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

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

BACKGROUND INFORMATION

Site, location and description

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

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



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



Details of proposal

13. Description of development:

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

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



Li Li Ren

To find a way home I, 2023

Bronze, patina and glass

63 x 68 x 90 cm

Edition of 3 plus 1 artist's proof (EV 1/3)

Weight: 136 kg

(SH046)



Li Li Ren

To find a way home II, 2023

Bronze and patina

28 x 27 x 22 cm

Edition of 3 (EV 1/3)

Weight: 20 kg

(SH047)



Li Li Ren

To find a way home III, 2023

Bronze, patina and glass

103 x 99 x 48 cm

Edition of 3 plus 1 artist's proof (EV 1/3)

Weight: 150 kg

(SH048)



Li Li Ren

To find a way home IV, 2023

Bronze and patina

33 x 73 x 151 cm

Edition of 3 plus 1 artist's proof (EV 1/3)

Weight: 100 kg

(SH048)



Li Li Ren

To find a way home V, 2023

Bronze, patina and glass

82 x 77 x 65 cm

Edition of 3 plus 1 artist's proof

Weight: 115 kg

(SH050)

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



Consultation responses from members of the public and local groups

16. Public consultation was undertaken in accordance with the Development Management Procedure Order (DMPO) 2015, and the locally adopted Statement of Community Involvement (SCI) 2022.
17. Site notices were displayed around the site for a period of three weeks (08.02.2024 - 29.02.2024). A press notice was published in Southwark News (12.03.2024 - 04.04.2024).
18. 1x Objection comment was received.

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

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

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

20. Staffing related matters and existing structural matters are not material planning considerations in the determination of this application.
21. The submitted details are commensurate to the scale of the development and meet the LPAs validation requirements. Details of how the proposal will impact the local area are covered throughout the report.

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

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

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

Legal context

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

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

Planning policy

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

ASSESSMENT

Principle of proposed development

28. The proposal seeks temporary permission (2 years) for the installation of sculptures within the grounds of Dulwich Picture Gallery. There is no material change of use proposed, the gallery falls under use class F1(b) 'Learning and non-residential institutions - Display of works of art'. The use of the gardens to display sculptures would be viewed as incidental to the primary day to day use of the gallery.
29. The gallery gardens are on land designated as metropolitan open land (MOL). Metropolitan open land is the equivalent of green belt land for the purposes of land use planning.
30. The relevant development plan policy to consider for MOL is P57 Open Space (Southwark Plan 2022) which states that:
1. *Development will not be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL). In exceptional circumstances development may be permitted on MOL or BOL when:*
 - *It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or*
 - *It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions and above the size of the*

original building; or

- *It consist of the replacement of an existing building, provided that the new building is no larger than the building it replaces.*
2. *Development will not be permitted on Other Open Space (OOS). In exceptional circumstances development may be permitted if it consists of replacement OOS of equivalent or greater size or substantial better quality can be secured on site to nearby before development commences.*
31. For the application under consideration, the introduction of temporary sculptures will create a negligible reduction in MOL openness when viewed against the entirety of the gardens. The degree of permanence is limited at two years and the land will be made good upon cessation of use. The use of the gardens for the display of art is seen as ancillary to the sites primary use. It is considered the proposals do not harm or conflict with MOL function. As such, it is considered the proposal is acceptable in planning land use terms.

Design, layout, heritage assets

32. The Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the general duties placed upon the LPA, in exercise of planning functions, for listed buildings and conservation areas. The duty for listed buildings is covered in s.66(1) 'the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The duty for conservation areas is covered in s.72(1) 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. National, London, and Southwark planning policies echo the statutory requirements highlighted above.

33. Figure 7. Listed Buildings



34. The map above is north orientated, Grade II listed buildings are shown in green, Grade II* are shown in red. There are no Grade I listed buildings within proximity of the application site. Within the parcel of land sandwiched between Gallery Road and College Road (Dulwich College & Gallery land) there are four listed buildings/structures: a War Memorial (Gr.II), Dulwich Old College (Gr. II), Dulwich Picture Gallery & Mausoleum (Gr.II*) and a Cottage (Gr.II) [ordered north to south]. East of College Road there are six listed buildings/structures: Park Lodge (Gr.II), Old College Gate (Gr.II), Stella House (Gr.II), 13-15 College Road (Gr.II) and Bell Cottage (Gr.II) [ordered north to south].
35. The proposed sculptures would sit within setting of the Gr.II* Dulwich Picture Gallery & Mausoleum. The listed building was purpose built as an art gallery, and therefore the use of the gardens to display temporary art is seen as complimentary given the historical context. The LBS Design and Conservation

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

36. Figure 8. Conservation Areas



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

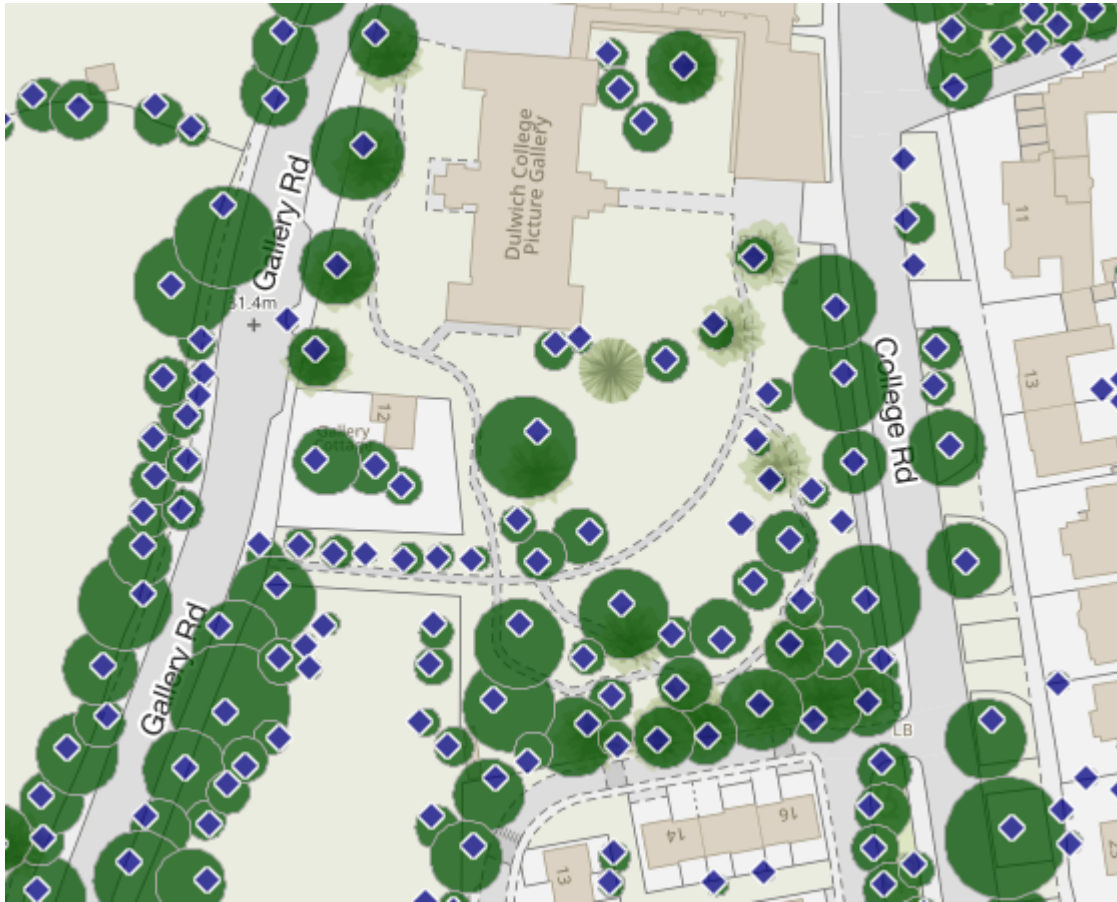
women. It is one of Soane's most original compositions and notable as one of the first public art galleries in England. The Gallery, which attracts visitors from all over the world, had its original colour scheme restored in 1980-1, after detailed research, by Ian Bristow. It was separated from the Foundation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

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

Landscaping and Trees

41. The Town and Country Planning Act 1990 outlines the general duty of planning authorities as respects trees. Section 197 states: 'It shall be the duty of the local planning authority— to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees...'
42. The above provision is echoed in the NPPF 2023, and in London Plan 2021 & Southwark Plan 2022 policy. Policy G7 of the London Plan 'Trees and woodlands' states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy P61 of the Southwark Plan states that development must retain and protect significant existing trees. It states that development must retain and enhance the borough's trees and canopy cover.
43. Some trees are protected, for example a tree which is subject to a Tree Preservation Order (TPO) or over 75mm diameter measured at breast height (DbH) and located in a Conservation Area.

44. Figure 9. ProximiTREE 2023 layer



45. The application site and surrounding area lie within Dulwich Village conservation area and as such trees over 75mm diameter are protected. The applicant submitted a 'Tree Constraints Report' prepared by Landmark Trees Ltd. The report appears to be a re-submission of the document used for the previously granted application 23/AP/1156. The document only identifies the root protection areas 'RPAs' for the trees west of where the sculptures are to be placed, not for the application site itself.
46. The LBS Urban Forestry Team were consulted for comment and recommended approval, subject to a bespoke arboriculture condition - intended to address the minor concern identified above. The proposed condition will ensure that prior to commencement of works, a schedule of arboricultural site supervision will be submitted to the LPA for approval. The schedule will be prepared by the applicants appointed tree specialist.
47. As such, the proposal is considered acceptable with regards to landscaping and trees subject to condition.

Ecology and biodiversity

48. The main body of the site is dominated by modified grassland; a habitat of low ecological value. The application site is not located within a site of importance for nature conservation (SINC).
49. The LBS Ecology Team were consulted for comment and stated 'Structures should be positioned away from trees and shrubbery. It is stated that no trees or plants will be removed and no lighting will be used. If these details change an ecological assessment should be produced'.
50. The proposal does not seek to remove any trees or plants. There is also no lighting proposed. The aforementioned condition will ensure that trees are protected during installation by a suitably qualified arboriculture specialist. As such, it is considered the proposal is acceptable by way of ecology and biodiversity - subject to condition.

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

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

Transport and highways

54. The application site lies sandwiched between Gallery Road and College Road, both of which are LB Southwark adopted highway. The gallery is accessible by public transport and is served by a bus stop on College Road. The site also has existing cycle storage serving the main gallery building.

55. The installation of the sculptures will have minimal impact on local traffic and will be completed over a two day period. Starting on site at 8am on both days and departing no later than 6pm. The applicant has submitted a traffic management plan and will need to liaise with the LBS Highways Department regarding these arrangements under requirements of the Highways Act 1980. It is not seen as commensurate to the scale of development to condition transport and highways related matters under planning also.
56. It is not expected the proposal will result in undue pressure on local transport infrastructure beyond what normal day to day operation of the gallery would entail. As such, it is considered the submission is acceptable with respect to transport and highways impacts.

Noise and vibration

57. It is not considered the installation and/or display of the sculptures will result in harmful impact to neighbouring amenity with regards to noise. The gardens of the gallery are open to the public Monday to Saturday, 8am–6pm and Sunday, 9am–6pm. The gallery is open Tuesday to Sunday, 10am–5pm. (inc. bank holidays.) Therefore, the potential for late night noise is mitigated. It is not anticipated the proposal will result in noise beyond that of the regular day to day operation of the gallery.

Fire Safety

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

Mayoral and borough community infrastructure levy (CIL)

60. The proposal is not CIL liable.

Community Involvement and Engagement

Community impact and equalities assessment

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

Human rights implications

65. This planning application engages certain human rights under the Human Rights Act 1998 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
66. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Positive and proactive statement

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

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

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

CONCLUSION

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

BACKGROUND DOCUMENTS

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

APPENDICES

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

AUDIT TRAIL

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

Recommendation

Draft Decision

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

This document is not a decision notice for this application.

Permission is subject to the following Approved Plans Condition:

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

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

Reason:

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

2. **Time limit condition**

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

Reason:

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

3. **Pre-commencement condition**

Part (a)

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

Part (b)

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

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

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

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

4. **Compliance condition**

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

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

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

5. Compliance condition

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

-STRUCTURAL ENGINEERING INSTALLATION REPORT, 31340 REV C03, prepared by Price & Myers.

-MTEC ART INSTALL AND REMEDIATION PLAN, MD23907, prepared by Mtec.

Reason:

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

Informative notes to the applicant relating to the proposed development

Planning Policies

National Planning Policy Framework 2023

Chapter 2. Achieving sustainable development
Chapter 8. Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12. Achieving well-designed and beautiful places
Chapter 13. Protecting Green Belt land
Chapter 15. Conserving and enhancing the natural environment
Chapter 16. Conserving and enhancing the historic environment

London Plan 2021

Policy D4 Delivering good design
Policy D12 Fire safety
Policy D14 Noise
Policy HC1 Heritage conservation and growth
Policy G3 Metropolitan Open Land
Policy G4 Open space
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy T4 Assessing and mitigating transport impacts

Southwark Plan 2022

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

Planning history

Planning Applications (40)

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

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

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

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

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

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

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

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

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

-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Construction of a detached single storey temporary pavilion building.

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

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

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

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

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

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

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

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

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

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

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

- Display of three single mast banner advertisement signs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Consultation undertaken

Site notice date: 08.02.2024

Press notice date: 12.03.2024

Case officer site visit date: N/A

Neighbour consultation letters sent: N/A

Internal services consulted

LBS Ecology

LBS Design & Conservation Team [Formal]

LBS Urban Forester

External services consulted

N/A

Consultation responses received

Site notice date: 08.02.2024

Press notice date: 12.03.2024

Case officer site visit date: N/A

Neighbour consultation letters sent: N/A

Internal services consulted

LBS Ecology - No objection.

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

LBS Urban Forester - No objection, conditions recommended.

Public responses

1x Objection received.