

Planning Sub-Committee A

Tuesday 17 July 2018
6.30 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Lorraine Lauder MBE (Chair)
Councillor Jane Salmon (Vice-Chair)
Councillor Richard Leeming
Councillor David Noakes
Councillor Sandra Rhule
Councillor Martin Seaton
Councillor Michael Situ

Reserves

Councillor Karl Eastham
Councillor Eleanor Kerlake
Councillor Sarah King
Councillor Graham Neale
Councillor Kath Whittam

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

Babysitting/Carers allowances

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

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc. for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact: Gerald Gohler on 020 7525 7420 or email: gerald.gohler@southwark.gov.uk.

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 9 July 2018



Planning Sub-Committee A

Tuesday 17 July 2018
6.30 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 8
	To approve as a correct record the minutes of the meeting held on 27 June 2018.	
7.	TREE PRESERVATION ORDER (TPO) CONFIRMATION: BEECH TREE AT REAR OF 29-33 MOUNT ADON PARK	9 - 30
	To confirm the provisional TPO reference 519.	

Item No.	Title	Page No.
8.	DEVELOPMENT MANAGEMENT ITEMS	31 - 35
	8.1. 31-33 GROVE VALE, LONDON SE22 8EQ	36 - 50
	8.2. DULWICH COLLEGE, DULWICH COMMON, LONDON SE21 7LD	51 - 71

Date: 9 July 2018

EXCLUSION OF PRESS AND PUBLIC

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

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

Planning Sub-Committee

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

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

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

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

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.
6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.

8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

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

Contacts: General Enquiries
Planning Section, Chief Executive's Department
Tel: 020 7525 5403

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance
Tel: 020 7525 7420



Planning Sub-Committee A

MINUTES of the Planning Sub-Committee A held on Wednesday 27 June 2018 at 6.30 pm at Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (Chair)
 Councillor Jane Salmon (Vice-Chair)
 Councillor Richard Leeming
 Councillor David Noakes
 Councillor Sandra Rhule
 Councillor Martin Seaton

OTHER MEMBERS PRESENT: Councillor Maggie Browning
 Councillor Jon Hartley
 Councillor Sarah King
 Councillor Adele Morris

OFFICER SUPPORT: Dennis Sangweme (Development Management)
 Margaret Foley (Legal Officer)
 Alexander Cameron (Development Management)
 Sonia Watson (Development Management)
 Lasma Putrina (Development Management)
 Troy Davies (Development Management)
 Alex Oyebade (Transport Policy)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillor Michael Situ who attended another council meeting.

3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as voting members for the meeting.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following councillors declared an interest in item:

7.6 Adventure Playground, Dog Kennel Hill, London SE22 8AA

Councillor Richard Leeming, non-pecuniary, as his family had used the adventure playground in the past, and would do so in the future.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 7 – development management items
- Members' pack.

The chair announced that she had decided to vary the sequence in which the items would be heard with item 7.6 - Adventure Playground, Dog Kennel Hill, London SE22 8AA - being heard first, followed by the rest of the items as set out in the agenda pack.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 26 March 2018 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

RESOLVED:

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

ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during this time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

7.6 ADVENTURE PLAYGROUND, DOG KENNEL HILL, LONDON SE22 8AA

Planning application reference: 17/AP/4769

Report: see pages 110 to 123 of the agenda pack.

PROPOSAL

Removal of existing buildings and creation of a single storey community centre (D2) for Dog Kennel Hill Adventure Playground.

The sub-committee heard the officer's introduction to the report. Councillors did not ask questions of the officer.

There were no objectors who wished to address the meeting.

The applicant addressed the sub-committee, and answered questions by the sub-committee.

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

Councillor Sarah King addressed the sub-committee in her capacity as a ward councillor and answered questions by members of the sub-committee.

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning application 17/AP/4769 be granted, subject to conditions outlined in the report.

7.1 QUARRY COURT, 2 DUNSTAN'S GROVE, LONDON SE22 0HN

Planning application reference: 17/AP/3997

Report: see pages 12 to 30 of the agenda pack and pages 1 and 5 to 8 of the addendum report.

PROPOSAL

Construction of a two storey rear extension and a single storey side infill extension to enlarge the existing ground and first floor flats both with roof terraces. Construction of a rear dormer roof extension to create a new two bedroom flat. External alterations to the front and rear elevations to provide four Juliette balconies to the rear of the first and second floor flats and entrance from Dunstan's Road.

- *Increasing the existing internal ground and first floor space from 6 x one bedroom units to 4 x two-bedroom units and 2 x one-bedroom units*
- *Increasing existing internal second floor space and the construction of a roof terrace*
- *Converting the existing roof space into a 1 x two-bed flat*
- *The installation of four Juliet balconies to the rear of the first and second floor flats*
- *Reconfiguration of the entrance to building*

The sub-committee heard the officer's introduction to the report and addendum report. Councillors did not ask questions of the officer.

A spokesperson for the objectors addressed the meeting. Members of the sub-committee asked questions of the spokesperson for the objectors.

The applicant's agent addressed the sub-committee, and answered questions by the sub-committee.

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

Councillors Maggie Browning and Jon Hartley addressed the sub-committee in their capacity as ward councillors, and answered questions by members of the sub-committee.

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning application 17/AP/3997 be granted, subject to conditions outlined in the report.

The meeting adjourned from 8.00pm to 8.05pm for a comfort break.

7.2 134-136 RYE LANE, LONDON SE15 4RZ

Planning application reference: 18/AP/0716

Report: see pages 31 to 45 of the agenda pack and pages 1 to 2 and 9 to 10 of the addendum report.

PROPOSAL

Construction of a roof extension to provide 1 x one-bedroom flat together with alterations to the shop-front.

The sub-committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

The objectors addressed the meeting. Members of the sub-committee asked questions of the objectors.

The applicant was not present to address the meeting.

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

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

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning application 18/AP/0716 be granted, subject to conditions outlined in the report and addendum report, and including two additional conditions stipulating that:

1. The external second floor area not be used as a patio or roof terrace
2. The tree at the back of the property be protected, specifically also to prevent damage during construction phase.

The meeting adjourned from 8.45pm to 8.50pm for a comfort break.

Having asked for a show of hands to determine how many people were attending for each of the remaining items, the chair announced she would vary the order of the remaining agenda items as follows;

1. Item 7.5 – Flat 49A, Grenier Apartments, 18 Gervase Street, London SE15 2RS
2. Item 7.4 – Seventh Floor, Vivo Building, South Bank Central, Stamford Street, London SE1 9LS
3. Item 7.3 - 97 Peckham Road, London SE15 5LJ.

7.5 FLAT 49A, GRENIER APARTMENTS, 18 GERVASE STREET, LONDON SE15 2RS

Planning application reference: 17/AP/4193

Report: see pages 80 to 109 of the agenda pack and pages 3 of the addendum report.

PROPOSAL

Creation of a self contained residential apartment (Use Class C3) at lower ground level (flat 49A) with new internal layout, works to external retaining wall to create new private amenity courtyard and new stair access.

The meeting heard that some members had received two late emails from residents

outlining their concerns about the development.

The sub-committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

A spokesperson for the objectors addressed the meeting. Members of the sub-committee asked questions of the spokesperson for the objectors.

The applicant's agent addressed the sub-committee, and answered questions by the sub-committee.

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

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

The sub-committee put further questions to officers and discussed the application.

A motion to defer the item in order to arrange a site visit was moved, but not seconded and therefore not put to the vote.

A motion to grant planning permission was moved, but not seconded, and therefore not put the vote, whereupon the chair invited further motions to be proposed. No alternative motions were proposed.

The motion to grant planning permission was moved again, seconded, put to the vote and declared carried.

RESOLVED:

That planning application 17/AP/4193 be granted, subject to conditions outlined in the report and addendum report.

7.4 SEVENTH FLOOR, VIVO BUILDING, SOUTH BANK CENTRAL, STAMFORD STREET, LONDON SE1 9LS

Planning application reference: 18/AP/0395

Report: see pages 69 to 79 of the agenda pack.

PROPOSAL

Retention of four external seating pods on the seventh floor roof terrace.

The sub-committee heard the officer's introduction to the report and addendum report. Councillors did not ask questions of the officer.

There were no objectors present wishing to address the meeting.

The applicant's agent addressed the sub-committee, and answered questions by the sub-committee.

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

Councillor Adele Morris addressed the meeting in her capacity as ward councillor.

The sub-committee discussed the application.

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

RESOLVED:

That planning application 18/AP/0395 be granted, subject to conditions outlined in the report.

7.3 97 PECKHAM ROAD, LONDON SE15 5LJ

Planning application reference: 18/AP/0269

Report: see pages 46 to 68 of the agenda pack and pages 2 to 3 of the addendum report.

PROPOSAL

Construction of a new part four-, part three-, part two-storey place of worship (D1 use class) with associated car parking and landscaping.

The sub-committee heard the officer's introduction to the report and addendum report. Councillors asked questions of the officer.

There were no objectors present wishing to address the meeting.

The applicant was not in attendance.

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

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

The sub-committee put further questions to officers and discussed the application.

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

RESOLVED:

That planning application 18/AP/0269 be granted subject to conditions outlined in the report and addendum report.

Meeting ended at 10.25 pm

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 17 July 2018	Meeting Name: Planning Sub-Committee A
Report title:		TPO confirmation: beech tree at rear of 29-33 Mount Adon Park	
Ward(s) or groups affected:		Dulwich Hill	
From:		Director of Planning	

RECOMMENDATION

1. That the provisional TPO reference 519 be confirmed unamended.

BACKGROUND INFORMATION

2. A tree preservation order (TPO) was served on 15 March 2018 following a request for information by a tree surgeon in respect of a beech tree that was unprotected and could be felled.
3. The TPO protects twelve individual trees and two groups. An objection has been received in respect of including beech tree T4 in the order.

KEY ISSUES FOR CONSIDERATION

4. To continue to have effect the TPO attached in Appendix 1 must be confirmed within six months from the date of being served. Should it not be confirmed the trees described in the schedule and shown in the plan can be removed without the need for the council's consent.
5. The TPO includes a number of individual trees and tree groups which have been assessed as contributing to amenity and because of their value to screening or biodiversity.
6. The trees were assessed as attaining a score of 22 (out of a potential total 25) under the tree evaluation method for tree preservation orders (TEMPO), resulting in a decision guide indicating that making a TPO is definitely merited.
7. The tree locations are not within a conservation area or on council owned land which would otherwise afford protection from removal.
8. The confirmation of a TPO cannot be appealed. However, any subsequent refusal of an application for works to a TPO or imposition of conditions upon consent can be appealed to the Secretary of State via the Planning Inspectorate.
9. Anyone proposing to carry out works to a tree or trees subject to a TPO must seek permission from the local planning authority. This involves completing an application form identifying the trees, detailing the works proposed and explaining the reasons for the works. The council's planning officer will usually inspect the trees prior to making a decision and may recommend alternative works or refuse consent. If authorisation is given to fell a protected tree, a new

tree will usually be required to be planted as a replacement. However, this will in turn require a new TPO to be served.

10. If a tree protected by a TPO is felled, pruned or willfully damaged without consent, both the person who carried out the works and the tree owner are liable to be fined up to £20,000 through the Magistrates Court or, if taken to the Crown Court, an unlimited fine. There are exceptional circumstances, such as when a tree is dead, dying or dangerous, when permission is not required. However, in order to avoid the risk of prosecution advice must be sought from the council and five days notice given before carrying out any works (except in an emergency).

Policy implications

11. The law on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
12. Section 198 of the Act empowers a local planning authority to make tree preservation orders where it is expedient in the interests of amenity to preserve trees or woodlands in their area.
13. London Plan Policy 7.21 Trees and woodlands states that trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework.
14. The draft New Southwark Plan P60 states that in exceptional circumstances removal of trees protected by TPO or conservation area status will be permitted where sufficient evidence has been provided to justify their loss. Replacement planting will be expected where removal is agreed. The replacement of TPO trees must take into account the loss of canopy cover as measured by stem girth and biodiversity value.
15. The current recommendation supports the relevant national legislation, London and draft Southwark policies to retain trees with amenity value

Objection to the order

16. An objection has been received from an agent of insurers of a property adjacent to where a large mature beech tree T4 is located, to the rear of 29-33 Mount Adon Park.
17. The objection relates to damage to a property at 369 Upland Road, where no TPO trees are located.
18. The basis of the objection is that the assessment of amenity (TEMPO) is incorrect, as the Beech tree is allegedly causing an actionable nuisance.
19. However, no evidence has been provided to substantiate the objection and no replacement planting is proposed to mitigate its loss or harm to amenity.
20. The law requires that in order for a TPO to be served the amenity must be assessed. The TEMPO methodology has in this instance been applied correctly taking into account any evidence of trees being a nuisance based on the available evidence.

21. The beech tree is a good example of the species being almost fully mature with an estimated height of 18 metres and a canopy spread of 8 metres. It sits at the end of a residential garden, contributing to the verdant character of this part of Dulwich; it is visible from the gardens of 365 to 383 Upland Road, 17 to 37 Mount Adon Park 4 and 451 Lordship Lane. Near to it are trees Yew T2, Robinia T3 and Maple T12 that together with this tree make a significant contribution to the biodiversity of the area including forage and nesting habitat.
22. At this stage it is considered that there is insufficient evidence firstly to establish that the tree has caused any damage, or secondly that removal of the tree rather than some lesser step is required or reasonable.
23. The tree is growing up slope from the adjoining property and behind a retaining wall which would presuppose the absence of roots. Other causes of damage have not been discounted. No consideration has been given to alternative solutions such as why pruning may not be appropriate in order to avoid the need for felling, or the opportunity to install a root barrier.
24. Should the recommendation be accepted and the order confirmed then an application to carry out works can be submitted in the usual way with consent or refusal considered on the basis of any further evidence provided.
25. Any proposed works to protected trees are consulted upon and responses are taken into account when determining the application.

Consultation

26. The TPO was served by hand to all affected properties and included in the TPO register which is publically available online. Once confirmed the planning and land charges registers are updated.

Conclusion

27. Making a TPO affects the ability of a tree owner to manage and deal with the tree as they see fit without recourse to the council. The trees in question must be of sufficient quality to be considered worthy of protection to justify the imposition on the owner that a TPO constitutes.
28. It is recommended for the reasons set out above that all trees within the TPO are of sufficient quality to justify TPO status.
29. In this instance it is claimed within a single objection that damage has occurred to one property and that the subject tree is the cause of that damage. It is claimed that it cannot logically be in the public interest to preserve a tree that causes damage to property.
30. In an urban or suburban setting most trees will have the ability at some stage in their lifespan to potentially affect the built environment around them. A degree of proportionality has to be exercised as to quite what the nature of that impact is and what might constitute mitigation of any proven impacts.
31. The objected to tree is claimed to impact an adjoining property, but that has not been proved, nor has it been proved that actions short of removal of the tree

would not resolve the matter. On the basis of the information available it is recommended to confirm the TPO.

32. Whilst there would be no right of appeal against confirmation, the effected parties can apply subsequently with further evidence to carry out works to the objected to tree should that be considered necessary. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

33. The original tree preservation order was made on 15 March 2018 and this protects the tree for up to six months unless confirmed and made permanent.
34. The report refers to the legislative background to the general duties of local planning authorities with regard to trees and the power pursuant to Section 197 of the Town and Country Planning Act 1990 by which the authority may make tree preservation orders where it is expedient in the interests of amenity to preserve trees or woodlands in their area. .
35. Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 provides that the authority shall not confirm an order which they have made unless they have first considered objections and representations made in respect of it and not withdrawn.
36. In the present case, an objection to the inclusion of one of the trees (T4) has been made. Regulation 7(2) provides that a tree preservation order may be confirmed with or without modifications. However, members will note the reasons given in the report for the retention of T4 within the Order (reference 519).
37. Part 3F of the council's constitution provides that planning sub-committees shall consider the confirmation of tree preservation orders which are the subject of a 'sustained objection', defined as one that is maintained despite an attempt by officers to resolve the objection or which officers consider incapable of resolution by negotiation.

Legislative requirement

38. The TPO lapses on 15 September 2018 if not confirmed.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
TPO guidance	Online	Oliver Stutter 020 7525 2090
Link: https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#confirming-tree-preservation-orders		
Southwark Council TPO information	Online	Oliver Stutter 020 7525 2090
Link: http://www.southwark.gov.uk/environment/trees/tree-preservation-orders-and-conservation-areas		
Southwark TPO register	Online	Oliver Stutter 020 7525 2090
Link: https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Design%20and%20Conservation&overlays=TPO%20zones		

APPENDICES

No.	Title
Appendix 1	Provisional TPO
Appendix 2	TEMPO methodology

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Oliver Stutter, Senior Planner Urban Forester	
Version	Final	
Dated	10 May 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Gavin Blackburn, Planning Enforcement	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	9 July 2018	

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012****London Borough of Southwark
Tree Preservation Order (No. 519) 2018**

377 Upland Road, SE22 0DR, 16 Mount Adon Park SE22 0DT, 23-37 Mount Adon Park SE22 0DS, 29-33 Mount Adon Park SE22 0DT, 49 Mount Adon Park SE22 0DS, 365 – 367 Upland Road SE22 0DR, 361 Upland Road SE22 0DR

THIS IS A FORMAL NOTICE to let you know that on the 15th March 2018 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map, without the local planning authority's consent.

Some explanatory guidance on tree preservation orders is available via http://www.onlineplanningoffices.co.uk/html/additional_advice/tree_preservation_orders.php, produced by the Department for Communities & Local Government.

The Council has made the order because the trees make a positive contribution to the local environment as assessed by a TEMPO evaluation.

The order took effect on a provisional basis on 15th March 2018. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect permanently. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any representations, please make sure we receive them in writing within 28 days of this date of this notice. Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided. Send your comments to London Borough of Southwark, (Ref TPO/519), 160 Tooley Street, PO Box 64529, London SE1P 5LX. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made. Additional information regarding tree preservation orders can be found at <http://www.southwark.gov.uk/info/505/trees>.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this notification, please contact Oliver Stutter Urban Forester on 0207 525 2090.

Dated 15th March 2018



Simon Bevan.
Director of Planning
Authorised by the Council to sign in that behalf

London Borough of Southwark
160 Tooley Street
PO Box 64529
London SE1P 5LX

Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Objections and representations

6(1) *Subject to paragraph (2), objections and representations—*

(a) shall be made in writing and—

- (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

SCHEDULE

Specification of trees

Trees specified as individuals and groups

(shown circled and dashed in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Pine	To front 377 Upland Road, SE22 0DR
T2	Yew	To rear 377 Upland Road, SE22 0DR
T3	Robinia	To rear 23-37 Mount Adon Park SE22 0DS
T4	Beech	To rear 29-33 Mount Adon Park SE22 0DS
T5	Ash	To front 29-33 Mount Adon Park SE22 0DS
T6	Pine	To front 16 Mount Adon Park SE22 0DT
T7	Pine	To front 16 Mount Adon Park SE22 0DT
T8	Ash	To front 49 Mount Adon Park SE22 0DS
T9	Ash	To front 49 Mount Adon Park SE22 0DS
T10	Sorbus	To rear 49 Mount Adon Park SE22 0DS
T11	Walnut	To rear 365 – 367 Upland Road SE22 0DR
T12	Maple	To rear 365 – 367 Upland Road SE22 0DR
G1	Mixed deciduous and evergreen including Ash, Pine, Oak, Elm, Cherry, Holly and Plum	To front 365 – 367 Upland Road SE22 0DR
G2	Mixed deciduous and evergreen including Ash,	To front 361 Upland Road

Oak, Elm, Cherry, Holly and Plum SE22 0DR

Tree Preservation Order

Town and Country Planning Act 1990.

The Tree Preservation Order (TPO Number 519) 2018

The London Borough of Southwark in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order (TPO Number 519)

Interpretation

- 2.— (1) In this Order “the authority” means the London Borough of Southwark
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 15th day of March 2018

Signed on behalf of the London Borough of Southwark


 Simon Bevan
 Director of Planning
 Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by London Borough of Southwark without modification on the day of

OR

This Order was confirmed by the London Borough of Southwark, subject to the modifications indicated by , on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the London Borough of Southwark on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

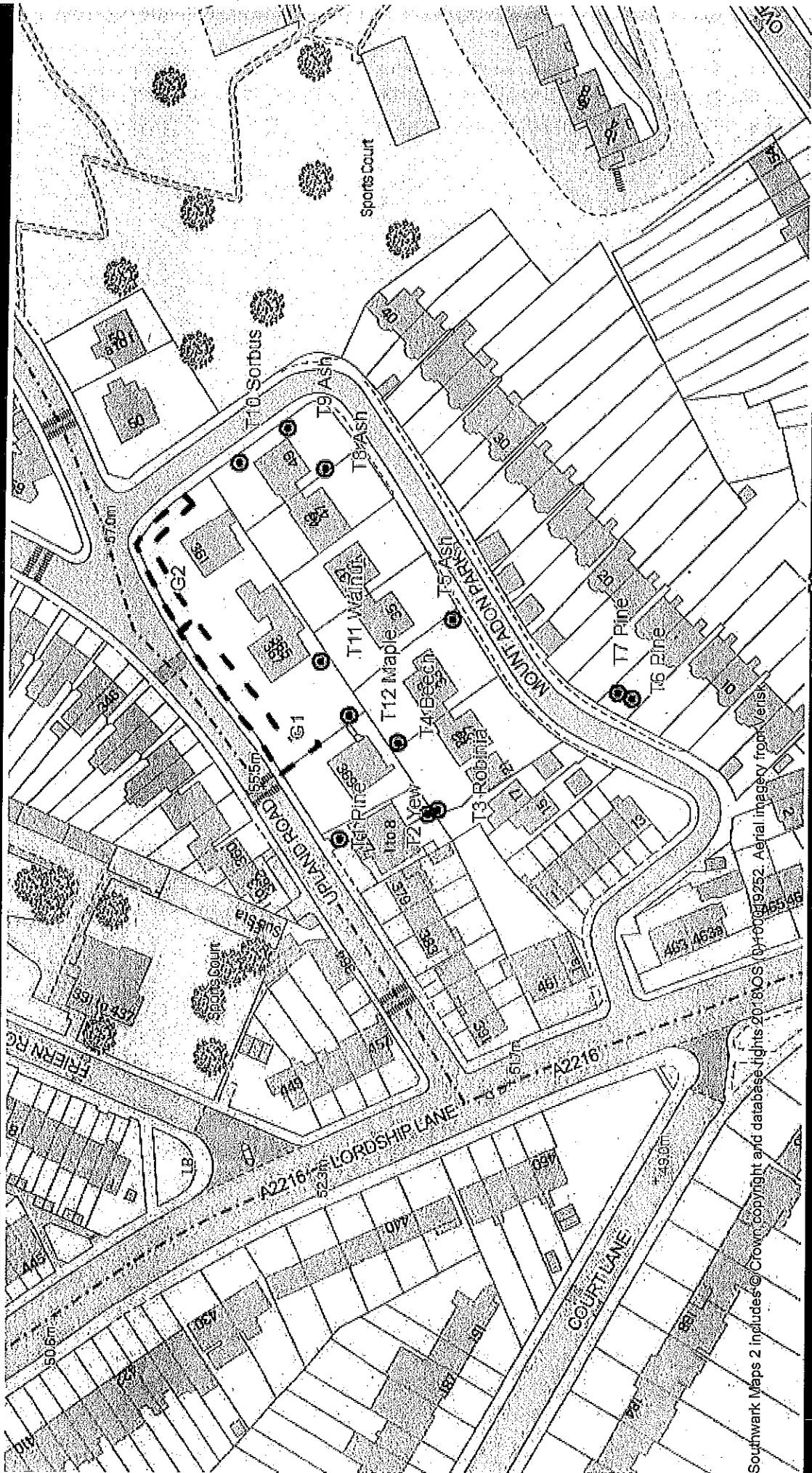
This Order was revoked by the London Borough of Southwark on the day of

Signed on behalf of the London Borough of Southwark

.....

Authorised by the Council to sign in that behalf

Upland Road & Mount Adon Park TPO ref 519



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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/03/17	Surveyor: JS
Tree details	Tree/Group No: TPO 519
TPO Ref (if applicable):	Species: Pine Oak Cherry Ash Elm
Owner (if known):	Location: Upland Rd Mt Adon Yew Robinia Walnut Plum

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes 5

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes 4

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|--|---|
| <ul style="list-style-type: none"> 5) Very large trees with some visibility, or prominent large trees 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only 2) Young, small, or medium/large trees visible only with difficulty 1) Trees not visible to the public, regardless of size | <ul style="list-style-type: none"> Highly suitable Suitable Suitable Barely suitable Probably unsuitable |
|--|---|

Score & Notes 4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 4

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 5

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: 22

Decision:

TREE EVALUATION METHOD FOR PRESERVATION ORDERS

TEMPO

Guidance Note for Users

Julian Forbes-Laird

BA(Hons), MICFor, M.Arbor.A, Dip.Arb.(RFS)

**Registered Consultant of the Arboricultural Association
Director & Principal Consultant, Forbes-Laird Arboricultural Consultancy Ltd**

July 2006

Introduction

Background

The impetus to take a fresh look at existing TPO suitability evaluation methods grew out of the preparation for a local authority of a detailed Method Statement for reviewing Tree Preservation Orders (TPOs) in 2002. The client wanted the Method Statement to include a reliable means of assessing trees for TPO suitability, and asked for a bespoke system.

Having looked closely at what was already available, JFL decided that there was considerable room for improvement, as each of the better-known existing methods has disadvantages.

Accordingly, TEMPO was developed by JFL (whilst working as a Senior Consultant at CBA Trees) as a direct response to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO.

Overview

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. In this connection, it is helpful to revisit the wording of central government advice¹:

‘Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO’

From this, it becomes apparent that most existing methods are inadequate, seeking as they do solely to consider the tree rather than any known threats to its retention. TEMPO corrects this omission by including an expediency assessment within the framework of the method.

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

- Part 1 is the Amenity Assessment
- Part 2 is the Expediency Assessment
- Part 3 is the Decision Guide

These parts are set out and function as follows:

Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which are related to suitability for TPO:

- a) Condition
- b) Retention span
- c) Relative public visibility
- d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD	Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may have already done so
FAIR	Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse
POOR	Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult
DEAD	Tree with no indication of life
DYING/ DANGEROUS	Trees showing very little signs of life or remaining vitality, or with severe, irremediable structural defects, including advanced decay and insecure roothold. Death or catastrophic structural failure likely in the immediate future, retention therefore impossible as something worthy of protection

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. Dead, dying or dangerous trees should not be placed under a TPO, hence the zero score for these categories, due to exemptions within the primary legislation.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

Where a group of trees is being assessed under this section, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Each of the condition categories is related to TPO suitability.

b) Retention span

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' potential retention span.

This factor has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005
- The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time

Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell².

The Arboricultural Association (AA) publishes a guide³ to the life expectancy of common trees, which includes the following data:

300 years or more	Yew
200-300	Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes
150-200	Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple
100-150	Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear
70-100	Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven
50-70	Most poplars, willows, cherries, alders and birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive. However, it should assist with determining the overall lifespan of most trees, in light of their current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean retention span of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the presence of a single young pedunculate oak.

A note on the pro forma identifies for inclusion in the less than ten years band trees which are assessed being an existing or near future nuisance, including those clearly outgrowing their context, or which are having an adverse effect on adjacent trees of better quality.

The nuisance element is introduced to cover situations where, for example, a Section 211 Notice has been received by the LPA for removal of a tree causing subsidence damage. In relation to outgrowing context, some common sense is needed here: if the trees are being considered for TPO protection prior to development, and if it is apparent that demolition of existing structures will be a component of this process, then a tree should not be marked down simply because it is standing hard up against one of the existing structures.

As with condition, the chosen category is related to a summary of TPO suitability.

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the ‘realistic potential for future visibility with changed land use’. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. I have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor’s judgement. However, I have found that reference to the square metre crown size guide within the Helliwell System⁴ can be helpful in reaching a decision.

Reference is made to ‘young’ trees: this is intended to refer to juvenile trees with a stem diameter less than 75mm at 1.5m above ground level. The reasoning behind this is twofold: this size threshold mirrors that given for trees in Conservation Areas, and trees up to (and indeed beyond) this size may readily be replaced by new planting.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection⁵).

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather than three for individuals) if clearly visible, or three points (rather than two) if visible only with difficulty.

Once again, the categories relate to a summary of TPO suitability.

Sub-total 1

At this point, there is a pause within the decision-making process: as the prompt under ‘other factors’ states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a-c.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

- ‘Any 0’ equating to ‘do not apply TPO’
- ‘1-6’ equating to ‘TPO indefensible’

d) Other factors

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score should be applied per tree (or group):

- ‘Principle components of arboricultural features, or veteran trees’ – The latter is hopefully self-explanatory (if not, refer to Read 2000⁶). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- ‘Members of groups of trees that are important for their cohesion’ – This should also be self-explanatory, though it is stressed that ‘cohesion’ may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- ‘Trees with significant historical or commemorative importance’ – The term ‘significant’ has been added to weed out trivia, but we would stress that significance may apply to even one person’s perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter’s dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- ‘Trees of particularly good form, especially if rare or unusual’ – ‘Good form’ is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: ‘rare or unusual’ may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have ‘poor’ form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under part 3).

Sub-total 2

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the ‘other factor’ score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- ‘Immediate threat to tree’ – for example, Tree Officer receives Conservation Area notification to fell
- ‘Foreseeable threat to tree’ – for example, planning department receives application for outline planning consent on the site where the tree stands
- ‘Perceived threat to tree’ – for example, survey identifies tree standing on a potential infill plot

However, central government advice⁷ is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, ‘precautionary only’ still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

Clearly, other reasons apply that might prevent/usually obviate the need for the making of a TPO. However, it is not felt necessary to incorporate such considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 15, and so ‘definitely meriting’ a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO
Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- 1-6 TPO indefensible
This covers trees that have failed to score enough points in sections 1a-c to qualify for an ‘other factors’ score under 1d. Such trees have little to offer their locality and should not be protected
- 7-10 Does not merit TPO
This covers trees which *have* qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 11-14 Possibly merits TPO
This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and ‘gut feeling’
- 15+ Definitely merits TPO
Trees scoring 15 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. For local authorities using TEMPO, it may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.

Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of newly applied TPOs, to see whether they have been misapplied, or it can be used to support a request to make a TPO in respect of trees at risk, for example from adjacent development.

TEMPO does not seek to attach any monetary significance to the derived score: the author recommends the use of the Helliwell System where this is the objective.

CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download through the Arboricultural Information Exchange www.aie.org.uk

TEMPO has undergone a number of minor revisions since its inception, many of which are due to helpful comments received from users. Any feedback on the method is gratefully received by the author.

JFL

Contact: jfl.flac@btinternet.com

References

- 1 'Tree Preservation Orders: A Guide to the Law and Good Practice', DETR 2000
- 2 'Amenity Valuation of Trees and Woodlands', DR Helliwell, Arboricultural Association 2003 [the Helliwell System]
- 3 'Tree Management', Leaflet No. 4, Arboricultural Association 1991
- 4 Helliwell op. cit.
- 5 DETR 2000 op. cit. at para. 3.3 (1)
- 6 'Veteran Trees: A Guide to Good Management', Helen Read, English Nature 2000
- 7 DETR 2000 op. cit. at para. 3.5

Item No. 8.	Classification: Open	Date: 17 July 2018	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

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

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

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

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

12. A resolution to grant planning permission shall mean that the director of planning is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the director of planning shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the director of planning is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of law and democracy, and which is satisfactory to the director of planning. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of law and democracy. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

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

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Gerald Gohler 020 7525 7420
Each planning committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	The named case officer as listed or the Planning Department 020 7525 5403

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Chidi Agada, Head of Constitutional Services	
Report Author	Gerald Gohler, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	9 July 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		9 July 2018

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A
on Tuesday 17 July 2018

Appl. Type Full Planning Application
Site 31-33 GROVE VALE, LONDON SE22 8EQ

Reg. No. 17-AP-4421
TP No. TP/2122-31
Ward Goose Green
Officer Yvonne Sampoh

Recommendation GRANT PERMISSION

Item 8.1

Proposal

Change of use of the upper floors of The Cherry Tree Public House from ancillary staff accommodation (Class A4 Use) to create a 26 bed bunk house hostel (Sui Generis - Visitor Accommodation) across four rooms plus ancillary accommodation for the general manager (Class A4)

Appl. Type Full Planning Application
Site DULWICH COLLEGE, DULWICH COMMON, LONDON SE21 7LD

Reg. No. 17-AP-4771
TP No. TP/2084-C
Ward Dulwich Wood
Officer Amy Lester

Recommendation GRANT PERMISSION

Item 8.2

Proposal

Construction of a new car park to the south west of the campus site, to provide 135 spaces with access from Alleyn Park, in connection with the removal of the existing car park adjacent to the main college buildings (reduction in 15 spaces).

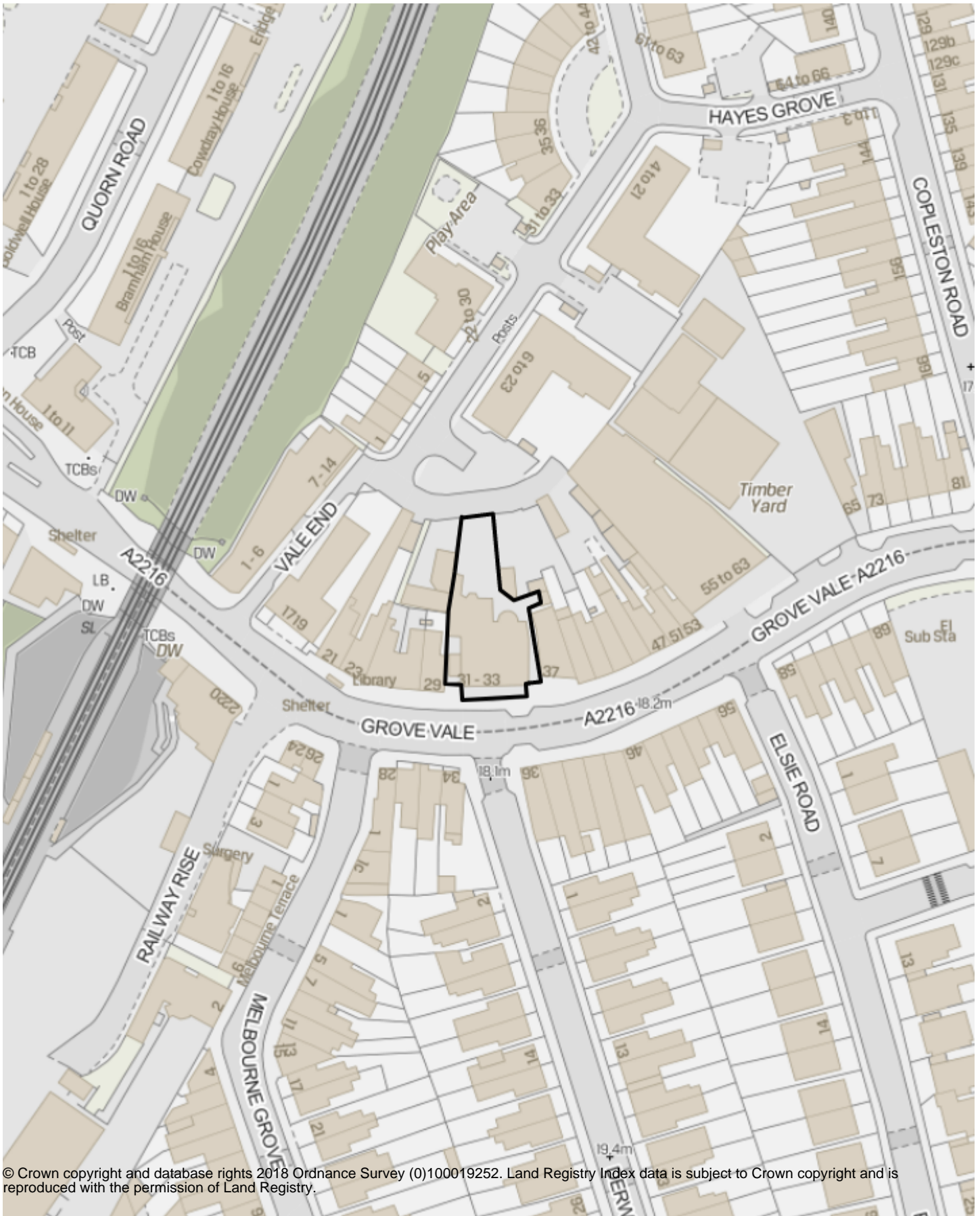
Development would encompass:

- Reinstatement of landscaped frontage to the Barry Buildings involving the provision of coach parking, retention of student drop-off area and disabled parking.
 - Provision of 14 electric vehicle charging points, external lighting and vehicle wash down area in new car park.
 - Improvements to site access and removal of Leylandii trees/hedge to Alleyn Park.
-

Agenda Item 8.1



Agenda item 8.1: 31-33 GROVE VALE, LONDON SE22 8EQ



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Item No. 8.1	Classification: Open	Date: 17 July 2018	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/PAP/4421 for: Full Planning Application Address: 31-33 GROVE VALE, LONDON SE22 8EQ Proposal: Change of use of the upper floors of The Cherry Tree Public House from ancillary staff accommodation (Class A4 Use) to create a 26-bed bunk house hostel (Sui Generis - Visitor Accommodation) across four rooms plus ancillary accommodation for the general manager (Class A4)		
Ward(s) or groups affected:	Goose Green		
From:	Director of Planning		
Application Start Date 24/11/2017		Application Expiry Date 06/07/2018	
Earliest Decision Date 02/02/2018			

RECOMMENDATION

1. That planning permission is granted subject to conditions.

BACKGROUND INFORMATION

2. The current scheme represents a revised proposal of the scheme that was originally submitted and presented to Planning Sub-Committee B on 7 March 2018. As described below, the current proposal seeks to address concerns raised by the Sub-Committee that led to a decision previously being deferred.

Site location and description

3. The site is located to the northern side of Grove Vale Road and is occupied by a detached red brick two storey building with accommodation in the roof. The ground floor comprises a large external seating area to the front with a symmetrical traditional façade with a single access door flanked by additional double doors as well as large glazed panels. Internally, the ground floor forms the main part of the public house with a parlour, bar/snug and garden lounge. There is also a kitchen and associated amenities at ground floor. To the rear, there is a large enclosed beer garden and secret garden area. At the western elevation, there is an external smoking area, whilst to the east, there is a gated side entrance lane providing access to the rear of the property.
4. Externally at the first floor, there are traditional arched sash windows, whilst the second floor traditional dormer sash windows are set within the roof. Internally, the upper floors currently comprise of ancillary accommodation for the Pub, including bedrooms for staff and kitchen/living rooms. These are not separate Class C3 Use dwellings, as they are ancillary to the primary use of the application site and inherently linked to the operation of the Pub. The rooms are accessed both internally and externally via a rear staircase.

5. The immediate surrounding area on Grove Vale is a combination of commercial, retail, restaurants, community facilities and residential and is primarily 2 – 2.5 storey semi-detached and terraced properties. The houses and shop units are mostly traditional in appearance, although there are more modern houses as well. There are a variety of styles present including brick and painted render exterior. The site is not located within a conservation area, nor is it a listed building.

Details of proposal

6. The originally submitted proposal has now been revised. The proposal will continue to create a bunk house hostel accommodation on the upper floors above The Cherry Tree Public House, however, the number of bedspaces provided has been reduced from 47 to 26 (a 45% reduction). The accommodation will provide a total of 26 beds with communal associated facilities and amenities across three bedrooms on the first floor with the 3x double bunkbeds in one bedroom (six bedspaces) and 4x double bunk beds (eight bedspaces) in the two other bunk beds. There will also be provision for short-stay accommodation for a family on the second floor, with one room that includes four single bedspaces. The changes include the complete removal of the triple bunk beds originally proposed and so a reduction in the capacity of each bunk room. These rooms will be served by 6x shower rooms and 6x WCs and a communal kitchen/living room, with one shower room and one WC for the family room.
7. A self-contained flat has been introduced at second floor level that is specified as in-house General Manager's accommodation. The general manager's accommodation will have ensuite accommodation with own bedroom, kitchen, bathroom and living room. It is considered that this will assist with the security and maintenance of the property and also address the concerns regarding those guests returning to the tourist accommodation out of business hours.
8. The public house will be retained on the ground floor and the proposal involves the conversion of the upper floors only and requires no external alterations. In land use terms, this constitutes a change of use from A4 (drinking establishments) to a Sui Generis use.
9. There will still be two entrances available to visitors to the bunkhouse, one through the main entrance to the pub and up the stairs during the operation of the ground floor use and one via the side alley nearest to 37 Grove Vale, where the upper floors can be accessed via the staircase. A covered cycle shelter will also be provided for six cycle spaces in this location.

Planning history

10. None

Planning history of adjoining sites

29 GROVE VALE, LONDON, SE22 8EQ

11. **Development Management planning application:**
Application 10-AP-3741 for: Full Planning Permission
Proposal:
Change of use from a Sui-Generis Launderette to Class A1 use Retail Unit and remove existing rear door.
DEC: GRA

Development Management planning application:

Application 14/AP/1104 for: Full Planning Permission

Proposal:

Erection of single storey side and rear extension to provide additional storage space to A1 (retail) use.

DEC: GRA

Development Management planning application:

Application 16/AP/2810 for: Full Planning Permission

Proposal:

Erection of single storey rear and side extension with part conversion of the rear of the ground floor from A1 to C3 to include 1 studio flat with some internal and external alteration and part demolition.

DEC:GRA

Development Management planning application:

Application 17/AP/1340 for: Full Planning Application

Proposal:

Construction of part two, part single storey rear and side ground floor extension together with L-shaped dormer extension over the main roof and outrigger to facilitate conversion of upper floors into x2 flats

DEC: GRA

KEY ISSUES FOR CONSIDERATION**Summary of main issues**

12. The main issues to be considered in respect of this application are:
 - a. The principle of the development with respect to land use and its conformity with strategic policies
 - b. The impact on the amenity of occupiers of neighbouring properties
 - c. The quality of accommodation for future occupiers
 - d. The impact on the appearance and character of the building and the streetscape

Planning policy

National Planning Policy Framework (the Framework)

13. None considered directly relevant

The London Plan 2016

14. Policy 4.5 - London's visitor infrastructure

Core Strategy 2011

15. Strategic Policy 12 - Design and Conservation
Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

16. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF.

The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 1.9 - Change Of Use Within Protected Shopping Frontages.

Policy 1.12 - Hotels And Visitor Accommodation

Policy 3.2 - Protection Of Amenity.

Policy 3.14 - Designing Out Crime

Draft New Southwark Plan - Submission version

17. P32 - Protected shopping frontages
P36 - Hotel and visitor accommodation

Supplementary planning documents

18. Dulwich supplementary planning document.

Consultation responses

19. 22 comments were made on the application prior to the planning sub-committee B on 7 March 2018. Of these, a single comment was made in support of the proposal and 21 objections were received. The main concerns raised were:

- Increased noise and disturbance which was cited as already being an issue from the existing use of the pub on the ground floor, and which could be exacerbated by the use of the upper floors as a hostel accommodation introducing 47 bed spaces for visitors.
- Concerns raised for people coming in and out of the area at different times;
- Concerns that the nature of the hostel will attract anti-social behaviour;
- Hostel accommodation is not appropriate in a residential area;
- Poor quality of accommodation proposed, with 47 bedspaces on two floors, being exploitative and overcrowding;
- Issues in regards to fire safety with potentially 47 bedspaces.
- A more traditional bed and breakfast would be appropriate;
- The proposal is not in keeping with character of the area and will attract a different demographic;
- Additional pressure will be placed on transport.

20. The proposal was revised and subject to re-consultation in May 2018. During this time a further three objections were received. The main points raised during the re-consultation were:

- The site is not located within the Central Activities Zone, neither is it in an intensification area, the proposal therefore is contrary to London Plan 4.5;
- Noise and disturbance;
- The proposal, due to its scale, would lead to an over-dominance of hotel accommodation and so is inconsistent with Southwark Plan Policy 1.12;
- The general management accommodation will not reduce or eliminate the risk of noise within the surrounding area it will not stop users of the hostel wanting to visit the Lordship Lane town centre area or surrounding residential streets;
- The hostel will affect the established community identity which is of a 'family community'.

Principle of development

21. The proposal seeks to change the ancillary use of the upper floors, currently used as accommodation for staff, to provide visitor accommodation in the form of a hostel, which is also intended to complement the use of the public house on the ground floor.
22. Policy 4.5 of the London Plan advises that visitor accommodation which is proposed outside of the Central Activities Zone (CAZ) should be in town centres, opportunity areas or intensification areas. It is noted that this development is beyond the CAZ and is not within a defined town centre, opportunity area or intensification area, where there is good public transport access. It is however within a shopping parade, which encourages visitors and shoppers with a variety of land uses on ground floor such as commercial, retail, restaurants, community facilities, such as the Grove Vale Library, and notably, the public house itself. As a whole these variety of uses all invite daytime and night-time visitors. In addition, the site has a relatively good Public Transport Accessibility Level (PTAL) of 4 and is located in close proximity to East Dulwich rail station, which offers regular services to Central London. As such it is deemed that the location for the proposal would be appropriate in the context of the strategic priorities set out in the London Plan.
23. Policy 1.12 of the saved Southwark Plan acknowledges that visitor accommodation contributes to local job opportunities and prosperity, as well as promoting Southwark as a tourist destination, however this is only supported in areas with good access to public transport, where the scale of the proposal is appropriate to the context and location. This policy also advises that hotels and visitor accommodation will not be permitted where it would result in a loss of existing residential accommodation, or an over dominance of visitor accommodation in the locality. Draft Policy P36 of the New Southwark Plan maintains this general support subject to impacts on local character or amenity by the design, scale, function, parking and servicing arrangements. These detailed policy issues are further assessed below.
24. There are no other visitor accommodations in the immediate vicinity of Grove Vale. The nearest visitor accommodation in the borough are The Salvation Army (Grove Hill Road, Camberwell) and The Victoria Inn (Peckham). Further, the current proposal represents a reduction in the scale of visitor accommodation, from the original 47 bed spaces to 26 bedspaces. The reduced scale is considered better suited to this location.
25. The proposal also does not result in the loss of A1 (retail) use as the premises is currently operating as an A4 (public house) use, as such the proposal does not conflict with Southwark Plan Policy 1.9 'Change of Use within Protected Shopping Frontages' nor emerging policy P32 'Protect shopping frontages' of the New Southwark Plan. The proposal does not include any external alterations to the building as such this will not affect the character of the protected shopping frontage.
26. The applicant operates a number of public houses at which the upper storeys have been converted to different types of accommodation. This lends confidence to the contention that the proposal would not undermine or compromise the ongoing operation of the Public House.

Environmental impact assessment

27. Not required with the scale and nature of the development proposed.

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

28. Consultation comments have been raised relating to potential noise and disturbance from additional people coming into the area which will exacerbate the already high level noise emanating from the ground floor public house use. It is also noted that concerns have been raised that anti-social behaviour will be increased as result of the additional visitors coming into the area.
29. In order to manage additional noise the agent has proposed the following management practices and restrictions to manage the duration of operation of the change of use:
 - Time of check in from between 11am to 11pm;
 - Time of check out will be open;
 - All bookings will be managed by the on-site General Manager, who will notify guests of the check in/out times. Arrivals and departures will be managed as in any other guest accommodation, with a member of staff greeting guests;
 - There will be no access to the front and rear gardens between the hours 10pm to 11am
 - There will be a duty manager on site during the night;
 - There will be no access to the pub after hours and it will be fully locked off;
 - In terms of measures to mitigate anti-social behaviour there will be CCTV, usual appropriate signage, staff training and duty manager on site;
 - Food/drink offer will be restricted to the pub and operating hours as there will be no in-room catering available.
30. The above measures constitute part of the management plan for the operation of the hostel accommodation on the upper floors and officers are satisfied that the measures should reduce the potential for anti-social behaviour as a result of the change of use.
31. In addition, the reduction in the number of bedspaces from 47 to 26, the addition of on-site general manager's accommodation and the creation of a room perhaps more suited to families are all changes compared to the initial scheme that are made in response to concerns about the potential for noise and disturbance.
32. Consultation comments have also raised concerns relating to types of visitors that will be coming into the area on a regular basis as a result of this change of use and the impact of this on the character of a residential area. Concerns are raised that there will be an influx of youth, from pre-wedding events, which will typically affect the residential nature of this area and the amenity of neighbours
33. Saved Policy 1.12 of the Southwark Plan states that hotel and visitor accommodation is encouraged where the scale of the proposal is appropriate to the context and location, while draft Policy P36 of the New Southwark Plan states that proposals for hotels and other forms of visitor accommodation must not harm the local character or amenity by the design, scale, function, parking and servicing arrangements, and so an assessment on local character and amenity is important. However, it is advised that planning cannot discriminate against or make assumptions about certain potential types of clientele.
34. As explained above, it is also noted that the proposal is not in a defined town centre, opportunity area, intensification or within the Central Activities Zone, however it is within a shopping parade, which encourages both day and night visitors through the mix of uses on the ground floor. The restrictions on the operation of the hostel should

mitigate additional noise arising from the use of the hostel. The reduction of users of the hostel from 47 users to 26 should also reduce the amount of potential noise.

35. In terms of impacts to amenity in terms of noise, it is noted that the residents have indicated that the current use of the A4 use on the ground floor is already raising concern due to current noise levels. The proposed use in relation to arrivals, departures and use of the two rear gardens will be confined to the existing hours of operation of the Public House on the ground floor. The potential for additional noise beyond these hours is therefore limited and the additional impact likely limited to the comings and goings of 26 additional users to the property, assuming the bunk-house is fully occupied.
36. Due to the nature of the public house, which does not have a cap on the amount of visitors that can attend at anyone time, it is not deemed that the proposed change of use of the upper floors and the potential maximum of 26 additional users this could give rise to would materially aggravate the current noise levels which originate from the ground floor use.
37. Consultation comments were also raised on the initial application that the additional 47 bedspaces were would raise issues with fire safety. Although the remaining bedspaces have been reduced issues in regards to fire safety are matters for assessment with building control.

Impact on users of the proposed development and quality of accommodation

38. There is no guidance relating to the format or quality of hostel accommodation within planning policy. However it is noted that the reduction of bedspaces available will improve the experience for users of the facility as all the triple bunk beds have been removed and availability of the facilities are less scarce. The kitchen will not have cooking equipment other than a microwave as users are expected to consume food obtained either from the public house in the ground floor or outside and bring to the upper floors. The kitchen and communal area is primarily used for reheating food, consuming prepared food or as a communal area.
39. Comments were received during the initial consultation on the original proposal such that the proposal attempts to provide too many bedspaces, which should be considered over-development that would ultimately provide poor quality accommodation for guests.
40. In terms of quality of accommodation, it is important to note the proposal is for temporary short stay of tourists/visitors and not permanent living accommodation. The primary function is providing facilities for visitor accommodation on a temporary basis. In light of this and given the lack of any clear design standards, it is not deemed that the alleged poor quality of accommodation for this proposed hostel would be a defensible reason for refusal.

Transport issues

41. The hostel would be located within a site which has a public transport accessibility rating (PTAL) of 4 (good). Both the London Plan and local policies require visitor accommodation to be in areas with good transport links
42. Although this is not the highest PTAL rating it is considered to be sufficient as it is within 55 metres of two bus stops (serving different directions), which cover a number of bus routes heading towards Penge, Tottenham Court Road, Lewisham, Victoria Station, Dulwich, Aldgate, London Bridge and Liverpool Street, Camberwell and Peckham. The proposal is also within 100m of East Dulwich Station and 1km from

Denmark Hill Station.

43. The site also has over 20 cycle stand spaces available in the immediate vicinity along Grove Vale Road.
44. Under London Plan Policy 6.9, a hostel of this nature could be considered to require between 2 and 24 cycle spaces for long stay visitors, depending on whether it is considered to be more akin to hotel use or student accommodation, with a further short stay cycle space. The agent has agreed to provide 6x covered cycle spaces in the form of a cycle shelter in the rear amenity space, which also functions as a secondary entrance to visitors for the hostel. Having considered the nature of the use where most customers would arrive with luggage so be less likely to cycle, and in light of the noted accessibility to other forms of public transport above, it is deemed that this cycle storage proposed is acceptable.
45. The planning statement also confirms that this is to be a car-free development.
46. The planning statement also confirms that guests, when booking accommodation, will be notified that there is no on-site parking available and will be made aware of the public transport and encourage to visit the property via those methods. The accommodation will be advertised, via the owners (Redcomb Pub Ltd) website as well as online booking channels. Both of these methods will notify guests of the lack of on-site parking and direct guests to the public transport. All bookings will be managed by the on-site general manager, who will notify guests of the check in/out times.

Waste Management

47. The agent has confirmed that waste management will remain the same for the ground floor use of the public house than for the proposed change of use of the upper floors

Design issues

48. The proposal does not include any external changes and the quality of accommodation is addressed above.

Planning obligations (S.106 undertaking or agreement)

49. The proposal is not CIL Liable as there is no increase in floor space.

Conclusion on planning issues

50. Overall, it is considered that the location is suitable for modestly-sized visitor accommodation and that this use will deliver some economic benefit. Though concerns relating to potential impacts on local amenity are acknowledged, it is considered that deemed that the significant reduction in the number of bed spaces and the management controls and restrictions now proposed will ensure that any impacts on the amenity of neighbours is minimised and that the character of the function of the area is protected. It is further considered that impacts to the highway will be kept to a minimum. As such, it is considered that the proposal is consistent with the Development Plan and it is recommended that planning permission is granted.

Community impact statement

51. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application

process.

a) The impact on local people is set out above.

Consultations

52. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

53. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses-November 2017

54. Comments received during the original consultation period are summarised in Paragraph 19, above. Further comments were received from external bodies and internal officers, as below:

- Metropolitan Police: No objection
- Environmental Protection Team: No Objection
- Transport Team (Southwark): Request a transport statement detailing how sustainable transport will be encouraged in relation to arrivals and departures. (Details have been provided)
- Flood risk and drainage team: No objection

Summary of consultation responses - May 2018

55. Comments received during the re-consultation in April 2018 are summarised in Paragraph 20, above, and raise broadly the same issues as previously received during the original consultation.

Human rights implications

56. This planning application engages certain human rights under the Human Rights Act 2008 (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.

57. This application has the legitimate aim of providing visitor accommodation. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2122-31	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquires telephone: 020 7525 5403
Application file: 17/PAP/4421		Planning enquires email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 0207 525 4929 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Yvonne Sampoh, Planning Officer	
Version	Final	
Dated	19 June 2018	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance & Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		5 July 2018

APPENDIX 1**Consultation undertaken****Site notice date:** 05/12/2017**Press notice date:** n/a**Case officer site visit date:** 12/01/2018**Neighbour consultation letters sent:** 28/11/2017**Internal services consulted:**

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
 Flood and Drainage Team

Statutory and non-statutory organisations consulted:

Metropolitan Police Service (Designing out Crime)

Neighbour and local groups consulted:

29a Grove Vale London SE22 8EQ	6 Besant Place SE22 8DA
39 Grove Vale London SE22 8EQ	43 Adys Road Peckham Rye SE15 4DX
The Vale 31-33 Grove Vale SE22 8EQ	30 Derwent Grove London SE22 8EA
6 Vale End London SE22 8EG	26 Derwent Grove East Dulwich SE22 8EA
29 Grove Vale London SE22 8EQ	93 Copleston Road Peckham SE15 4AH
37b Grove Vale London SE22 8EQ	39 Derwent Grove London SE22 8DZ
37a Grove Vale London SE22 8EQ	15 Blackwater St London Se22 8SS
37 Grove Vale London SE22 8EQ	111a Grove Vale London Se228en
39a Grove Vale London SE22 8EQ	24 Derwent Grove London SE22 8EA
10 Besant Place London SE228DA	16 Derwent Grove London SE22 8EA
10 Besant Place London se22 8da	31 Derwent Grove London SE22 8DZ
10 Besant Place London SE228DA	43 Grove Vale London SE22 8EQ
32 Grove Vale London SE22 8DY	1 15a Grove Vale London SE2 28ET
24 Derwent Grove London SE22 8EA	
Flat 6 15a Grove Vale SE22 8ET	15 Derwent Grove East Dulwich SE228DZ
30 Fellbrigg Road London SE22 9HH	31 Derwent Grove London Se228dz
158 Grove Lane London SE5 8BP	15 Derwent Grove London SE22 8DZ
	15 Derwent Grove East Dulwich SE22 8DZ

Re-consultation: 08/05/2018

APPENDIX 2**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

Metropolitan Police Service (Designing out Crime)

Neighbours and local groups

Email representation

Flat 6 15a Grove Vale SE22 8ET
 1 15a Grove Vale London SE2 28ET
 10 Besant Place London se22 8da
 10 Besant Place London SE228DA
 10 Besant Place London SE228DA
 111a Grove Vale London Se228en
 15 Blackwater St London Se22 8SS
 15 Derwent Grove East Dulwich SE22 8DZ
 15 Derwent Grove East Dulwich SE228DZ
 15 Derwent Grove London SE22 8DZ
 158 Grove Lane London SE5 8BP
 16 Derwent Grove London SE22 8EA
 24 Derwent Grove London SE22 8EA
 24 Derwent Grove London SE22 8EA
 24 Derwent Grove London SE22 8EA
 26 Derwent Grove East Dulwich SE22 8EA
 30 Derwent Grove London SE22 8EA
 30 Fellbrigg Road London SE22 9HH
 31 Derwent Grove London SE22 8DZ
 31 Derwent Grove London SE22 8DZ
 31 Derwent Grove London Se228dz
 32 Grove Vale London SE22 8DY
 39 Derwent Grove London SE22 8DZ
 43 Adys Road Peckham Rye SE15 4DX
 43 Grove Vale London SE22 8EQ
 6 Besant Place SE22 8DA

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Redcomb Pubs Ltd	Reg. Number	17/AP/4421
Application Type	Full Planning Application	Case	TP/2122-31
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of the upper floors of The Cherry Tree Public House from ancillary staff accommodation (Class A4 Use) to create a 26 bed bunk house hostel (Sui Generis - Visitor Accommodation) across four rooms plus ancillary accommodation for the general manager (Class A4)

At: 31-33 GROVE VALE, LONDON SE22 8EQ

In accordance with application received on 23/11/2017 12:00:46

and Applicant's Drawing Nos. 001

010 - EXISTING FLOOR PLANS

210 - PROPOSED PLANS BUNKHOUSE OPTION REV D

PLANNING STATEMENT (RECEIVED 09 MAY 2018)

Subject to the following five conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

210 - PROPOSED PLANS BUNKHOUSE OPTION REV D

Reason:

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

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

Reason

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

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Prior to the commencement of the use hereby permitted, an Operational and Service Management Plan detailing how the hostel will be managed in terms of arrivals, departures and mitigating disturbance and how it will be serviced shall be submitted to for approval to the Local Planning Authority. The development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure protect the amenity of local residents in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 high environmental standards of the Core Strategy 2011, and saved policy 3.2 Protection of Amenity of the Southwark Plan 2007.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 4 The cycle storage facilities identified on approved plan 210/rev A shall be provided prior to the commencement of

the use hereby consented and thereafter shall be retained and the space used for no other purpose and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework 2012, Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

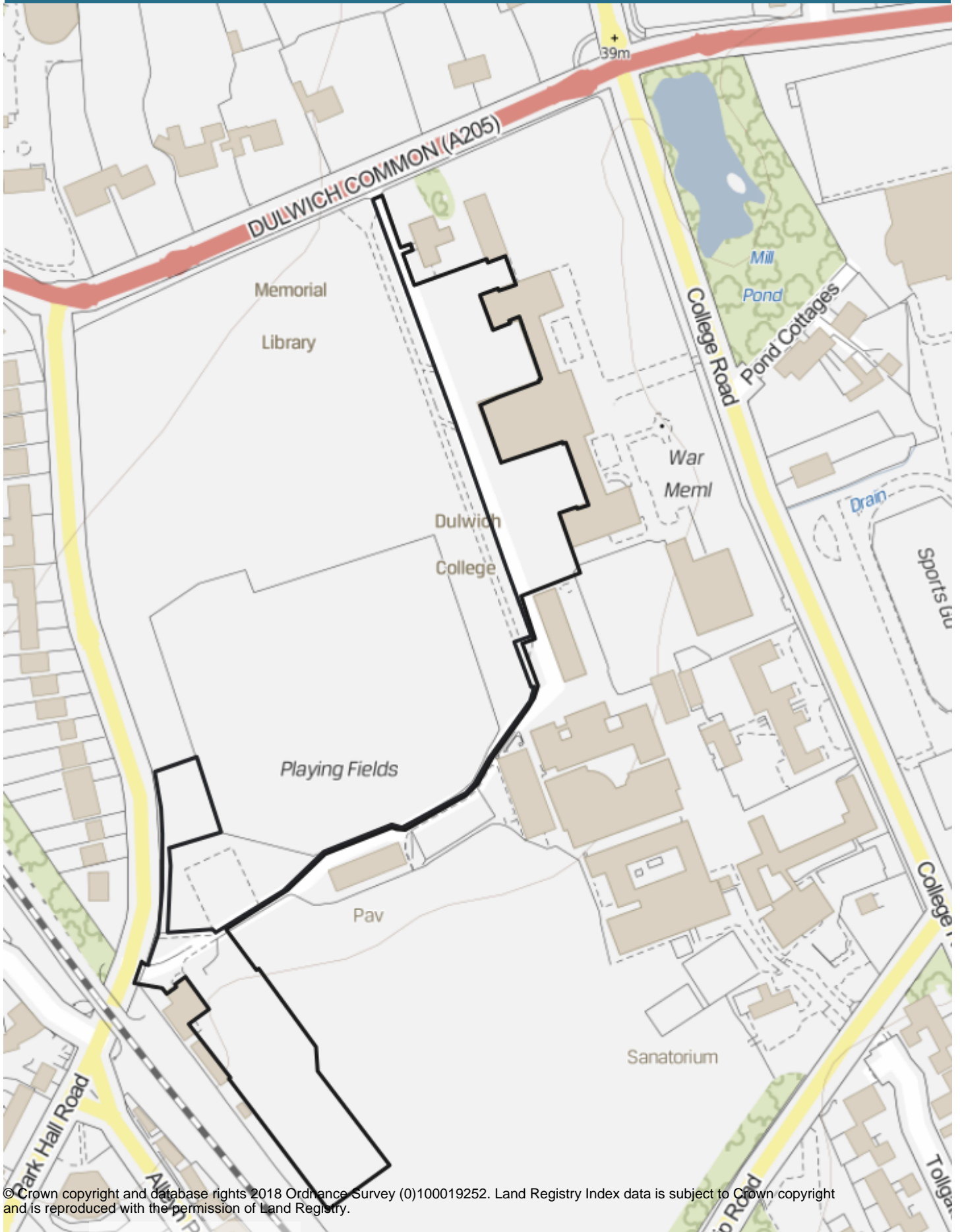
- 5 The two rear garden spaces identified as "main garden" and "secret garden" on approved plan 210/Rev A shall be closed to guests of the hostel between the hours of 23h00 and 10h00 during which guests shall not be permitted to use these areas for any purposes, except in the case of emergencies. The roofspace immediate adjacent the rear first floor access to the bunk house shall not be used as a recreational space at any time.

Reason

To ensure no loss of amenity to neighbouring residential occupiers, in accordance with the National Planning Policy Framework 2012, saved policy 3.2 Protection of amenity of the Southwark Plan 2007 and strategic policy 13 High environmental standards of the Core Strategy 2011.

Statement of positive and proactive action in dealing with the application

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.



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50 m

Scale = 2500

5-Jul-2018

Item No. 8.2	Classification: Open	Date: 17 July 2018	Meeting Name: Planning Sub-Committee A
Report title:	<p>Development Management planning application: Application 17/AP/4771 for: Full Planning Application</p> <p>Address: DULWICH COLLEGE, DULWICH COMMON, LONDON SE21 7LD</p> <p>Proposal: Construction of a new car park to the south west of the campus site, to provide 135 spaces with access from Alleyn Park, in connection with the removal of the existing car park adjacent to the main college buildings (reduction in 15 spaces). Development would encompass: - Reinstatement of landscaped frontage to the Barry Buildings involving the provision of coach parking, retention of student drop-off area and disabled parking. - Provision of 14 electric vehicle charging points, external lighting and vehicle wash down area in new car park. - Improvements to site access and removal of Leylandii trees/hedge to Alleyn Park.</p> <p>Departure from Development Plan policies 3.25 Metropolitan Open Land (MOL) of the saved Southwark Plan 2007, SP11 Open Spaces and Wildlife of the Core Strategy 2011 and 7.17 Metropolitan Open Land of the London Plan 2016.</p>		
Ward(s) or groups affected:	Dulwich Wood		
From:	Director of Planning		
Application Start Date 27/12/2017		Application Expiry Date 21/02/2018	
Earliest Decision Date 17/03/2018			

RECOMMENDATION

1. That planning permission is granted subject to conditions.

BACKGROUND INFORMATION

2. This application is before members to determine because it is for development on Metropolitan Open Land and is contrary to the provisions of the Local Development Framework.

Site location and description

3. Dulwich College is an independent day and boarding school located to the south of Dulwich Village in the college area of the borough. The campus is bounded by the South Circular to the north, College Road to the east, Hunts Slip Road to the south, Alleyn Park and a railway line to the west. The main college campus comprises teaching and support buildings and extensive sports pitches.
4. The area to which this application specifically relates is an area of rough grass land in

the south-western corner of the college campus, to the south of Alleyn Park and adjacent to the railway. The application red line plan also encompasses the existing car park sited to the west of the main College buildings.

5. The site is located within Metropolitan Open Land (MOL) and the Dulwich Village Conservation Area. A number of Grade II listed buildings and structures are located within the campus grounds, with the Barry Buildings being Grade II*.
6. The application site is also subject to the following designations:
 - Public Transport Accessibility Level 2 (PTAL) - poor
 - Critical Drainage Area
 - Suburban Zone.

Details of proposal

7. This application seeks full planning permission for the construction of a new car park in the south western corner of the Dulwich College site. The development would be in connection with the removal of the existing car park currently located adjacent to the main college buildings and would provide 135 spaces, 14 of which would be provided with electric vehicle charging points. In total there would be a reduction in 15 spaces.
8. The development would encompass the reinstatement of a landscaped frontage to the Barry Buildings which are Grade II* Listed structures. Coach parking, the retention of a student drop-off area and disabled parking would also be provided within this landscaped area.
9. From Alleyn Park an improved frontage would provide access to the new car park, together with the removal of the existing Leyandii trees/hedge. External lighting to the new car park and a vehicle wash down area would also be provided.

Planning history

10. Dulwich College has been subject to extensive planning history, none of which is directly related to the application currently under consideration by way of this report. Pre-application advice for the relocation of the car park was sought in 2014 and 2016 under the following reference:

14/EQ/0107 Application type: Pre-Application Enquiry (ENQ)
 Improvements to Barry Building external space and new car park.
 Decision date 08/09/2014 Decision: Pre-application enquiry closed (EQC)

11. A summary of the advice given is as follows:
 - The creation of a new car park does not fall within the definition of appropriate development within MOL, it would also be subject to consultation with Sport England due to its location on playing field land.
 - Inappropriate development will only be approved in very special circumstances and the amount of weight which can be afforded depends on how the setting of the Barry Buildings would be improved.
 - No fundamental objection to the relocation of the car-park on transport grounds.

Consultation

12. Details of consultation undertaken in respect of this application is set out in Appendix 1 and a list of responses received are set out in Appendix 2. Letters were sent to adjacent properties and a site notice displayed at the application site.

13. 16 public representations from residents of Alleyn Park, Alleyn Road and the Dulwich Society have been received, being 14 objections and 2 comments. These raise the following areas of concern:

Increased traffic congestion on Allyn Park resulting in increased air, noise and light pollution.
Disturbance to existing residents from increased traffic using Alleyn Park and from users of the car park late into the evening.
Road traffic safety and increased risk of accidents.
The installation of the vehicle wash down and lighting will intrude on residential amenity.
Contrary to objectives to increase the use of public transport and other sustainable modes of transport. The college fails to encourage walking/cycling and discouragement of travel by car.
Detrimental impact on the environment through the removal of green space and green screening.
Increased risk of surface water flooding.
Schools should be encouraged to include a rotating drop-off point.
Hunts Slip Road should be used as the access/exit for the car park and screening should be installed along Allyn Park.
The application fails to consider the potential for weekend/evening parking for events other than school operations.
Proposed car park could double in size.
Unclear information about allocation of spaces, travel plans and management.
The application fails to explore all options, including locating the car park elsewhere and is based on out of date information and data.
- The removal of vehicles in front of the Barry Buildings would not improve the setting and makes no aesthetic difference.
Detrimental to the surrounding Conservation Area.

14. The above issues identified from the consultation responses received are discussed in the planning considerations section of this report below.

Sport England

15. Raise no objections to the application as they consider that the proposal meets exception 3 of Sport England's Playing Fields Policy.

Tree officer

16. Recommends the imposition of condition requiring further details of additional screening and planting.

Ecology officer

17. Confirms that no further surveys are required and that the proposed new landscaping is likely to result in net gain for biodiversity.

Transport planning

18. No objection.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

19. The main issues to be considered in respect of this application are:
- a) Principle
 - b) MOL and Conservation
 - c) Sporting Provision - Playing Fields
 - d) Traffic and Transportation
 - e) Residential Amenity

Planning policy

National Planning Policy Framework (the Framework)

- 20.
7. Requiring good design
 9. Protecting green belt land
 12. Conserving and enhancing the historic environment

The London Plan 2016

- 21.
- 7.4 Local Character
 - 7.5 Public Realm
 - 7.6 Architecture
 - 7.17 Metropolitan Open Land

Core Strategy 2011

- 22.
- Strategic Policy 11 - Open Spaces and Wildlife
 - Strategic Policy 12 - Design and Conservation
 - Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

23. The council's cabinet on 19 March 2013, as required by para 215 of the nppf, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- 3.1 Environmental effects
- 3.2 Protection of Amenity
- 3.11 Efficient Use of Land
- 3.12 Quality in Design
- 3.13 Urban Design
- 3.15 Conservation of the Historic Environment
- 3.16 Conservation Areas
- 3.18 Setting of Listed Buildings, Conservation Areas and World heritage Sites
- 3.25 Metropolitan Open Land
- 5.1 Locating Developments
- 5.2 Transport Impacts

Principle of development

24. The application site is located within Metropolitan Open Land (MOL) and as such saved Southwark Plan policy 3.25 is relevant to the determination of this proposal. MOL is a strategic land designation within the urban area that contributes to the structure of London. It is intended to protect areas of landscape, recreation, nature conservation and scientific interest which are strategically important, against inappropriate development.
25. Policy 3.25 states that there is a general presumption against inappropriate development on MOL and that planning permission will only be granted for appropriate development which is considered to be for the following purposes:
- i) Agriculture and forestry; or
 - ii) Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or
 - iii) Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building; or
 - iv) Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.
26. The National Planning Policy Framework (NPPF) makes no specific reference to MOL rather considers Green Belt Land which has traditionally been afforded the same protection which is confirmed by policy 7.17 (MOL) of the London Plan. Para 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in green belt. Exceptions to this are for the provision of appropriate facilities for outdoor sport and outdoor recreation.
27. The London Plan protects MOL against inappropriate development, with only some exceptions. These include small scale structures to support outdoor open space uses, and any proposals should minimise adverse impact on the openness of MOL. Similarly, other developments within the MOL will not be accepted unless exceptional circumstances can be demonstrated.
28. The proposed use of the land for parking in connection with the wider Dulwich College site, is contrary to adopted local and national policy as its use could not be classified as one which falls within those considered to be appropriate development as defined by policy 3.25 as detailed above. Consideration should therefore be given to any exceptional circumstances which may be present in this case and what harm may arise to the MOL in which the proposal is sited, with particular regard to the openness of the MOL.

Exceptional circumstances

29. Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission and appeals must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. This is reiterated in paragraph 14 of the NPPF.
30. In accordance with Article 27, Part 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, "a local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated."
31. The London Plan states that developments within the MOL, other than those specified will not be accepted unless exceptional circumstances can be demonstrated.

32. In this case the exceptional circumstances to be considered would be the benefit which would arise as a result of the removal of the existing car park currently located to the frontage of the Grade II* Barry Buildings and the subsequent improvements to their setting through the re-introduction of a landscaped frontage. The harm arising to the MOL, the benefits to the heritage asset and the balance to be attributed to each are discussed below.

Metropolitan open land and heritage conservation

Openness

33. The NPPF states that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. The important need to maintain the openness of MOL is reiterated in both local and regional policy.
34. In this case it is considered that whilst the proposal does not fall the definition of appropriate development within MOL, the harm that would arise to the openness of the MOL is limited. The area of development is set to the edge of the MOL and tucked away next to the railway, between a line of mature trees and an existing grassed bund to the east and south. There would be no structures erected which would enclose the area and the retention of the existing bund would screen the car park from the wider landscape. Lighting would be predominantly low level bollards with some 5m posts for security purposes. Such lighting structures are not unusual in MOL where floodlighting columns are often seen. Therefore whilst there may be some glimpses of the car park from vantage points around the MOL, views both into and out of the MOL would not be detrimentally affected.
35. The areas of MOL which would see a change to their use are outlined in the table below:

Area of existing car park outside Barry Buildings	6215sqm
Area to be returned to open space/amenity space	5719sqm
Area of new car park	4610sqm

36. As can be seen the resulting removal of the existing car park would result in an increased area of land elsewhere in the MOL being brought back into landscaped open space. Conditions requiring the associated landscaping to be implemented and completed are recommended to ensure that the subsequent resulting benefits are permanently secured.
37. While there would be an increase in hardstanding to create the new car park, the landscape in this area is currently neglected and has little value beyond its use as a maintenance and material storage area. The proposed car park's location against the existing railway embankment, together with localised mounding and vegetation, limits visibility of the site to the immediate vicinity. It is therefore considered that any resulting harm would be limited and that the openness of the MOL would be maintained.

Design and conservation

38. Saved policies 3.12 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan seek to ensure that developments achieve high quality architectural and urban design, while policy 3.15 seeks to conserve the historic environment and 3.18 seeks to preserve or enhance the setting of Listed Buildings, Conservation Areas and World Heritage Sites.

39. Dulwich College occupies a large site within the surrounding Dulwich Village Conservation Area. The site comprises a number of school buildings located on the eastern side of the site, with the western side used as playing fields. This application specifically relates to the Grade II* Barry Building which are within the heart of the Dulwich College Campus. The central school building was constructed between 1866-70, by the younger Charles Barry in an ornate North Italian Renaissance style. The facades of the building have Portland stone, red brick with cream terracotta embellishments. Whilst the roof is a traditional pitched roof covered in clay pan-type tiles; in the centre is a large timber tower with glazed lights. As a Grade II* building the Barry Building is considered to be of national significance.
40. The Barry Building is currently under extensive restoration and refurbishment works, and in recent years a new science building has been constructed to the south. The current tarmacked car parking which surrounds the Barry Building, Old Library and Science Building fails to enhance the setting of these nationally significant Listed Buildings.
41. Limited historical information is available which demonstrates exactly what the original landscaping scheme would have been to this area. However historic maps dating back to 1870, and photos dating back to 1906, illustrate an open landscaped area laid to gravel and separated from the adjacent fields to the west by a line of trees. This avenue of trees remains today and leads from the current main vehicular entrance on the South Circular. This layout is consistent with the designs prepared by the Landscape Architect Edward Milner (1819-84) who worked for the college on the design of the estate from 1866-1870.
42. The west of the Barry Building was considered the 'active front', with the space between the building and sports pitches in Milner's original design called 'the gravels'. This was laid out as a large expanse of gravel which extended along the west façade of the Barry Building. In Milner's masterplan they were areas of free draining loose gravel which were used as a parade ground and sports area, before the introduction of specialist sports surfaces.
43. The application proposals seeks to remove all staff car-parking, but permits the retention of vehicle access for parent drop-off and temporary coach parking. Formal grass rain gardens are to be introduced to reduce the extent of hardstanding and provide visual interest with the beds slightly elevated and edged in stone. All tarmac would be removed and the remaining hard surface laid to a uniform gravel appropriate to the historic context. The only parking to be maintained would be five disabled parking bays located close to the school reception.
44. The scheme provides an opportunity to reverse the harm to the setting which currently exists. The layout and design is considered a sympathetic response to the listed buildings, and has taken inspiration from the original masterplan designed in the late nineteenth century.

Conclusion on 'exceptional circumstances'

45. As previously discussed, in this case the exceptional circumstances to be considered are the benefit which would arise as a result of the removal of the existing car park currently located to the frontage of the Grade II* Barry Buildings and the subsequent improvements to their setting through the re-introduction of a landscaped frontage.
46. In consideration of the benefit which would arise, and the harm which may be caused, it is concluded that the new car park would not compromise the openness and setting of the location, nor would it undermine the value of the MOL. Furthermore the

proposed new landscaping would enhance and improve the setting of the Grade II* listed buildings in accordance with design and heritage policies. On balance it is considered that whilst the introduction of a car park would be contrary to adopted policy, the benefit which would arise outweighs any harm, which is concluded as being limited in its scope.

Sporting provision - playing fields

47. The proposed car park would be located on an area of land which currently forms a maintenance and storage compound. It is made up of a rough grassed and hard surfaced area with a number of single storey maintenance buildings. These buildings would be retained as part of the application proposal.
48. The land to which the application relates previously formed part of the college sports pitches, which in 2013 were subject to a site wide upgrade and reorganisation. The former south playing fields, which included the area of the proposed car park, previously contained four medium sized rugby pitches. The pitch quality in this area was low and deteriorated quickly over the season, often meaning that they were unusable. This is due to clay soil in this area being poorly drained and frequently waterlogged. The 2013 reorganisation involved the creation of 3 large pitches, 2 grass cricket squares, 3 artificial wickets and training grids, in replacement for the 4 previous medium rugby pitches.
49. This re-organisation was carefully considered in order to maximise benefits for sporting provision and pitch use has increased by 40% since the improvements were made. As well as the fields being used by the college, pitches are also made available for community use and are offered to other schools and groups, providing much needed high quality recreational space.
50. The College is considered to have adequate playing field provision to meet the needs of their students as well as the wider community. The area of land to which this application relates was specifically excluded from the pitch reorganisation due to its poor quality and suitability at the time. Provision for improved facilities was made elsewhere within the site and this is recognised as being successful. However, whilst the 2013 reorganisation has been successful, the current application does involve the loss of playing field land. Consideration must therefore be given to the potential for this land to be brought back into active use for sporting purposes.
51. Sport England, being a statutory consultee on any application which involves playing field land, have been consulted and the applicant has entered into discussions with them both during and prior to the application submission. Sport England's policy is set out in their document "Planning Policy Statement - A Sporting Future for Playing Fields of England". This states that Sport England opposes development on all sports pitches in all but exceptional circumstances. It then goes on to provide examples of exceptions that would apply.
52. In this case Sport England have confirmed that they do not raise an objection because the development would meet their policy exception 3 which states:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing*

- itches to maintain their quality;*
 - *result in the loss of other sporting provision or ancillary facilities on the site; or*
 - *prejudice the use of any remaining areas of playing field on the site.'*

53. Officers therefore consider that the applicant has appropriately demonstrated that sporting needs are met elsewhere within the wider college site and that no harm would arise to the availability of sports facilities both for the college and the local community. Whilst this area of land would no longer be available for sporting use, the prospect of it being brought back into active use is low, and the benefits which would arise from granting permission outweigh its loss.

Traffic and transportation

54. A key aspect of this application is the relocation of the main car park and the impact that this will have on the local road network. At present Dulwich College has one main vehicular entrance to the existing car park located on the South Circular Road. Additional secondary vehicle access points are provided from College Road, Allyn Park and Hunts Slip Road. The existing 150 vehicle car park in the Barry Building and Science Building grounds is proposed to be relocated and reduced in size by 10%, to 135 parking spaces. It will utilise the existing access from Allyn Park and will provide a vehicle wash down area and 14 electric vehicle charging points. Existing vehicle access for coaches, disabled parking and student pick-up/drop-off will be retained at the frontage to the Barry Building.
55. Traffic volumes are high in the vicinity of the school, particularly on the South Circular Road, and this causes congestion at peak times. Coaches to the school drop pupils off at stopping points both on the South Circular Road and on Allyn Park.
56. A staff travel survey was undertaken in June 2016 along with a traffic count. Staff were asked to identify existing routes that they took when driving to the College and the routes they would take if the car park were to be relocated.
57. The staff survey data indicates that once the existing car park is relocated, 53% (37 vehicles out of 69) would approach the new car park from the north using the South Circular Road / Allyn Park junction. Therefore, there would be no overall change in the volume of traffic using the South Circular Road / Allyn Park junction. It should be noted however that there would be an increase in 20 vehicles, or one vehicle every three minutes, turning right into Allyn Park during the AM peak. Given the small number of additional vehicles this represents and that a right turn lane exists at the junction, this will not pose any road safety issues.
58. Currently 12% of staff travel via Allyn Park and the South Circular Road to reach the College main gate and are therefore already travelling on Allyn Park. This represents eight vehicles in the AM peak. Once the car park is relocated, the increase in vehicles using Allyn Park would therefore be 61 vehicles. As set out above 53% of vehicles will be travelling from the north, therefore 37 vehicles would approach from the north. This represents an increase in the northern section of Allyn Park of 29 vehicles taking into account the existing eight trips. The traffic count undertaken on Allyn Park indicates that 816 vehicles use the northern section of Allyn Park in the AM peak. The increase in 29 vehicles equates to an additional vehicle every two minutes or an increase of 3.6%. The remaining 43% of the trips will be travelling from the south, with 31% from Allyn Park south and 16% from Park Hall Road. This reduces the number of vehicles travelling from any one direction and as a result the modest increases in traffic will have no appreciable impact on traffic volume in the area.
59. In consideration of existing and likely vehicle movements it is subsequently concluded

that the relocation of the car park would not have any noticeable adverse impact on the existing vehicle movements or car parking demand on the adjoining roads. Full two-way access into the new car park would be provided with the gates left open during the school day in order to ensure there will be no queuing back onto the highway.

Residential amenity

60. Saved policy 3.2 'Protection of Amenity' of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
61. The nearest residential properties are those located to the west on Alleyn Park. Concerns have been raised by residents that the proposed introduction of a car park in this location would lead to increased disturbance. Given separation distance across Alleyn Park and levels of vegetation, there is considered to be no material impact on outlook or visual intrusion. It is also not anticipated that the proposed use as a car park would result in increased levels of noise or disturbance, such as to warrant refusal.
62. Whilst data does show that there would be a marginal increase in traffic movements on Alleyn Park during the AM and PM peak times, this is not considered to be harmful residential amenity. It has been noted by residents that the car park would also be used outside of school hours for other events hosted by the school. Whilst this would be the case, its operation is not considered to be harmful to the extent that would warrant refusal of the application. In such cases vehicles entering and exiting the car park would not be doing so at peak times and vehicular movement along Alleyn Park at such times would already be lower allowing the additional trips to be accommodated. There would be a slower release of vehicles at such times and the impact would therefore be limited.

Flood risk

63. The application site is located within a critical drainage area and overland flow as illustrated in the FRA report runs from the north east to the south west of the site. Drainage collection features would therefore be best placed in the SW corner of the car park site, however the site is constrained on all sides by existing features. In light of this mitigation is proposed in the form of
 - Biodiversity improvements including new tree planting, wildflower grassland planting to the car park bund, grass rain garden habitat adjacent to the Barry building and native mix screen planting along the car park perimeter.
 - Rain gardens incorporated within the hardstanding adjacent to the Barry Building, which are designed to reduce the rate of water flow into the existing drainage system in these existing hard surfaced areas.
 - Utilisation of a permeable surface and sub-base to the new car park for water capture. The sub-base system would include flow control to ensure that the runoff into the main does not exceed the outlined limit.
64. It is considered that these opportunities seek to maximise attenuation through sustainable SuDS features which facilitate water quality improvement and provide biodiversity and amenity benefit.

Trees and ecology

65. The application has been supported by the submission of a tree survey and arboricultural statement which has been reviewed by the council's tree officer. No objections are raised to the proposed removal two existing Leylandi trees/hedges to

the Alleyn Park frontage which are of low quality and low amenity value in the landscape. Replacement planting elsewhere within the site will be secured by way of condition. Elsewhere existing trees will be retained and protected.

66. The Sydenham Hill and West Dulwich Railsides Site of Importance for Nature Conservation (SINC) runs parallel to the site of the proposed car park, but falls outside of the development area. An Ecological Appraisal has been prepared and submitted in support of the application. This has been reviewed by the Council's Ecology Officer who is satisfied with the findings of the assessment and who has concluded that no further work is required.
67. The application site currently offers limited opportunity for habitat and nature conservation. Furthermore impacts on bats are highly unlikely, although it has been identified that existing trees within the wider site have low to high potential for bat roosts. Any additional lighting therefore has the potential to affect bats which are a protected species. The proposed lighting scheme for the new car park has been designed to be low level and directional, ensuring no light spill onto nearby tree lines and will not impact upon those adjacent trees or buildings which will remain suitable for use by the local bat populations.
68. The need for additional screening for the car park was raised during a site visit at pre-application stage and although two small groups have been proposed some additional screening should be provided, including the infilling of gaps elsewhere along the playing field boundaries and to replace the loss of other trees as part of this application. A landscape plan should therefore be agreed via condition with details of a planting schedule with species, sizes and numbers being required.
69. It is concluded that there will be no adverse impacts on ecology from the relocation of the car park or associated landscaping. The removal of the trees should be carried out between September-February to avoid bird nesting season, and this can be secured by way of condition.

Conclusion on planning issues

70. The proposed provision of a car park is contrary to local and national policy with regard to MOL designation. Allowing the development would therefore be a departure from adopted policy.
71. Consideration has been given to the exceptional circumstances present in this case. Those being the benefit which would arise as a result of establishing a landscaped frontage the Grade II* Listed Barry Building.
72. It has been established that the physical presence of the proposed new car park would have minimal impact on the character and openness of the MOL and that its provision would not result in any loss of existing sports and recreation facilities. It is therefore only the principle of introducing a use, being the car park, which is not in accordance with MOL policy designation.
73. Taking into account adopted policy, case law, likely alternative uses of the site and all objections raised, it is considered on balance more desirable to enhance the setting of the nationally significant Listed Buildings. Given the introduction of a use which is deemed inappropriate on MOL and that it is only being recommended for approval on the basis of it enhancing those buildings of heritage importance, it is considered reasonable to impose a condition which would ensure that the related landscaping must be provided and permanently maintained. Because of the gravel nature of the new landscaped area, a condition restricting its use for drop-off/pick-up, disabled parking and temporary coach parking only would also be imposed.

74. For the reasons as discussed above it is recommended that planning permission be granted subject to a conditions.

Community impact statement

75. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

- a) The impact on local people is set out above.
- b) There are no issues relevant to particular communities/groups not discussed above.
- c) There are no likely adverse or less good implications for any particular communities/groups not discussed above.

Consultations

76. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Human rights implications

77. This planning application engages certain human rights under the Human Rights Act 2008 (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.
78. This application has the legitimate aim of providing a new car park for an existing facility. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2084-C Application file: 17/AP/4771 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5452 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-Application Reply
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Amy Lester, Team Leader	
Version	Final	
Dated	11 June 2018	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		05 July 2018

APPENDIX 1

Consultation undertaken**Site notice date:** 19/01/2018**Press notice date:** 18/01/2018**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 12/01/2018**Internal services consulted:**

Ecology Officer
 Flood and Drainage Team
 Highway Development Management

Statutory and non-statutory organisations consulted:

Historic England

Neighbour and local groups consulted:

119 Park Hall Road London SE21 8ES
 89 Alleyn Park London SE21 8AA
 78 Alleyn Park London SE21 8SL
 117 Park Hall Road London SE21 8ES
 29 Acacia Grove London SE21 8ER
 74 Alleyn Park London SE21 8SF
 115 Park Hall Road London SE21 8ES
 119a Park Hall Road London SE21 8ES
 Managers Flat Alleyns Head SE21 8BW
 Staff Flat Alleyns Head SE21 8BW
 86 Alleyn Park London SE21 8SL
 80 Alleyn Park London SE21 8SL
 82 Alleyn Park London SE21 8SL
 84 Alleyn Park London SE21 8SL
 105 Alleyn Park London SE21 8AA
 107 Alleyn Park London SE21 8AA
 109 Alleyn Park London SE21 8AA
 103 Alleyn Park London SE21 8AA
 Alleyns Head 75 Alleyn Park SE21 8BW

76 Alleyn Park London SE21 8SG
 101 Alleyn Park London SE21 8AA
 95 Alleyn Park London SE21 8AA
 97 Alleyn Park London SE21 8AA
 99 Alleyn Park London SE21 8AA
 93 Alleyn Park London SE21 8AA
 83 Alleyn Park London SE21 8AA
 85 Alleyn Park London SE21 8AA
 87 Alleyn Park London SE21 8AA
 119 Alleyn Park Dulwich SE21 8AA
 73 Alleyn Park Dulwich SE21 8AT
 111 Alleyn Park London SE21 8AA
 113 Alleyn Park London SE21 8AA
 123 Alleyn Park London SE21 8AA
 Alleyn Road West Dulwich SE21 8AL
 17 Alleyn Road London SE21 8AB
 109 Alleyn Park SE21 8AA
 25 Kingsthorpe Road London SE26 4PG
 8 Alleyn Road London SE21 8AL

Re-consultation: n/a

APPENDIX 2**Consultation responses received****Internal services**

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Alleyn Road West Dulwich SE21 8AL
109 Alleyn Park London SE21 8AA
109 Alleyn Park London SE21 8AA
111 Alleyn Park London SE21 8AA
113 Alleyn Park London SE21 8AA
113 Alleyn Park London SE21 8AA
119 Alleyn Park Dulwich SE21 8AA
119 Alleyn Park Dulwich SE21 8AA
123 Alleyn Park London SE21 8AA
17 Alleyn Road London SE21 8AB
25 Kingsthorpe Road London SE26 4PG
73 Alleyn Park Dulwich SE21 8AT
8 Alleyn Road London SE21 8AL
85 Alleyn Park London SE21 8AA
85 Alleyn Park London SE21 8AA
87 Alleyn Park London SE21 8AA
87 Alleyn Park London SE21 8AA
89 Alleyn Park London SE21 8AA
93 Alleyn Park London SE21 8AA
95 Alleyn Park London SE21 8AA



Chief executive's department

Planning division
Development management (5th floor - hub 2)
PO Box 64529
LONDON SE1P 5LX

Mr Jon Grantham
LUC Architects
43 Chalton Street

NW1 1JD

Your Ref:

Our Ref: 14/EQ/0107
Contact: Dipesh Patel
Telephone: 020 7525 1778
E-Mail: planning.applications@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 09/06/2016

Dear Mr Grantham

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY**

At: DULWICH COLLEGE, COLLEGE ROAD, LONDON, SE21 7LG

Proposal: Improvements to Barry Building external space and new car park.

I write in connection with your pre-application enquiry received on 10/06/2014 regarding a scheme to redevelop the site above. This letter summarises the council's written advice on your proposal and whether, based on the details submitted, it meets local planning requirements

Planning Policy

The statutory development plan for the borough comprises The London Plan consolidated with further alterations (March 2015); The Core Strategy (2011) and saved policies from the Southwark Plan (2007).

The site is located within the Dulwich College Conservation Area and on Metropolitan Open Land (MOL). The proposals for the new landscaping would be within the immediate setting of the Grade II* main building of the college, otherwise known as the Barry buildings. The Grade II listed war memorial and Old Library are also on the site but the proposals are not within their immediate setting.

Land Use

Metropolitan Open Land

The development of the part of the site close to Alleyn Park would be considered to be inappropriate development on MOL which policy advises that inappropriate development should be refused except in very special circumstances. In this instance, the proposal is to relocate parking that presently occurs outside the Barry Building to the western part of the site, close to Alleyn Park. The amount of weight that can be afforded the relocation of parking depends, to a high degree, on how the setting of the Barry Building would be improved.

While the use of the area in front of the building for a modest amount of disabled parking, along with student pick up and drop off, other parking, even of a temporary nature should be removed. This would allow greater, more appropriate landscaping to enhance the setting of the Barry building.

Other material considerations such as a more sustainable transport policy, wider landscaping and ecological enhancements can also be taken into consideration. It is essential any future proposal include a significant reduction in the number of car parking spaces, both to encourage a modal shift away from cars and to limit the size of the car park itself.

Playing fields

Paragraph 74 of the National Planning Policy Framework advises that playing fields should only be built on in very particular circumstances. The site in question may not be used as a playing field presently, but was in the recent past; an aerial photograph of the site in 2007 shows part of it to be laid out as a rugby pitch. The advice provided in our letter dated 8 September 2014 stands and you are advised to consult Sport England about any change in the use of this parcel of land. The acceptability of a loss of the playing field in this case largely

depends on whether the area can be shown to be surplus to requirements by a thorough and robust assessment.

Landscaping

The reinstatement of a more formal planted setting is welcome but more detailed plans will be needed for area 1 which would have the most significant impact on the Barry Building. It is recommended that the future masterplan proposals detailed as 5-8 are brought forward to be included in any application for a new car park area so they may be considered in the balancing exercise. The landscaping for the area in front of the Barry Building should be as close as possible to the original landscaping.

Replacement of poor and declining quality trees near the boundary should be included where there are gaps. Additionally, replacement planting should be included to the rear of the avenue, along Alleyn Park and within the central group of trees to provide succession planting. It is recommended Oak, Beech, Lime and other larger, long lived ornamental species are considered, alongside the historic planting palette that would have been available to Barry such as Cedar trees with reference to the original planting plan.

School Travel Plan

The school travel plan submitted has good data collection and the proposed targets to increase sustainable transport use by students is commendable. It is recommended that the targets for staff for encouraging staff away from using private vehicles to travel to work are increased. Measures detailed in the document that would lead to a silver award could be used to this end and assist in reducing the number of parking spaces required.

Ecological assessment

The assessment refers to the desk study being based, in part, on the MAGIC dataset. MAGIC does not provide the level of detail needed to properly assess this site, the GiGL species data referenced elsewhere in the document should be used. The Council's Ecology Officer has records of species referred to in the UK Biodiversity Action plan which have not been listed or noted, such as the Brown Long Eared Bat, recorded within 1km of the site.

A bat activity survey, while not recommended in the report, is something that should be undertaken to allow a full assessment of the impact that the proposal may have, particularly from artificial lighting would be required. There are some errors in the report, such as the reference to the table 3.1 being the criteria used to categorise bat root potential but it actually listing the sites and the fact that the habitat map in appendix 2 is not shown, that should be rectified.

Conclusion

The proposal is considered to be inappropriate in land use terms and its acceptability rests on whether very special circumstances can be shown to outweigh the harm to MOL, and whether it can be demonstrated that the playing field that presently occupies the site is surplus to requirements. The improvement of the setting of the Barry Building is crucial and it is recommended that as much effort be made to return the landscaping around it to its original form as possible. Other factors that would be taken into account are the benefits that may come forward from wider landscaping and ecological improvements along with a reduction in the number of car parking spaces and car usage by users of the site.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Please accept this letter as the closure of your current enquiry.

Yours sincerely

Simon Bevan
Director of Planning

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr Simon Yiend Dulwich College	Reg. Number	17/AP/4771
Application Type	Full Planning Application	Case	TP/2084-C
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Construction of a new car park to the south west of the campus site, to provide 135 spaces with access from Alleyn Park, in connection with the removal of the existing car park adjacent to the main college buildings (reduction in 15 spaces). Development would encompass:

- Reinstatement of landscaped frontage to the Barry Buildings involving the provision of coach parking, retention of student drop-off area and disabled parking.
- Provision of 14 electric vehicle charging points, external lighting and vehicle wash down area in new car park.
- Improvements to site access and removal of Leylandii trees/hedge to Alleyn Park.

At: DULWICH COLLEGE, DULWICH COMMON, LONDON SE21 7LD

In accordance with application received on 22/12/2017 16:01:22

and Applicant's Drawing Nos.

Site Location Plan and Existing Plans:

LD_PLN_010 issue A
LD_PLN_030 issue A
LD_PLN_031 issue A
LD_PLN_032 issue A
LD_PLN_033 issue A
LD_PLN_034 issue A

Proposed Plans:

LD_PLN_011 issue A
LD_PLN_012 issue D
LD_PLN_013 issue B
LD_PLN_014 issue B
LD_PLN_015 issue L
LD_PLN_016 issue C
LD_PLN_020 issue A
LD_PLN_021 issue A
LD_SEC_601 issue A
LD_SEC_602 issue A
1640/101/02 rev A
1640/101/04 rev A

Other Documents:

Planning Statement, December 2017
Design and Access Statement, ver 2.0 11.12.17
Landscape and Visual Appraisal, ver 5.0 11.01.18
Heritage Statement, November 2017
FLOOD RISK ASSESSMENT INCORPORATING SUSTAINABLE DRAINAGE SYSTEM 01 dated 05/12/17
Response to Drainage Comments dated 22.02.2018
Transport Statement, December 2017
Ecological Appraisal, ver 2.0 November 2017
Arboricultural Impact Assessment, project no. 438.3
External Lighting Assessment, Rev A 5 December 2017

Subject to the following six conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

LD_PLN_011 issue A
 LD_PLN_012 issue D
 LD_PLN_013 issue B
 LD_PLN_014 issue B
 LD_PLN_015 issue L
 LD_PLN_016 issue C
 LD_PLN_020 issue A
 LD_PLN_021 issue A
 LD_SEC_601 issue A
 LD_SEC_602 issue A
 1640/101/02 rev A
 1640/101/04 rev A

Reason:

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

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

Reason

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

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.

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

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

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

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

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

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

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

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 5 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated 05/12/17, Sustainable Urban Drainage details as demonstrated on the hereby approved plans and the Response to Drainage Comments dated 22.02.2018.

Reason

To ensure the development is designed safely in reference to flood risk in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.9 Water of the Southwark Plan 2007.

- 6 The hereby approved landscaped area located to the west of the Barry Building, shall only be used for the purposes of temporary coach parking, parent drop-off/pick-up, disabled car parking and general recreational facilities associated with the operation of the school. At no time shall it be used for servicing purposes, general needs car parking or temporary car parking.

Reason

In order to protect the setting of the Listed Buildings in accordance with The National Planning Policy Framework 2012, policies SP12 Design and conservation; SP13 High environmental standards of The Core Strategy 2011, and Saved Policies 3.18 Setting of Listed Buildings, Conservation Areas and World heritage Sites, 3.12 Quality in Design, 3.13 Urban Design and Policy 3.28 Biodiversity and 3.25 Metropolitan Open Land, of The Southwark Plan 2007.

Statement of positive and proactive action in dealing with the application

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.

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

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PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2018-19

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		Dated: 18 June 2018	