

Item No: 6	Classification Open	Committee: Dulwich Community Council	Date: 28 July 2011
From: Head of Development Management		Title of Report: Addendum Late observations, consultation responses, information and revisions.	

PURPOSE

1. To advise Members of observations, consultation responses and information/revisions received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

2. That Members note and consider the late observations, consultation responses and information/revisions received in respect this item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and revisions have been received in respect of the following planning application on the main agenda:

Confirmation of TPO site Rear of Friern Road

One additional letter of support has been received in respect of the confirmation of the TPO from a resident in Barry Road.

I wish to support the above preservation order.

My house overlooks nearly all the trees specified in this order .The contrast in the environment at the front of my flat overlooking Barry Rd and the rear, overlooking these trees is immense.

The trees provide screening and a canopy which encloses our rear space, separating it from houses and transport, in a way that fencing could not .

They support wildlife, including an uncommon woodpecker that can be heard “ drumming “ .I understand this sound denotes that the bird is marking its’ territory ,not passing through looking for food . I also understand that only mature trees can provide woodpeckers with the habitat they require.

While it is true that I have an indiscriminate love of trees and hate to see any removed unless they are dangerous or severely impact on adjacent residential property, my interest in these trees is a little more complex.

I am aware that the land these particular trees skirt and inhabit is land that people wish to develop with residential housing. I believe that the developers see the existence of the trees as an impediment and would like the TPO to be removed to facilitate building.

Should development take place on this precious and scarce green space (a space which has never been built on) the significance of these trees in providing an enclosing canopy supporting wildlife, giving pleasure ,marking seasons ,connecting us with a living world will increase hugely .

Retaining the trees specified in this TPO is vital for the benefit of future occupants of developments to both plots of land where the trees in question are growing.

Living next to 153 Barry Rd I have witnessed activity on the plot of land behind 153 and 161 Barry Rd . When I moved in 15 years ago this plot of land had many trees growing on it – it now has none and is regularly attacked with a chainsaw to prevent any further growth.

A mature tree straddling the boundary of this plot of land moved suddenly from full health to dying and is now well and truly dead.

A few weeks ago further chainsaw activity removed any growing vegetation over 4'in height, mainly small conifers, from the rear garden of 153.

I mention these points because I am sure that the trees (G1) along the boundary of the rear gardens of 153 – 163 Barry Rd, would be removed were they not protected.

Can I also add that granting permission for some /individual trees on the proviso that they be replaced by another tree is completely pointless? Replacing a mature tree with another that will take several decades to gain a similar presence/height may benefit our children but provides no alternative amenity for their parents.

More importantly who monitors that this condition is met or that the replacement tree survives?

Take a look at the replacement tree to the front garden of 62 Elm Grove, SE15. A mature tree removed to huge impact of the streetscape and replaced by something 18" in height and now dead.

Trees are the lungs of urban spaces and should be retained, not removed to facilitate property development.

A further e-mail raising issues around the notification of meeting to discuss the TPO has also been received, stating the following;

1. On 7 April, after the Council's previous failure to notify appropriate interested parties of the meeting to consider TPO 397, you wrote to all those who HAD been informed of TPO 397 that everyone on an attached list (which was all those sent information about the planning application) would be written to in advance of any meeting to consider the TPO. This has not been done. As you are out of the office I assume that it is not going to be done, though please accept my apologies if the letters have been sent out in the meantime.
2. It has always been the clear intention and understanding (including that of Councillor Jonathan Mitchell) that the TPO would be discussed and (if appropriate) confirmed at a meeting prior to, and separate from, the related application. Although like others (including the planning applicant who may also feel prejudiced by Council delays) I would like this matter dealt with without further delay the change in scope (along with other concerns outlined below) mean that it will be unfair on interested parties to reach determinations on both items on 28 July. It is clearly impractical to determine the planning application before the TPO.
3. The TPO officer's report in the DCC agenda states that the TPO has been redrawn. On page 65 it states that T7 has been felled and removed from the TPO and on p66 the report recommends T7 for inclusion - I assume there is a new T7. The redrafted TPO is referred to as being attached as Appendix 2. There is no Appendix 2 in the reports pack, so it is impossible for Councillors or other interested parties to comment on or consider the new TPO.

Item 6.1 Rear of 168 -190 Friern Road 11/AP/0006

The following further comments have been received:

The officer's report re: the planning application states that there is no planning history on the site. This is incorrect. Apart from the previous application by the same applicant (which is noted in the officer's report re: the TPO) there have been at least 10 previous applications or approaches (though perhaps only the applications count as 'planning history') on file TP/2592-190. The planning officer appears to have looked at file: TP/2592-E instead). These are highly relevant, not least as the last response sent was (I believe I do not have it to hand) that the officer could not envisage the land ever being approved for building.

The planning officer has failed to give any terms of reference to Natural England who were left to assume they should comment only on the bat report, ignoring any other flora/fauna issues including in particular stag beetles present on the site. The report refers to a recommended May/June survey which has not been undertaken but makes nothing of it - it is not included in any condition. How a decision can be reached on the TPO or planning application without such expert advice is unclear.

Objections were received from 192 and 194 Friern Road but are not summarised in the report. The objection from 192 Friern Road is highly relevant as a direct neighbour of the access way. At least one letter in support of confirming the TPO has also been left out of the report, despite it being confirmed by you that comments sent at any time prior to determination would be taken into account. Again, it is unclear how a decision can be taken on either application without the benefit of all relevant comments.

Once again, the meeting has been scheduled at a time when many interested parties are away on holiday. As I am personally able to attend I shall let others make their own objections on that account as stated above, I would like the matter settled, but I do wish for due process to be followed in doing so.

A site visit was undertaken by Cllrs, Jonathan Mitchell and Lewis Robinson on 27 July 2011.

Changes to the officer report

Paragraph 8 Planning history should omit the sentence there is no planning history for the site and include the following paragraph:

4/11/1985 Planning permission was granted for the conversion of no.190 Friern Road into 2 Self-contained flats. No other records were found on the Council database.

Appendix 2

Neighbours and local groups should include the following responses:

192 Friern Road: Objects to space and noise, pathway was not designed for vehicular use, high level of risk and structural damage likely to adjoining properties, rooms in close proximity to the walkway would have to put up with noise from traffic and people, would not be able to enjoy garden. There are no environmental benefits to the community with the proposed development; the TPO should be permanently enforced.

194 Friern Road: Objects to the loss of green space and damage to the wildlife including stag beetles and slow worms. Development would have a negative impact upon the amenity. Supports the high quality design of the development and the removal of rubbish accumulated on the site; as well as removal of Japanese Knotweed from the site.

Recommendation

A further condition is recommended to prevent construction vehicles from accessing the site from the access way.

Item 6.2 6 Beauval Road 10/AP/3752

The adjoining residents at 4 Beauval Road who have written in objection to this application are unable to attend this evenings meeting. They are concerned that a decision be made on this matter without the benefit of Members having seen the relationship of the proposal site to their own property and have made a request for Members to carry out a site visit prior to the determination of this application.

REASON FOR LATENESS

4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

REASON FOR URGENCY

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

RESOURCE IMPLICATIONS

6. These are contained in the report.

COMMUNITY IMPACT STATEMENT

7. These are contained in the report.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

8. These are contained in the report.

Lead Officer: Gary Rice, Head of Development Management

Background Papers: Individual case files.

Located at: Regeneration & Neighbourhoods Department, Council Offices,
Tooley Street, SE1.