

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

## PURPOSE

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

## RECOMMENDATION

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

## FACTORS FOR CONSIDERATION

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

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

#### **Corrections and clarifications on the main report**

##### **Paragraph 30 & 89:**

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

##### **Paragraph 74:**

5. This paragraph is to be amended as follows:

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

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

## **Conclusion of the Director of Planning and Growth**

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

## **FACTORS FOR CONSIDERATION**

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

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

### **Corrections and clarifications on the main report**

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

#### **Paragraph 3:**

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

*Amended*

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

#### **Paragraph 31:**

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

*Amended*

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

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

### **Paragraph 39:**

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

*Amended*

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

### **Paragraph 45:**

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

*Amended*

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

### **Paragraph 46:**

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

*Amended*

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

~~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.~~ pre-commencement condition for the applicant to submit an arboriculture method statement (AMS). The AMS will show the means by which any retained trees on or directly adjacent to the site are to be protected from damage by excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, or other equipment, or contaminants. The detailed sculpture location plan will form part of the approved plans condition.

**Paragraph 49:**

- 14. [Explanatory Note: Tree proximity comment clarified.]

*Amended*

The LBS Ecology Team were consulted for comment and stated ‘Structures should be positioned away from trees **RPAs** 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’.

**Appendix 1 Recommendation (draft decision notice)**

- 15. Inserts in **blue**, text removed ~~strikethrough~~.

**Condition 1 - Approved Plans condition:**

- 16. [Explanatory Note: Insert RPA sculpture detail location plan and sculpture cross-section plans.

*Amended*

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

Reference no. / Plan/document name / Revision:      Received on:

SPECSHEET: TO FIND A WAY HOME	21.12.2023
SPECSHEET: MATERIAL	21.12.2023
PR-01 PROPOSED SCULPTURE LOCATION AREA	21.12.2023
JFA0334S TSSBP TREE SURVEY AND SCULPTURE BASE PLAN	22.04.2024
31340 SK01 C02 LI LI REN TO FIND A WAY HOME	23.04.2024

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31340 SK02 C01 YINKA SHONIBARE 23.04.2024  
MATERIAL II

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31340 STRUCTURAL ENGINEERING 25.03.2024  
INSTALLATION REPORT REV C03

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MD23907 MTEC INSTALLATION AND 05.04.2024  
REMEDICATION PLAN

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Reason:

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

### **Condition 3. Pre-commencement condition:**

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

*Amended*

Part (a)

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

Part (b)

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

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

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

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

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

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

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

Reason:

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

## **Conclusion of the Director of Planning and Growth**

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

## **REASON FOR URGENCY**

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

## **REASON FOR LATENESS**

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

## **BACKGROUND DOCUMENTS**

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