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## RECOMMENDATION

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

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| <b>Applicant</b>        | Mr T. Clee<br>Southwark Council | <b>Reg. Number</b> | 11- <u>AP</u> -3764 |
| <b>Application Type</b> | Full Planning Permission        | <b>Case Number</b> | TP/M2022            |
| <b>Recommendation</b>   | Grant permission                |                    |                     |

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### **Draft of Decision Notice**

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#### **Planning Permission was GRANTED for the following development:**

Clearance of existing area of vegetation, existing inner trees and multi use games area at the corner of the park adjacent to Albany Road and Wells Way. Construction of a National Standard BMX Track and perimeter fencing. The proposal includes the retention of the trees fronting Albany Road and Wells way.

**At:** BURGESS PARK, ALBANY ROAD, LONDON SE5

**In accordance with application received on** 10/11/2011 12:01:06

**and Applicant's Drawing Nos.** Site plan, Tree Location & Constraints Plan, 0611-BWB-4818, 8390 002 006 001, 8390 002 006 002, 8390 002 006 003, 8390 002 006 004B, UKS7388

#### **Reasons for granting planning permission.**

This planning application was considered with regard to various policies including, but not exclusively:

a) Southwark Plan (July 2007)

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

Policy 3.14 (Designing out crime) requires development in both the private and public realm, should be designed to improve community safety and crime prevention.

Policy 3.18 (Setting of Listed Buildings Conservation Areas and World Heritage Sites) advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site.

Policy 3.25 (Metropolitan Open Land) advises that there is a general presumption against inappropriate development on Metropolitan Open Land. Appropriate development is considered to be (inter alia) 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.

Policy 3.28 (Biodiversity) Biodiversity will be taken into account in determining all applications and the LPA will encourage features that enhance biodiversity.

Policy 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided.

Design and Access Statements SPD (2007);

b) Southwark Core Strategy 2011

Strategic Policy 1 – Sustainable development, states that development will improve places we live and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 – Sustainable transport, asks development to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 4 - Places to learn and enjoy encourages uses which promote physical activity.

Strategic Policy 12 – Design and conservation, states that development is expected to meet the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.

Strategic Policy 13 – High environmental standards, explains that we expect development to respect the limit of the planet's natural resources, reduce pollution and damage to the environment and help us to adapt to climate change.

c) London Plan 2011

Policies 3.2 Improving health and addressing health inequalities; 7.17 Metropolitan Open Land; 7.21 Trees and Woodlands

d) Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

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| PPS 1:   | Planning for Sustainable Communities;  |
| PPS5:    | Planning for the Historic Environment; |
| PPG 17:: | Planning for Open Space and Recreation |

The scheme provides sports facilities within an existing park, a use consistent with the designation of the site as Metropolitan Open Land. The use would promote sport and physical activity to the benefit of the local population. The loss of trees is mitigated through the provision of replacement canopy cover. The impacts on local amenity have been considered, but are not considered to be so severe as to warrant the refusal of planning permission. It is therefore recommended that planning permission be granted, having had regard to the policies considered and other material planning considerations

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

**Subject to the following conditions:**

- 1 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

- 2 A Construction Management Plan for the works to be carried out on site, detailing hours of operation, routes of vehicles servicing the site, dust and mud control, shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of methods of the work being carried out so that the council may be satisfied that disruption and loss of amenity for nearby residents and the surrounding area is kept to a minimum, in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 3 The floodlighting hereby approved shall not operate after the hours of 21:30 (9:30pm) on any day, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of protecting amenity and to retain effective planning control in accordance with saved policy 3.2 'Protection of Amenity' of The Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of The Core Strategy 2011.

- 4 The existing trees which are to be retained shall be protected and both the site and trees shall be managed in accordance with the recommendations contained in the submitted Tree Survey and Constraints Plan arboricultural report (Mackley Davies June 2011). In any case, all works must adhere to BS5837: Trees in relation to construction and BS3998: Recommendations for tree work.

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.

All tree protection measures and subsequent works required pursuant to that pre-commencement meeting and the Arboricultural Report shall be installed, carried out and retained throughout the period of the works, unless otherwise agree in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or 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.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written permission of the Local Authority.

The applicant shall instruct an arboricultural consultant to liaise with the developer and/or their architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence on site until a consultant has been appointed and a monitoring programme approved in writing by the Local Planning Authority. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Council or the arboricultural consultant that such works may recommence.

#### Reason

To ensure the protection of the existing trees in accordance with Policies policy 3.2 Protection of Amenity and 3.28 Biodiversity of The Southwark Plan 2007.

- 5 Before any above grade work hereby authorised begins, detailed drawings scale 1:50 of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS:4428 Code of practice for general landscaping operations, BS:3996 Nursery stock specification, BS:5837 Trees in relation to construction and BS:7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

#### Reason

In order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with Policies 3.12 Quality in Design, 3.13 Urban Design and 3.28 Biodiversity of The Southwark Plan 2007.

- 6 No works or development shall take place until full details of all proposed tree planting or transplanting, and the proposed times of planting, have been approved in writing by the local planning authority. This will include planting and maintenance specifications, use of guards or other protective measures to prevent damage by dogs and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply to BS:4428 Code of practice for general landscaping operations.

A total of 98 specimen trees of minimum size 12-14cm girth, including six within the site, shall be planted in mitigation of the 59 medium to large trees and associated canopy cover removed in order to facilitate development. The location of planting shall be shown on the landscaping plan both within the site and elsewhere as appropriate within Burgess Park.

If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

#### Reason

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with Policies 3.12 Quality in Design, 3.13 Urban Design and 3.28 Biodiversity of The Southwark Plan 2007.

- 7 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are

present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

**Reason:** All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

- 8 No development shall commence until a scheme to enhance the nature conservation interest of the site or other agreed location has been submitted to and agreed in writing by the Local Planning Authority. This scheme should make reference to the Southwark Biodiversity Action Plan (BAP) and indicate how it will help to deliver targets in the BAP. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with PPS9 policy 3.28 of the Southwark Plan, and Strategic Policy 11 of the Southwark Core strategy

- 9 Prior to the commencement of development, an ecological management plan incorporating the following measures for the mitigation of impact and enhancement of biodiversity, set out in the bat survey and ecological survey reports recommendations, shall be submitted to and approved by the Local Planning Authority. The approved plan will be implemented in full prior to the new development being first brought into use, or in accordance with the timetable detailed in the approved scheme. Measures shall include mitigation in relation to:

- Lighting
- Bat foraging
- Artificial roost sites
- Habitat Retention
- Nesting Birds
- Landscaping
- Bird and bat boxes.
- Stag beetle habitat

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with PPS9, policy 3.28 of the Southwark Plan, and Strategic Policy 11 of the Southwark Core strategy

- 10 Prior to the commencement of any works hereby approved, including the felling of any trees, an updated bat survey must be undertaken by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority, and any required mitigation works carried out as part of the development.

**Reason:** To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with Strategic Policy 13 'High Environmental Standards' in the Core Strategy 2011.

- 11 Prior to the commencement of development (excluding demolition), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.1 'Environmental effects' of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 12 The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development (excluding demolition) other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report

(referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for approval in writing.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.1 'Environmental Effects' of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11 and 12, and submitted to the Local Planning Authority for approval in writing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to the Local Planning Authority for written approval.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 14 Prior to the first operation of the track hereby approved, the applicant shall submit an Event management Plan specifying the means of controlling visitors and operations during any Race Events. The Plan shall include information relating to traffic management, including loading and unloading, parking, signage, pedestrian access, and the installation of any temporary facilities or structures. The track shall not host events other than in accordance with the terms of any Event Management Plan approved by the council.

Reason:

In order to ensure that impacts on amenity, and on the safe operation of the highway, are controlled, in accordance with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

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

Reason:

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