The main extractor would be located within the existing chimney. The exposed services are evidently not in character with the cottage, whilst there would be some disruption of fabric in inserting the equipment within the chimney. The impacts are of some harm.
92. Turning to the two main changes, the upgrading of the thermal performance of the building is supported in principle both in terms of the contribution to environmental sustainability, but also the long-term preservation of the heritage asset itself. The considerations, however, are the sensitivity of the upgrading works and the impact on the cottage's historic fabric as a traditionally constructed building. As noted above, the cottage has undergone extensive renovations and repairs during the early post-war period, the outcome of which is that relatively limited internal features survive.
93. The proposals are to lay additional insulation within the loft space and to line the building's perimeter walls internally on both floor levels with insulated

plasterboard. The latter would involve removing and reinstating the skirtings, window and door architraves, and picture rails to maintain the internal appearance of the rooms. There would be some detailed adjustments needed to the window sills and some loss of room size, albeit the impacts would be marginal: The depth of new build-up has been moderated. As there are no surviving cornicing, the changes in wall depths and room proportions would not be apparent.

94. The outstanding concern is water vapour within the building, with moisture becoming trapped within the building fabric and leading to problems of condensation and damp. In traditional building construction, wall finishes are 'breathable' allowing water vapour to escape and is supported by traditional ventilation through openable windows and floor/ wall vents, as well as by the general 'leakiness' of historic properties. The risk of the proposals is that it could lead to a greater moisture build-up, with the improved insulation and airtightness of the property. The applicants have referenced that the windows will remain single glazed and openable and that new ventilation equipment is being installed. Nonetheless, problems of moisture build-up and interstitial water vapour remain a concern. It is therefore recommended that a condition is attached requiring a methodology statement for the monitoring of water vapour within the property, including detection within the insulated walls and roofspace.
95. Regarding the proposed extension, the new structure is located on the more informal, rear elevation of the building away from the main road, facing towards the gallery's central gardens. The extension is large, measuring 8.6m in length, 3.6m in depth, and provides just over 25sqm of new internal floorspace; in effect, matching the size of the main through-room at ground floor level. It is also slightly tall, measuring 3.2m to parapet height.
96. Importantly, it is single storey, remaining in elevation some 200mm below the cill height of the first floor window, with its internal clearance similar to the ceiling height of the cottage's ground floor (c.2.4), although the open joist ceiling finish will make it feel slightly more generous at 2.55m. Furthermore, whilst the structure runs almost the full length of the cottage's eastern façade, it nonetheless remains set in from the corners by 300mm (northeast corner) and 330mm (southeast corner), just about allowing the outer brickwork of the host building to continue to be read. The impact, however, is eased by the detailed design.
97. Some adjustments have been made during the pre-application and application processes; notably setting in the extension's flanks as far as possible without disrupting the existing cottage windows; retaining more of the rear elevation of the cottage; and more recently, the substitution of a large fixed canopy with a retractable awning. The adjustments are welcome, serving to reach a proportionate size and to minimise the disruption to the appearance of the cottage. The change of canopy is particularly welcome for several reasons; in its instance, helping to reduce the sense of scale that a fixed canopy (as initially proposed) brought to the structure.
98. In terms of design, the extension is fairly lightweight in its appearance and contemporary in style, contrasting with the traditional, robust brick cottage. The structure comprises metal-clad panels with vertical etched detailing and extensive

glazing. The main (east) elevation features a large, timber-framed picture window opening, which is set on a timber upstand and closed by a timber fascia, and a timber-framed glass entrance door. The glazing is flanked by the metal-clad panels on either side. The cladding initially returns onto the side elevations, with the second half of the elevations comprising further glazing. The latter comprises a tall, timber-framed sash window, which allows for natural ventilation of the internal space. The parapet upstand has a crisp finish, with a narrow, projecting metalwork trim.

99. The designs are simple and effective, with the extensive glazing providing an attractive, open appearance to the structure, balanced by the cladding, which provides elements of solidity at the outer corners and limits solar gain. The profiled metal adds a design detail, enriching its appearance, whilst its colour finish is naturally weathered, intended to relate to the main gallery's earlier cloister extension/café. The timber frames are painted, although the final colour is undecided. A condition for the material finishes and paint colour is recommended, and a patinated copper finish for the metalwork advised, relating more to the verdi gris finishes of the main gallery, supporting the group value.
100. The open appearance of the extension allows the rear wall of the cottage, with its retained windows and doors, to continue to be read. The use of the tall windows for the junctioning of the flank elevations with the cottage is particularly welcome, given the length of the extension and the distinctly modest corner setbacks. The glazing will allow the now-internalised brickwork to be seen obliquely, adding breadth to the otherwise narrow brickwork returns that remain on the outside. This helps preserve the solid character of the host building's rear elevation and its brickwork patina, and avoids the building having seemingly been carved open at ground floor level. Internally, the new fixtures appear to be free-standing, whilst the floor finish is not confirmed. The latter could be confirmed by condition if the application were to be approved to ensure an appropriate, high quality finish (e.g., natural stone).
101. The proposed new opening within the rear (east) elevation of the cottage is wide, measuring 1.7m wide, connecting the new space directly with the ground floor main room(s). This is much more than a typical doorway, but is intended to allow the adjoining spaces to reasonably flow. Internal to the main room, wall nibs of 1.1m and 0.3m are retained to either side in an offset manner, but at least retains some sense of the room's original proportion. The opening is finished with a cambered arch detail. The archway dressing gives the opening a stronger architecture and arguably references the original ground floor windows on the north elevation that are arched. However, the wide dressed opening does affect how the original room is read internally and leaves a vestige downstand at its crown, harming the domestic character and legibility of the historic planform.

### Conclusion on heritage impact to the listed building

102. Overall, the extension is large and a notable modern addition. It remains sufficiently subservient in height to the host building, whilst its design is sufficiently lightweight and low-key, with the material finishes to the windows and doors softening its appearance. Nonetheless, its footprint remains extensive and its massing impacts upon the cottage character. The harmful impact is eased by the



extension's relatively transparent design, which allows more of the underlying built form to be read, and the substitution of the fixed canopy with a retractable awning. The changes to the host building itself are mostly within the later addition and are neutral in their heritage impacts.

103. The heritage impacts of relining the internal walls for thermal improvements are minor, as is the relocation of the historic door. There is, however, some damage and loss of historic fabric with the new fixings, widening of the doorways, installation of services, and knock through to the extension. The heritage impacts have been minimised to an extent, although the disruption to the legibility of the planform remains a challenge. This, the exposed services and the extensive footprint are considered harmful to the built form and character, which are of special interest as a cottage reportedly designed by Sir John Soane. However, the building's close association with the main gallery and its group value are not undermined, subject to the final colour finishes. As such, the harm is less than substantial and towards the low end of the range of harm.

### Heritage balance

104. The NPPF requires Local Planning Authorities to consider whether the public benefits of the proposed development outweigh any harm that may arise and whether it is justified. In the case of substantial harm, Local Planning Authorities should consider whether the harm is necessary to deliver the public benefits. The greater the harm the greater the justification necessary.
105. In this instance, the harm is less than substantial and is outweighed by the modest heritage gains of restoring the appearance and operation of the front door and removing elements of clutter; securing the long-term viability of the building as a historic asset; and by the new public access to the building, as a schools' welcome point and occasional café. It is also justified, the impacts having been sufficiently minimised and deemed necessary to provide a functioning new space for large school groups. Therefore, on balance, the alterations and extensions to the Listed Building are supported on heritage grounds, subject to conditions and it is recommended that the Listed Building Consent application (23/AP/1157) is approved.
106. It is notable that Historic England has reached a similar conclusion, recording some degree of alteration to the historic fabric and loss of planform, but that the harm would be low level. CAAG, whilst supporting the wider project's ambition, thought the architecture poorly related to the adjacent listed gallery, questioning the choice of materials. However, the subsequent replacement of the fixed canopy with the canvas awning and suggestion of the use of patinated copper for the metal cladding are thought by officers as sufficient to address CAAG's concerns.

## **Design and impact on the conservation area and setting of the listed buildings**

### Design and layout of the children's picture gallery

107. The building has a square footprint, measuring 12.3m in length and breadth, with a cross-shaped interior layout that positions the entrance lobby, plant room, gallery toilets and public toilets in its corners. The building's main entrance is located in the northeast corner of the building, and is recessed at an angle, creating a fold in the corner massing.
108. Each facade features a circular picture window with the internal daylighting supplemented by a large rooflight, which also adds to the sense of space inside. The single storey building measures 4.3m to parapet height, with a minor projection for the central rooflight, and results in an internal clearance height of 3.1m. The elevations are clad in timber panels with horizontal joints and the parapets are finished with a projecting metalwork trim. The picture windows have surrounds that slightly project, creating a pothole effect, with the surrounds highlighted in a contrasting metallic finish. A further feature of the building are the large fixed canopies on each of the facades, which measure 7.9m in length and project 3m from the building, providing shelter to external bench seating, as well as limiting solar gain. Lastly, the pavilion is notable for its freestanding and offset arrangement, with the building rotated in the landscape at 45 degrees to the neighbouring cottage and to Gallery Road.
109. Looking at the designs for the new gallery, the proposals are for a distinctive new building. The building is large, but has been positioned and finished to help ease its visual impacts on the conservation area. At 4.3m tall it would sit approximately 1m below the eaves height of the neighbouring cottage. However, its footprint is extensive, measuring 160sqm, which compares 93sqm of the Cottage with its proposed extension. Its single storey massing is therefore significant.
110. Its size is a direct consequence of its functions, providing sufficient and effective internal space that is comparative to similar children-focused facilities within other major museums. The new gallery is not designed for the display of artwork, with the large windows providing good outlook and daylighting and limited wall-hanging space. No plans have been provided showing any fixtures or fittings for display panels or likely configuration of free-standing panels. However, the space is intended to host a more active, arts-based programme for children that could involve elements of play, which would likely require a large, well-lit space. The additional plant room and new public toilets for the gardens are limited in size and make practical sense to provide within the same building envelope.
111. The architects have sought to reduce its sense of scale and visual impacts by siting the building 10m away from the neighbouring cottage and from Gallery Road by a similar distance, and by rotating it by 45 degrees to the cottage and roadway. Presently the building corner on allows the elevations to receded in view, reducing the sense of mass when seen close by. However, the effect diminishes when seen further away, as the broadness of the overall form becomes more apparent. Furthermore, the scale is not assisted by the large fixed canopies, which adds to

the sense of scale, making the building appear bulkier and much larger in footprint.

112. Regarding the architecture, the form is simple with the wide, flush entrance; spacious interior; attractive outlook and excellent daylighting. The elevations are engaging, notable for the folded corner entrance and large picture windows that enrich the design. The timber finish is welcome, reflecting the pavilion character and adding warmth and texture to the building, with the jointed panelling potentially offering a design detail. The contrasting metalwork canopies provide a further level of design interest, with their patinated metalwork adding positively to the material palette, albeit the canopies are distinctly large.
113. Overall, the modern design is understated, but effective, with an engaging compositional quality, whilst the material palette is attractive and durable. If the application were to be approved, the final choice of timber (incl. treatment and jointing) would need to be carefully controlled by condition to ensure the high quality and engaging design is maintained, as would the finishes for the main entrance door, picture windows (incl. surrounds and reveals) and canopies.
114. The principal concern from an urban design and heritage perspective, however, remains how the new building sits within the wider setting of the MOL, particularly given its location, size and orientation.
115. Whilst siting the building back from the main road and rotating it 45 degrees runs counter to the local townscape character of buildings fronting onto the highway and to good legibility, in this instance it has some benefit of reducing its appearance in close-by views from Gallery Road, but to a lesser extent from the main entrance on College Road and its main entrance. This is welcome to an extent in helping to ease its presence. It also supports the pavilion form, allowing it to read as an object building within a space. In this aspect, it works with the character of similar pavilions within the nearby sports grounds and Dulwich and Belair Parks, and as such can be argued as supporting local distinctiveness and architectural character. Moreover, its orientation and legibility work well once the grounds are entered, with the building arranged to align with the new pathways and provide attractive outlooks across the grounds, including of the re-landscaped meadow.

### Heritage impacts of the Children's Picture Gallery

116. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to consider the impacts of proposals upon a conservation area and its setting and to pay "special regard to the desirability of preserving or enhancing the character or appearance of that area". Section 66 of the Act also requires the Authority to consider the impacts of a development on a listed building or its setting and to 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".
117. The NPPF (2021) provides guidance on how this assessment is applied, referring in paras 199-202 to the need to give great weight to the conservation of the heritage asset, and the more important the asset, the greater the weight; evaluate the extent of harm or loss of its significance; generally refuse consent where the

harm is substantial; and, where necessary, weigh the harm against the public benefits of the scheme.

118. In terms of the setting of a heritage asset, the NPPF defines setting as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”. (NPPF, Glossary)
119. The new building sits reasonably comfortably within the Dulwich Village conservation area, which is defined by its historical road and property alignments, period buildings and village character. In this part of the conservation area, the ‘rus in urbe’ character is reflected mainly in the detached residential and educational buildings that are set behind are set within generous gardens or by the pavilion buildings set within parkland or sports fields, and by the transparent railings or picket fencing with hedge planting. In terms of the heritage asset, in instance, the setback and orientation of the building, its pavilion appearance and the surrounding existing and new landscaping (incl. perimeter railing and hedging) are sufficient to preserve the character and appearance of the local conservation area.
120. The shortcomings, however, are the building’s impacts on the heritage settings of the Grade II\* listed gallery and Grade II listed cottage, and its relationship to the wider landscape as Metropolitan Open Land.
121. The significance of the Grade II\* listed gallery is its strong architectural and historic interest of its imposing classical architecture by the renowned Sir John Soane, with its powerful external elevations and fine interiors; its value as the first purpose-built public art gallery and its influence on the design of all later galleries; its incorporation of the mausoleum and role in the development and popularity of Dulwich Village. The cottage derives its significance from its close association with Sir John Soane and with the construction and maintenance of the gallery, but also its group value with the gallery and contrasting humble appearance.
122. The immediate settings for the two listed buildings are the gallery grounds in which the buildings sit, but also the wider setting of the sports fields to the south and west, the Old College to the north, and Dulwich Park and adjacent housing to the east. The current grounds make a highly positive contribution to the setting with the attractive, soft landscaping lending a formal garden setting to the west and a semi-rural/ more arcadian character to the west, enhancing the fine classical appearance of the gallery and mausoleum. The cottage similarly benefits from the semi-rural landscape, albeit partly hidden behind the tall hedge planting. The open aspect of the nearby sports fields and generous feel to College Road add to this setting, as does the historic Grade II listed Old College.
123. It is acknowledged that the public’s experience of the gallery has changed from its historic arrangement, with the switching of the gallery entrance onto College Road and the development of the new entranceway and cloister building. However, the switch in access was prior to the listing and is of itself of historic interest, whilst the cloister and café are an attractive, sensitive development that sits within the

foreground.

124. When seen from the College Road site entrance and axial pathway, the predominance of the gallery would remain, with its generally soft landscaped foreground remaining. The background would alter, with the loss of the hedge boundaries and the greater visibility of the associated cottage, which is welcome. However, the new development would also appear to one side of the cottage, adding a new sizeable building within the wider background. Though partly obscured by an existing tree, the new building would nonetheless be visible, with its orientation resulting in the full width of the façade being evident. Importantly, its appearance to the south side of the cottage would not detract from the primary significance of the Grade II\* listed gallery in this view, with the gallery's powerful architecture remaining pre-eminent, preserving its setting in this view.
125. From Gallery Road, whilst the new building will occasionally be seen when passing along the road or when approaching the gallery along its existing or new pathways, the pavilion is generally glimpsed within the background, but experienced as being distinctly separate from the main gallery. As such, the setting of the main gallery is only marginally affected, with the significance of the Grade II\* listed building preserved.
126. That said, the development would affect how the gallery cottage is read and in particular its close association with the main gallery, impacting on its significance in terms of its group value. From the east, despite the intervening 10m, the pavilion and cottage will be read side-by-side, closer to each other than the cottage to the main gallery. The building's orientation and material finishes have sought to ease its presence, softening its appearance. However, the new building remains distinctly evident, with its large massing and prominent canopies. Amendments have also been made to the proposed cottage extension, replacing an earlier matching fixed canopy that visually linked the two buildings with a traditional canvas awning, which highlighted the difference and would only occasionally be deployed. This has helped to maintain the visual connection between the cottage and main gallery, although the proximity of the pavilion has nonetheless affecting its setting, diluting its contribution to the group value.
127. From Gallery Road, the impact is much less evident, with the new pavilion appearing partly obscured by and sufficiently beyond the cottage when approaching from the north so as not to affect the close association between the cottage and gallery. Head-on from Gallery Road, opposite the site, the traditional appearance of the two buildings and shared material finishes clearly link the historic building, with the pavilion sufficiently read as a discrete building to one side of the pair. However, when approached from the south, the perspective would initially result in the pavilion and cottage reading much closer together and more associated in terms of proximity than the cottage and gallery. The view is kinetic, with the harm experienced over a relatively short distance, as the pedestrian passes by the two buildings.
128. In terms of the impact on the settings of other heritage assets, the new building is located at a sufficient distance from other Grade II listed buildings in the wider surroundings (e.g., Old College) and obscured by intervening buildings, including

the gallery cottage and main gallery, so as not to not affect their setting. Similarly, the new building is sufficiently distant from the neighbouring Grade II registered park and gardens of Dulwich Park and Bel Air Park so as not to affect their settings.

129. Overall, whilst there is harm to the setting of the cottage and its significance in terms of group value, the harm is less than substantial and at the low end of the range.

### Boundary changes

130. The proposals include a new opening within the boundary railing onto Gallery Road, midway along the road frontage. This will provide a new pedestrian entrance to the grounds, with a new pathway linking with the existing internal pathway around the gallery building.
131. The current railings and low plinth wall are modern replacements in steel and cast concrete, with the vehicle and pedestrian gates to match. The new railings have a robust and simple design and provide a coherent and attractive boundary to the Gallery Road frontage.
132. The new opening for a new pedestrian entrance would be designed to match the present gates, comprising stone gateposts and metal gates. The entrance location is set further south towards the end of the gallery, but is not dissimilar to the historic location for the main entrance.
133. The location provides a relatively central entry point to the grounds on Gallery Road that offers good views of the west elevation of the gallery and mausoleum, and encourages public use of this part of the grounds. The entrance is welcome on design grounds, providing a legible public entrance that is easily accessible within Gallery Road. It would also not impact upon any heritage matters, maintaining a coherent appearance to the boundary and wider heritage setting. If the application were to be approved, a condition requiring the submission of details for the entrance is recommended to ensure the quality.
134. The proposals include extending the railings and low plinth wall along the full boundary onto Gallery Road; currently part of the cottage boundary and the meadow is bounded by timber fencing. This is welcome in continuing the coherent boundary design along the full extent of the site and reflecting that the meadow is part of the gallery grounds.
135. The existing entrance within the northeast corner of the site is retained mainly for back-of-house servicing. Whilst the gates and gravel surfaces are retained, the proposals include the provision of new bike storage for staff, a new bin enclosure and new hedge planting. No details of the cycle storage are provided, although it would be sat behind existing tall perimeter hedge planting, limiting any visual impact. The new bin closure is visible within the servicing area, offset to one side, comprising an 8m long timber enclosure that is open-topped, limiting its height to 2.1m. The design is typical and would generally go unnoticed if painted black or left as a softwood finish. The new hedge planting edges the service area,

obscuring it from view within the main grounds, which is welcome. Subject to conditions controlling the finish for the bin enclosure and the design details for the cycle store, the new structures would have minimal impact on the wider townscape and settings of the main gallery and neighbouring Old College, and are acceptable.

136. The K6 phone box does not appear to be statutory listed. It is nonetheless an important heritage feature on the site, given its inherent design quality and historic link, being inspired by the mausoleum's rooftop design. Its retention and relocation within the grounds, close to the new pedestrian entrance is supported, where the visual connection between the phone box and mausoleum remains evident.

### Cottage alterations and extension

137. The changes to the cottage are mainly considered under the Assessment of the works to the Listed Building section of this report which is also a material consideration in the assessment of the full planning application (23/AP/1156). However, the impacts on the heritage assets, including the conservation area are also considered below.
138. As set out under the Assessment of the works to the Listed Building, the refurbishment works are welcome, as are the removal of external clutter, including the modern trellis around the front door, and the re-opening of the original front door as a doorway. Internally, there is some loss of historic fabric and introduction of new modern partitioning, fixtures and fittings that will cause some harm to the historic fabric, although the planform would not be unduly affected. The main matters are the lining of the internal walls for improved thermal efficiency and the large extension and associated knock-through.
139. With regards to the heritage impacts on the cottage, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to consider the impacts of proposals upon a conservation area and its setting and to pay "special regard to the desirability of preserving or enhancing the character or appearance of that area". Section 66 of the Act also requires the Authority to consider the impacts of a development on a listed building or its setting and to 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".
140. In terms of the Dulwich Village conservation area, the extension would mainly be obscured from view within Gallery Road, with only its outer corners being marginally visible in oblique views. It would be slightly more visible from College Road and from outside the main entrance, although it would remain glimpsed, whilst its single storey height and transparent finish would reduce its visual impacts. The structure would become more evident on entering the public grounds and approaching the building. Nonetheless, it would continue to read as lightweight and transparent, and whilst large, would appear conservatory in character and generally in keeping with other detached residential buildings within the conservation area that have rear conservatories. Tucked against its host building, the extension would not unduly affect the openness and greenery of the

grounds and, overall, would preserve the character and appearance of the local conservation area.

## Conclusion on design and conservation issues

141. The alterations and extension to the cottage are generally well designed, albeit the scale and loss of historic fabric present a degree of harm. The harm is less than substantial and relatively modest, but important given the high-quality historic environment.
142. The provision of the new gallery building is broadly acceptable in design terms, its architecture being of high quality. Its scale and proximity to the cottage is, however, harmful to the setting of the listed cottage, detracting from its significance in terms of its contribution to group value. The harm is less than substantial although some harm exists. Despite this, the new building remains a substantial structure within Metropolitan Open Land, altering its appearance and enjoyment as open land which is inappropriate development.

## Transport and highways

### Cycle parking

143. Southwark Plan P53 (Cycling) requires F1 use classes to provide 1 cycle space per 8 staff with a minimum of 2 spaces and 10 spaces per 100sqm with a minimum of 2 spaces for visitors.
144. The new proposals would result in a need for 4 additional staff members and therefore the provision of 8 cycle spaces (in the form of 4 Sheffield stands) for staff located alongside the vehicle entrance is acceptable. If planning permission were to be granted, a condition is recommended to ensure compliance with the submitted details.
145. 22 visitor cycle spaces are to be provided as Sheffield stands alongside the new pedestrian entrance on Gallery Road. This is compliant with the Southwark Plan requirements set out in P53.

### Car parking and impact on highway

146. The proposal does not include any new car parking spaces and retains the existing two wheelchair accessible spaces. The car free nature of the proposal is acceptable and in line with the Southwark Plan's aims to 'grow sustainably without adverse environmental impacts and carbon emissions through car free development'.
147. A trip generation exercise was completed. The figures in the submitted trip generation are extremely low considering the new offer proposed on site. However, Southwark's Transport Team have reviewed this and concluded that we do not expect the trips generated would be significant or cause a severe impact.



## Servicing and deliveries

148. A Delivery and Servicing Management Plan (prepared by YES Engineering Group Ltd; Dated April 2023) was submitted and outlines that servicing and deliveries would be carried out from a dedicated service bay via the existing vehicle entrance of the site on Gallery Road. This is an improvement to the existing arrangement where servicing currently takes place on street on Gallery Road.
149. A Construction Management Plan (prepared by YES Engineering Group Ltd; dated April 2023) was submitted. The Council's Network Management Team have reviewed this document requested additional information relating to vehicle access and deliveries. They also stated that deliveries would need to be held outside of school drop off and pick up times given the close proximity to schools. Officers acknowledge that the CMP was prepared without having a contractor appointed and therefore specific details are not yet possible. Therefore, if this application were to be approved further details would be requested via a pre-commencement condition.

## Refuse and waste storage

150. A new bin enclosure is proposed alongside the existing vehicle access. The proposed refuse/recycling arrangements accord to adopted policy. If planning permission were to be granted, details of materials would be required.

## Landscaping and trees

151. An Arboricultural Impact Assessment (AIA) (prepared by Landmark Trees; dated 21 April 2023) was provided and assessed 59 trees on or in close proximity to the site. Of the 59 trees assessed, 3 were classed as of extremely high amenity value (Category A), 20 Category B trees were noted along with 32 Category C trees and another 4 trees were in a state of decline (Category U). The proposal requires the loss of 18 trees to facilitate development including 5 Category B trees. The range of trees being removed include Beech, Oak, Sweet Gum, Willow, Alder, Lime and Horse Chestnut.
152. The proposals include the planting of 126 new small trees (*sorbus torminalis*), 4 Oak Trees and 1 Elm New Horizon tree. Due to the density of the proposed trees this has been classified as woodland. The proposed woodland planting is considered to provide the same ecological functionality as the individual trees which are being lost therefore the tree replacement strategy is considered acceptable.
153. Other landscaping features include the planting of 95m of hedges, 135sqm of shrubbery and 2,030sqm of wildflower perennials. This is considered acceptable and will assist in achieving a Biodiversity Net Gain (BNG) on the site.
154. As part of the proposed Lovington Meadow to the south of the site a series of concealed boreholes for a ground source heat network to reduce the energy demand of the site will be installed. The siting of the vertical heat pump boreholes

and associated infrastructure including cables and recovery units would need to be detailed in a condition if the application were to be approved and include an Arboricultural Method Statement to ensure that the heat pump is not routed through any root protection areas of the trees.

155. Overall, the landscaping proposals are broadly supported but further details would be required via condition if the application were to be approved.

### **Ecology and biodiversity**

156. Southwark Plan P60 (Biodiversity) requires development to achieve a Biodiversity Net Gain (BNG). A Biodiversity Net Gain Assessment (prepared by Lizard Landscape, Design and Ecology dated 20/04/2023) has been provided. The proposal would provide a 17.06% BNG across the site demonstrating a clear net gain in biodiversity.
157. An Ecological Impact Assessment (prepared by Lizard Landscape, Design and Ecology dated 05/04/2023) was provided. The report noted that bat droppings were found in the cottage roof void. Because of this, the cottage roof void is considered a bat roost. However, works are not proposed to the roof of the cottage and therefore it is considered that there will be no significant impacts to bats as a result of the proposal.
158. Throughout the assessment of the application, the applicant withdrew proposals for external lighting in the Gallery Gardens after officers objected to the proposal without further bat activity surveys taking place to ensure there was no harm to the bat roost. If the applicant were to consider lighting in the future, a bat activity assessment must be carried out and submitted with any future application.

### **Impacts on neighbouring amenity**

159. The nearest residential properties are located to the south and south-east of the site along College Gardens.
160. Given the distance between the proposals and the nearest residential properties (approx. 20m to the Meadow and over 50m to the proposed Children's Gallery), none of the proposals that form part of this application would result in a loss of privacy, overlooking, loss of daylight or sunlight or create an overbearing sense of enclosure.
161. A Noise Impact Assessment (prepared by Savills; dated 14/04/2023) was submitted to assess any potential noise impacts on neighbouring properties. The report concluded that the development would result in low-level noise impacts. The Environmental Protection Team (EPT) reviewed the report and did not raise any concerns although suggested an hours of use condition if the application were to be approved to protect the amenity of neighbours.

## **Sustainability and environmental issues**

### Energy

162. As the proposal is a minor development, a full energy strategy is not required. Notwithstanding this, the proposals include a Ground Source Heat Pump (GSHP) that will improve the energy consumption on site. In addition, the Children's Picture Gallery includes features such as PV panels and mechanical ventilation. The Listed Cottage will benefit from underfloor heating and fabric upgrades such as insulation. The proposals are in line with the aims set out in Southwark Plan P70 (Energy) to minimise carbon emissions.

### Air Quality

163. The site is located in an Air Quality Management Area. An Air Quality Neutral Assessment (prepared by Redmore Environmental; dated 5<sup>th</sup> April 2023) has been submitted as part of the application. The report concludes that the Ground Source Heat Pump (GSHP) will not produce emissions and the development does not increase the level of car parking on site which will also not be generate any additional emissions. The Council's Environmental Protection Team (EPT) have reviewed the assessment and are satisfied that the proposal is air quality neutral.

### Flood Risk

164. The site is in a Critical Drainage Area. A Flood Risk Assessment was not required as the application is minor development. There is considered to be a minimal risk of flooding, the proposal does not include any sensitive uses such a residential and no concerns are raised at this stage.
165. A new Sustainable Urban Drainage Systems (SuDS) is to be used to improve the drainage on the site, particularly around the Café Quad, to improve the existing drainage on the site.

### **Fire safety**

166. 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).
167. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is "third-party independent and suitably-qualified". The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. 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.
168. A Fire Statement (prepared by Pyrotec Fire Protection Ltd.; dated 20/04/2023) has been provided for this proposal. The statement covers matters required by planning policy including details of evacuation, access for firefighting personnel

and details of construction methods and fire resistant materials. This is in no way a professional technical assessment of the fire risks presented by the development.

### **Mayoral and borough community infrastructure levy (CIL)**

169. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark. In this instance, the development does not constitute CIL liable development.
170. The site is located within Southwark CIL Zone 2 and MCIL2 Band 2 Zone. Based on the GIA measurements obtained from the proposed floor plans, the gross amount of CIL is £10,391.82 (pre-relief). CIL charitable relief can be claimed, subject to the charity landowner meeting all eligibility criteria and CIL Form 10 (Charitable Exemption Claim Form) being submitted on time. The resulting CIL is estimated to be £0.00 (net of relief). It should be noted that this is an estimate, floor areas will be checked when related CIL Assumption of Liability and Relief Claim Form 10 are submitted, after planning approval has been secured.
171. CIL Form 2 (Assumption of Liability) and CIL Form 10 must be submitted to the collecting authority after planning approval has been granted. If the development commences before the collecting authority has notified the claimant of its decision on the claim, the relief would be cancelled and the liability to the levy would be recalculated

### **Consultation responses from external and statutory consultees**

172. Historic England (HE):
  - Historic England was consulted at the pre-application stage and was broadly supportive of the proposals.
  - HE do not think that the proposals would harm the significance of the gallery and any harm arising from the conversion of the cottage would be modest. HE welcome the positive changes that would be made to the setting of the listed buildings; the scheme should contribute to the ongoing conservation and enjoyment of the place.
  - HE supports the applications on heritage grounds.

#### **Officer comments:**

Throughout the assessment of this planning application, officers sought clarity from HE regarding what they considered to be 'any harm' to the Cottage and what are the 'positive changes' to the setting of the listed building.

HE stated that the works to the Cottage were not technically referable to HE hence the reason the consultation response was light touch.

HE stated that the works cause 'some harm' however given alterations had already taken place in the past any further harm would be 'low level and could be justified if it is considered to be outweighed by the public benefits'. With regards to the improvements to the setting of the listed building, suggestions included 'the upgraded boundary treatment to Gallery Road, and the new visitor entrance (although the bike storage could be more discretely located), consolidated bin storage, removal of the fences and hardstanding next to the cottage'.

## **Consultation responses from internal consultees**

### 173. Ecology

- Ecological assessment notes bat droppings in the cottage roof void and notes that some of the trees have moderate potential for bat roosting
- Bat conservation trust recommends additional surveys if there is moderate potential of bats roosting. The presence of bat droppings suggests there is potential of a bat roost being present.
- Advise deferring this application until a bat activity survey is submitted
- BNG acceptable

Officer comments:

After discussing with the ecologist, it was understood that works were not proposed to roof of the cottage where the bats were found. Subject to the applicant withdrawing their lighting proposals, which would have had an impact on the bats, the ecologist has dropped his objection and asked the applicant to note that if they were to propose lighting in the future a bat activity survey must be carried out.

### 174. Urban Forester

- Broadly supportive of landscaping proposals but would require multiple conditions if approved

Officer comments:

Landscaping comments are provided in detail under the relevant section of the report and conditions would be included in consultation with the Urban Forester if the application were to be approved

### 175. Transport

- Cycle parking is not compliant with the Southwark Plan
- Car parking acceptable
- No new vehicle crossovers will be permitted
- Refuse/recycling acceptable
- CEMP and DSMP – no comments
- A Minor Section 278 and/or Section 184 agreements may need to be entered into to manage any footway resurfacing or replacement required once works for the proposed development are complete.
- Pedestrian sightlines of 1.5m x 1.5m are required either side of the opening in the boundary on Gallery Road, not within the opening, with no features higher than 0.6m within this area. Due to the intensification of use at the sight, visibility splays must be shown on an updated plan for review.
- No need for a Travel Plan as the additional trips generated are limited

Officer comments:

All comments are addressed under the relevant sections of the report. With regards to the pedestrian sightlines, there will be no intensification of use at the vehicle crossover as the new pedestrian access will decrease the use of this access by pedestrians therefore there is not considered to be a need for pedestrian sightlines. With regards to s278 works, if the application were to be approved a condition would be included requiring the applicant to repair the footway if any damages occurred as a result of the construction

176. Environmental Protection Team (EPT)

- Acoustic report satisfactory subject to condition regarding hours of use
- Air quality neutral assessment satisfactory
- Land contamination details requested if contamination found during construction

Officer comments:

Relevant conditions would be included if the application were to be approved

177. Design and Conservation

- Given the harmful impact on the MOL and presently on the significance of the cottage and its setting, an objection is raised on design grounds.
- Comments are detailed under the relevant section of the report

178. Network Management

- Southwark's CMP Pro Forma should be completed
- Deliveries should be held outside school drop off and pick up times, generally between 0800 - 0930 and 1500 – 1630 and consultation regarding the construction management should be carried out with nearby schools
- Details of access and deliveries throughout construction needs to be provided

Officer comment:

If the application were to be approved, an updated CMP would be sought via a pre-commencement condition

179. Waste Management

- No comments

## **Community impact and equalities assessment**

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

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

182. 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.
183. 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**

184. 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.
185. This application has the legitimate aim of providing new spaces related to the gallery and making improvements to the landscaping and entrance to the site. 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**

186. 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.

187. 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?	Some advice followed, but provision of a new building on MOL was highlighted as a concern
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 agreed Planning Performance Agreement date?	YES

### **Conclusion**

188. In conclusion, many elements of the proposal are acceptable in principle. However, the provision of the Children' Picture Gallery remains unacceptable and contrary to the NPPF, Policy G4 (Open Space) of the London Plan 2021 and Policy P57 (Open Space) of the Southwark Plan 2022. The proposed 'very special circumstances' do not outweigh the harm to the MOL and loss of open space. For this reason, it is recommended that the full planning application (23/AP/1156) is refused.
189. The proposal to the listed building is acceptable and the harm is outweighed by the public benefits of refurbishing the Cottage and increasing its use. It is recommended that Listed Building Consent is granted for 23/AP/1157.



## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Application file 23/AP/1156 & 23/AP/1157 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 0991 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policies
Appendix 3	Relevant planning history
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Ciara Lester, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 June 2023	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director, Finance	No	No
Strategic Director, Environment, Neighbourhoods and Growth	No	No
Strategic Director, Housing	No	No
<b>Date final report sent to Constitutional Team</b>		5 July 2023

**1<sup>st</sup> Recommendation – Planning Permission 23/AP/1156**

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.

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<b>Applicant</b>	Dulwich Picture Gallery	<b>Reg. Number</b>	23/AP/1156
<b>Application Type</b>	Minor application	<b>Case Number</b>	2083-C
<b>Recommendation</b>	Refuse		

**Draft of Decision Notice**

**Planning permission is REFUSED for the following development:**

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)

Dulwich Picture Gallery, Gallery Road, London Southwark

**In accordance with application received on 24 April 2023 and Applicant's Drawing Nos.:**

Plans - Existing 333-CGA-04-XX-DR-A-06350-Existing Gallery Cottage Elevations B received 08/06/2023

Plans - Existing 333-CGA-04-XX-DR-A-02150-Existing Gallery Cottage Plans B received 08/06/2023

Plans - Existing 333-CGA-04-RF-DR-A-02151-Existing Gallery Cottage Roof Plan B received 08/06/2023

Plans - Existing 333-CGA-02-00-DR-A-02150-Existing Storage & Refuse Plan B received 08/06/2023

Plans - Existing 333-CGA-00-00-DR-A-02152-Existing Gallery Road Entrance C received 08/06/2023

Elevations - Existing 333-CGA-00-00-DR-A-02151-Existing Gallery Road Elevation C received 08/06/2023

Plans - Existing 333-CGA-00-00-DR-A-02150-Existing Site Plan C received 08/06/2023

Plans - Proposed 333-CGA-04-XX-DR-A-06350-Proposed Gallery Cottage Elevations D received 08/06/2023

Elevations - Proposed 333-CGA-04-XX-DR-A-00150-Gallery Cottage Demolition Plans C received 08/06/2023

Plans - Proposed 333-CGA-04-RF-DR-A-06152-Proposed Gallery Cottage Roof Plan C received 08/06/2023  
Plans - Proposed 333-CGA-04-01-DR-A-06151-Proposed Gallery Cottage First Floor Plan D received 08/06/2023  
Plans - Proposed 333-CGA-04-00-DR-A-06150-Proposed Gallery Cottage Ground Floor Plan D received 08/06/2023  
Plans - Proposed 333-CGA-03-RF-DR-A-06152-Proposed Children's Picture Gallery Roof Plan C received 08/06/2023  
Elevations - Proposed 333-CGA-03-00-DR-A-06351-Proposed Children's Picture Gallery North East & North West Elevations C received 08/06/2023  
Elevations - Proposed 333-CGA-03-00-DR-A-06350-Proposed Children's Picture Gallery South West & South East Elevations C received 08/06/2023  
Plans - Proposed 333-CGA-03-00-DR-A-06150-Proposed Children's Picture Gallery GA Plan C received 08/06/2023  
Plans - Proposed 333-CGA-02-00-DR-A-06150-Proposed Storage & Refuse Plan C received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06154-Proposed Gallery Road Elevation B received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06153-Proposed Lovington Meadow Plan C received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06152-Proposed Gallery Road Entrance D received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06151-Proposed Site Plan D received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-00150-Site Demolition Plan C received 08/06/2023  
Sections 333-CGA-04-XX-DR-A-06250-Proposed Gallery Cottage Sections D received 08/06/2023  
Sections 333-CGA-04-XX-DR-A-06250-Existing Gallery Cottage Sections B received 08/06/2023  
Sections 333-CGA-03-00-DR-A-06250-Proposed Children's Picture Gallery Sections C received 08/06/2023  
Site location plan 333-CGA-00-00-DR-A-02153-Location Plan B received 08/06/2023

For the reasons outlined in the case officer's report, which is available on the Planning Register. The Planning Register can be viewed at:  
<https://planning.southwark.gov.uk/onlineapplications/>

## **Reasons for Refusal**

1. The proposed Children's Picture Gallery constitutes inappropriate development on the application site which is designated as Metropolitan Open Land (MOL). It would detract from the openness of the MOL and would result in the permanent loss of the MOL. The proposal is therefore contrary to the National Planning Policy Framework (NPPF) 2021, Policy G4 (Open space) of the London Plan 2021 and Policy P57 (Open space) of the Southwark Plan 2022.

## **Important Notes Relating to the Council's Decision**

### **1. Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, OR within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. • The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal  
Further details are on GOV.UK  
(<https://www.gov.uk/government/collections/casework-dealt-with-byinquiries>).

### **2. Purchase Notice**

- If either the local planning authority or the Secretary of State grants permission subject to conditions, the owner may claim that the land can neither be put to a reasonably beneficial use in its existing state nor made capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

### **3. Compensation**

- In certain circumstances a claim may be made against the local planning authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

## 2nd Recommendation – Listed Building Consent 23/AP/1157

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.

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<b>Applicant</b>	Dulwich Picture Gallery	<b>Reg. Number</b>	23/AP/1157
<b>Application Type</b>	Listed Building Consent	<b>Case Number</b>	2154-78
<b>Recommendation</b>	GRANT consent		

### Draft of Decision Notice

#### Listed Building Consent is GRANTED for the following development:

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 with associated landscaping, bin storage and bicycle storage and installation of a ground source heat pump.

Dulwich Picture Gallery, Gallery Road, London Southwark

#### In accordance with application received on 24 April 2023 and Applicant's Drawing Nos.:

Plans - Existing 333-CGA-04-XX-DR-A-06350-Existing Gallery Cottage Elevations B received 08/06/2023

Plans - Existing 333-CGA-04-XX-DR-A-02150-Existing Gallery Cottage Plans B received 08/06/2023

Plans - Existing 333-CGA-04-RF-DR-A-02151-Existing Gallery Cottage Roof Plan B received 08/06/2023

Plans - Existing 333-CGA-02-00-DR-A-02150-Existing Storage & Refuse Plan B received 08/06/2023

Plans - Existing 333-CGA-00-00-DR-A-02152-Existing Gallery Road Entrance C received 08/06/2023

Elevations - Existing 333-CGA-00-00-DR-A-02151-Existing Gallery Road Elevation C received 08/06/2023

Plans - Existing 333-CGA-00-00-DR-A-02150-Existing Site Plan C received 08/06/2023

Plans - Proposed 333-CGA-04-XX-DR-A-06350-Proposed Gallery Cottage Elevations D received 08/06/2023

Elevations - Proposed 333-CGA-04-XX-DR-A-00150-Gallery Cottage Demolition Plans C received 08/06/2023

Plans - Proposed 333-CGA-04-RF-DR-A-06152-Proposed Gallery Cottage Roof Plan C received 08/06/2023  
Plans - Proposed 333-CGA-04-01-DR-A-06151-Proposed Gallery Cottage First Floor Plan D received 08/06/2023  
Plans - Proposed 333-CGA-04-00-DR-A-06150-Proposed Gallery Cottage Ground Floor Plan D received 08/06/2023  
Plans - Proposed 333-CGA-03-RF-DR-A-06152-Proposed Children's Picture Gallery Roof Plan C received 08/06/2023  
Elevations - Proposed 333-CGA-03-00-DR-A-06351-Proposed Children's Picture Gallery North East & North West Elevations C received 08/06/2023  
Elevations - Proposed 333-CGA-03-00-DR-A-06350-Proposed Children's Picture Gallery South West & South East Elevations C received 08/06/2023  
Plans - Proposed 333-CGA-03-00-DR-A-06150-Proposed Children's Picture Gallery GA Plan C received 08/06/2023  
Plans - Proposed 333-CGA-02-00-DR-A-06150-Proposed Storage & Refuse Plan C received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06154-Proposed Gallery Road Elevation B received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06153-Proposed Lovington Meadow Plan C received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06152-Proposed Gallery Road Entrance D received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-06151-Proposed Site Plan D received 08/06/2023  
Plans - Proposed 333-CGA-00-00-DR-A-00150-Site Demolition Plan C received 08/06/2023  
Sections 333-CGA-04-XX-DR-A-06250-Proposed Gallery Cottage Sections D received 08/06/2023  
Sections 333-CGA-04-XX-DR-A-06250-Existing Gallery Cottage Sections B received 08/06/2023  
Sections 333-CGA-03-00-DR-A-06250-Proposed Children's Picture Gallery Sections C received 08/06/2023  
Site location plan 333-CGA-00-00-DR-A-02153-Location Plan B received 08/06/2023

### **Time limit for implementing this permission and the**

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

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

2. SCHEDULE OF CONDITION AND SCHEDULE OF WORKS

Prior to commencement of works, the applicant shall submit a Schedule of Condition of existing windows/ doors and Schedule of Works for their repair to the Local Planning Authority for approval in writing. All existing doors, windows, shutter boxes and window cases, are to be retained, repaired and refurbished. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building, in accordance with: Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); Policy P19 (Listed buildings and structures), Policy P20 (Conservation areas) and Policy P21 (Conservation of the historic environment and natural heritage) of the Southwark Plan (2022).

**Permission is subject to the following Above Grade Condition(s)**

3. The following samples for the extension shall be made available on site for inspection by the Local Planning Authority, and approval in writing; the development shall not be carried out otherwise than in accordance with any such approval given

i) metal cladding

ii) timberwork for fenestration, external door, upstands and fascia, including any painted finishes

iii) awning material, including colour finish

iv) floor finishes (including hallway and ground floor ancillary rooms within the cottage)

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); P21 Conservation of the historic environment and natural heritage, P20 Conservation areas, P19 Listed



buildings and structures, P13: Design of places; P14: Design quality and P15: Residential design of the Southwark Plan (2022).

4. Shop drawings (scale 1:1, 1:2, 1:5) for the following shall be submitted to this Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given:
  - i) all new fenestration and doors for the extension
  - ii) all new awning structures (including guides /tracks, arms, storage box and any fascia cover).

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); P21 Conservation of the historic environment and natural heritage, P20 Conservation areas, P19 Listed buildings and structures, P13: Design of places and P14: Design quality of the Southwark Plan (2022).

5. Shop drawings (scale 1:1, 1:2, 1:5) for all new fixed furniture (including benches) within main ground floor room of the cottage and within its extension showing fixing details, shall be submitted to this Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); P21 Conservation of the historic environment and natural heritage, P20 Conservation areas, P19 Listed buildings and structures, P13: Design of places and P14: Design quality of the Southwark Plan (2022).

6. Prior to commencement of thermal upgrading works on site, a Method Statement(s) and Schedule of Works for the installation and operation of moisture/water vapour monitoring equipment within the cottage, including monitoring within the walls and roof spaces, shall be submitted to the Local Planning Authority for approval in writing; the development shall not be carried out otherwise than in accordance with any such approval given

Reason:

In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy HC 1 (Heritage conservation and growth) of the London Plan (2021); Policy P19 (Listed buildings and structures), Policy P20 (Conservation areas) and Policy P21 (Conservation of the historic environment and natural heritage) of the Southwark Plan (2022).

**Permission is subject to the following Compliance Condition(s)**

**7. MATERIALS TO MATCH EXISTING**

All new internal/external works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

**Reason:**

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) and Policy HC1 (Heritage conservation and growth) of the London Plan (2021) and Policies P13 (Design of places), P14 (Design quality) and P19 (Listed buildings and structures) of the Southwark Local Plan 2022

**8. SPECIFICATION OF RAINWATER GOODS AND PIPEWORK**

All repairs to rainwater goods and new pipework runs are to be in cast iron and to match existing historic profiles and details. No new plumbing, pipes, soil stacks, flues, vents or ductwork shall be fixed on the external faces of the building unless approved by this Local Planning Authority in writing before commencement of the works on site.

**Reason:**

In order to ensure that the materials and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policies D4 (Delivering good design) and HC1 (Heritage conservation and growth) of the London Plan (2021); Policy P19 (Listed buildings and structures) and Policy P20 (Conservation areas) of the Southwark Plan (2022).

## Informatives

1. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is:

"third-party independent and suitably-qualified" The Council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. 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.

The fire risk assessment/statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The legal responsibility and liability lies with the 'responsible person'. The responsible person being the person who prepares the fire risk assessment/statement not planning officers who make planning decisions.

## **Relevant planning policies**

### **National Planning Policy Framework (the Framework) 2021**

The revised National Planning Policy Framework ('NPPF') was published in July 2021 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 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- 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 SD6 Town centres and high streets
- Policy D12 Fire safety
- Policy S1 Developing London's social infrastructure
- Policy S4 Play and informal recreation
- Policy S5 Sports and recreation facilities
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G2 London's Green Belt
- 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 T5 Cycling
- Policy T6 Car parking
- Policy T6.5 Non-residential disabled persons 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:

- P13 Design of places
- P14 Design quality
- P19 Listed buildings and structures
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P35 Town and local centres
- P46 Leisure, arts and culture
- P47 Community uses
- P53 Cycling
- P54 Car Parking
- P55 Parking standards for disabled people and the physically impaired
- P56 Protection of amenity
- P57 Open space
- P59 Green infrastructure
- P60 Biodiversity
- P61 Trees

## Relevant planning history

Reference and Proposal	Status
<p><b>18/AP/3490</b> 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.</p>	<p>Granted 31/01/2019</p>
<p><b>19/AP/5360</b> 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.</p>	<p>Agreed 26/09/2019</p>
<p><b>18/AP/1569</b> 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.</p>	<p>Granted 04/07/2018</p>
<p><b>17/AP/2003</b> 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.</p>	<p>Agreed 15/06/2017</p>
<p><b>17/AP/0624</b> Construction of a detached single storey temporary pavilion building.</p>	<p>Granted 26/04/2017</p>
<p><b>16/AP/3395</b> External alterations to allow level wheelchair access through the main entrance. General and associated landscaping works affecting hardstanding, pathways and soft landscaping. Internal alterations comprise replacement kitchen and bathroom, relocation of an internal door, alterations to openings, removal of a partition and installation of a replacement floor to the south wing.</p>	<p>Granted 05/10/2016</p>
<p><b>10/AP/3204</b> 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.</p>	<p>GRANTED- Minor Application 14/01/2011</p>

<b>97/AP/0063</b> 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).	Granted 22/10/1997
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## Consultation undertaken

**Site notice date:** 29/04/2023

**Press notice date:** 27/04/2023

**Case officer site visit date:** 05/12/2022 (site visit held during first pre-app 22/EQ/0245)

**Neighbour consultation letters sent:** 27/04/2023

### Internal services consulted

Design and Conservation Team [Formal]  
 Transport Policy  
 Urban Forester  
 Ecology  
 Waste Management  
 Community Infrastructure Levy Team  
 Environmental Protection

### Statutory and non-statutory organisations

Dulwich Society  
 Historic England  
 Georgian Society (consulted on 23/AP/1157 only)

### Neighbour and local groups consulted:

Flat 4 Edward Alleyn House College Road	Flat 8 Edward Alleyn House College Road
7 College Gardens London Southwark	Flat 2 Edward Alleyn House College Road
12 College Gardens London Southwark	Flat 14 Edward Alleyn House College Road
Flat 16 Edward Alleyn House College Road	Flat 12 Edward Alleyn House College Road
20 College Gardens London Southwark	18 College Gardens London Southwark
14 College Gardens London Southwark	1 College Gardens London Southwark
Flat 5 Edward Alleyn House College Road	The Old College 16 Gallery Road London
21 College Gardens London Southwark	The Lodge Old College Gate College Road
17 College Gardens London Southwark	12 Gallery Road London Southwark
Park Rangers Office Dulwich Park College Road	13 College Gardens London Southwark
10 Gallery Road London Southwark	7 College Road London Southwark
17 College Road London Southwark	21 College Road London Southwark
9 College Gardens London Southwark	19 College Road London Southwark
6 College Gardens London Southwark	15 College Road London Southwark
3 College Gardens London Southwark	13 College Road London Southwark
Flat 1 Edward Alleyn House College Road	



11 College Road London Southwark  
8 College Gardens London Southwark  
5 College Gardens London Southwark  
4 College Gardens London Southwark  
22 College Gardens London Southwark  
2 College Gardens London Southwark  
19 College Gardens London Southwark  
15 College Gardens London Southwark  
11 College Gardens London Southwark  
10 College Gardens London Southwark  
Flat 9 Edward Alleyn House College  
Road  
The Wardens Flat The Old College 16  
Gallery Road  
Flat 7 Edward Alleyn House College  
Road  
Cloisters Flat 16A Gallery Road London  
16 College Gardens London Southwark  
Flat 6 Edward Alleyn House College  
Road  
Flat 3 Edward Alleyn House College  
Road  
Flat 15 Edward Alleyn House College  
Road  
Flat 13 Edward Alleyn House College  
Road  
Flat 11 Edward Alleyn House College  
Road  
Flat 10 Edward Alleyn House College  
Road  
16A Gallery Road London Southwark  
23 College Road London Southwark

## Consultation responses received

### Internal services

Transport Policy  
 Urban Forester  
 Ecology  
 Community Infrastructure Levy Team  
 Environmental Protection  
 Design and Conservation

### Statutory and non-statutory organisations

Dulwich Society  
 Historic England

### Neighbour and local groups consulted:

Dulwich Society  
 Conservation Area Advisory Group (CAAG)  
 113 Woodwarde Road Dulwich London  
 31 Marsden Road London SE15 4EE  
 38 Therapia Road London SE22 0SE  
 51 Chivalry Road London Sw111HX  
 18A Waring Drive Orpington BR66DW  
 3 Rushmead Close Croydon CR0 5JG  
 40 THERAPIA ROAD LONDON SE22 0SE  
 17 College Gardens London SE21 7BE  
 26-34 Rothschild street London Se27 0HQ  
 69 Crystal Palace Road London SE22 9EY  
 33 St James Square London SW1Y 4JS  
 38 Therapia Road London SE22 0SE  
 Flat 4 Paxton House London  
 50 Ruskin Walk LONDON SE24 9LZ  
 8 Dulwich Village London SE21 7AL  
 15 Burbage Road London SE24 9HJ  
 135 Kennington Road London SE11 6SF  
 Horniman Museum and Gardens London SE23 3PQ  
 4 Gilkes Crescent Dulwich SE21 7BS  
 16 College Gdns London SE21 7BE  
 16 Rouse Gardens Alleyn Park London  
 133 clive road london se21 8df  
 Elm Lawn Dulwich Common London  
 Studio 1.09 St Johns school, Larcom Street London  
 53 College Road London SE21 7LF  
 28 Ruskin Walk London SE24 9LZ  
 The Grange Grange Lane London  
 James Allen's Girls' School 144 East Dulwich Grove London  
 53 College Road Dulwich London  
 238 Crystal Palace Road London SE22 9JQ36 Lancaster Avenue London SE27 9DZ