

Item No: 7 & 8.1 & 8.2	Classification: Open	Date: 17 July 2018	Meeting Name: Planning Sub-Committee A
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		Goose Green & Dulwich Wood	
From:		Director of Planning	

PURPOSE

1. To advise Members of observations, consultation responses and further information 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 received in respect of each 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 applications on the main agenda:

Item 7 – Tree Preservation Order (TPO) Confirmation: Beech Tree at Rear of 29-33 Mount Adon Park

4. Member please be advise the original objection (Appendix 1) and an image (Appendix 2) are attached.
5. An application ref 18/AP/2009 has subsequently been submitted 10 July 2018 which gives further technical information on how the Beech tree is implicated in subsidence damage of neighbouring property. A full assessment has not yet been made of this application, but at this stage it is thought that sufficient evidence might be provided under this application to show that, on balance, removal of the tree could be justified.
6. Consent for removal could therefore be given under the existing provisional TPO, with a condition for a suitable replacement tree to be planted at a appropriate location away from the adjacent building affected by subsidence. Any loss to amenity and screening would then be replaced as the tree matures.
7. However, for the planting of the replacement tree to be actionable, the Beech must be shown as protected by the TPO in the first instance.
8. The following paragraphs should be amended :
 - Paragraph 19 - However, ~~no evidence has been provided to substantiate the objection and~~ 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. No replacement planting is proposed to mitigate its loss or harm to amenity.

- Paragraph 31 - The objected to tree is claimed to impact an adjoining property, but that has not yet been satisfactorily proven, nor has it been proved that actions short of removal of the tree would not resolve the matter mitigation of loss of amenity been proposed by suitable replacement planting. On the basis of the information available it is recommended to confirm the TPO.
- Paragraph 32 - Whilst there would be is 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. Should this be refused consent, the opportunity exists for the applicant to appeal against the decision to the Secretary of State via the Planning Inspectorate in the usual way. This is considered to be sufficient protection of the rights of all parties concerned and their ability to enjoy and protect their property.

Item 8.1 – Application 17/AP/4421 for: Full Planning Permission – 31-33 Grove Vale, London SE22 8EQ

9. For paragraph 13 of the report.
- Section 1 Building a strong, competitive economy

For the recommendation

10. Please replace condition 4 on the recommendation for tonight's committee with the following;

Prior to the commencement of the use hereby consented, 6 secure cycle parking spaces will be installed in a covered shelter at the location identified on approved plan 210/REV D. This space shall be used for no other purpose and the spaces shall be retained and maintained for the duration of the use.

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.

11. Please replace condition 5 on the recommendation for tonight's committee with the following

*The two rear garden spaces identified as "main garden" and "secret garden" on approved plan 210/REV D shall be closed to guests of the hostel between the hours of **10pm** and **11am such that** –shall not be permitted to use these areas for any purposes, except in the case of emergencies.*

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.

Item 8.2 – Application 17/AP/4771 for: Full Planning Permission – Dulwich College, Dulwich Common, London, SE21 7LD

12. One additional letter of objection as received from the residents of no.97 Alleyn Park, but which had not been referred to in the report and appendices. This representation raises no new material matters for consideration which have not been otherwise considered within the committee report.

13. Correction of wording of Para.30 which refers to Article 27 of the DMPO 2010. This should read Article 32 of the DMPO 2015.

14. Para.69 makes reference to the bird nesting season, but the suggested condition has been omitted from the recommendation. Insertion of condition as follows:

The removal of trees as approved by way of this permission shall only be carried out between the months of September-February.

Reason

To ensure no adverse impacts on ecology by avoiding the bird nesting season in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policy SP11 'Open spaces and wildlife' of The Core Strategy 2011: and Saved Policy 3.28 'Biodiversity' of The Southwark Plan 2007.

15. Further to additional discussions between the Council's Highways Department and local Ward Councillors, the following additional condition is recommended:

All coaches shall use the designated coach parking and drop-off area in front of the Barry Buildings as accessed from the Dulwich Common (South Circular) vehicular entrance. At no time shall coaches utilise Alleyn Park for drop-off, collection, parking or waiting.

Reason

To ensure compliance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

16. Insertion of INFORMATIVE to decision notice to read:

The development will require associated works to the public highway to facilitate implementation, as such the applicant will need to enter into a S278 agreement with the Local Highway Authority. It is recommended that the applicant contact Iaan Smutts of Southwark Council's Highways Team at iaan.Smutts@southwark.gov.uk tel: 020 7525 2170.

REASON FOR URGENCY

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

REASON FOR LATENESS

18. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403

APPENDICES

No.	Title
Appendix 1	Objection
Appendix 2	Image



12 April 2018

Our Ref: 63422/369 Upland Road

Mr Simon Bevan
Director of Planning
London Borough of Southwark (Ref: TPO/519)
160 Tooley Street
PO. Box 64529
London
SE1P 5LX

Dear Mr Bevan

**TOWN & COUNTRY PLANNING ACT 1990
AS AMENDED BY THE PLANNING ACT 2008
TOWN & COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) REGULATIONS 2012
TPO 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**

Further to receiving a copy of the Order served 15 March 2018 on 20 March 2018, we now submit this response which is within the prescribed period for objecting to the service of the Order.

We refer to the above Tree Preservation Order, (the Order) and by way of this letter we object to the Order and respectfully request that the Order is not confirmed. This detailed objection is in accordance with Regulation 6(1) of the Town & Country Planning (Tree Preservation) (England) Regulations, 2012.

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OCA Insurance Services

London Borough of Southwark

We object to the Order on the grounds that we believe that the reasons for the making of the Order have incorrectly included the use of TEMPO in order to frustrate the removal of a single Beech (TPO T4) Beech tree to the rear of 29-33 Mount Adon Park SE22 0DS.

The current Government advice about the creation and service of Tree Preservation Orders states:

"Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice"

Whilst the Council may be justified in applying TEMPO valuation to other trees included in the Order the Beech is located in a third party garden and is under investigation in an alleged tree root related subsidence damage investigation of 369 Upland Road.

If a tree is causing actionable nuisance it scores "0" under the TEMPO system therefore the Beech in question technically falls outside any inclusion in an Order if the TEMPO criteria are being used.

In summary, we formally object to the Order on the above grounds and we respectfully request that the Council gives serious consideration to the grounds of objection as set out herein and reconsiders the confirmation of the Order in relation to the Beech tree under investigation.

Please acknowledge this objection and address the acknowledgement and any other correspondence in the matter of this objection and the Order, to this office.

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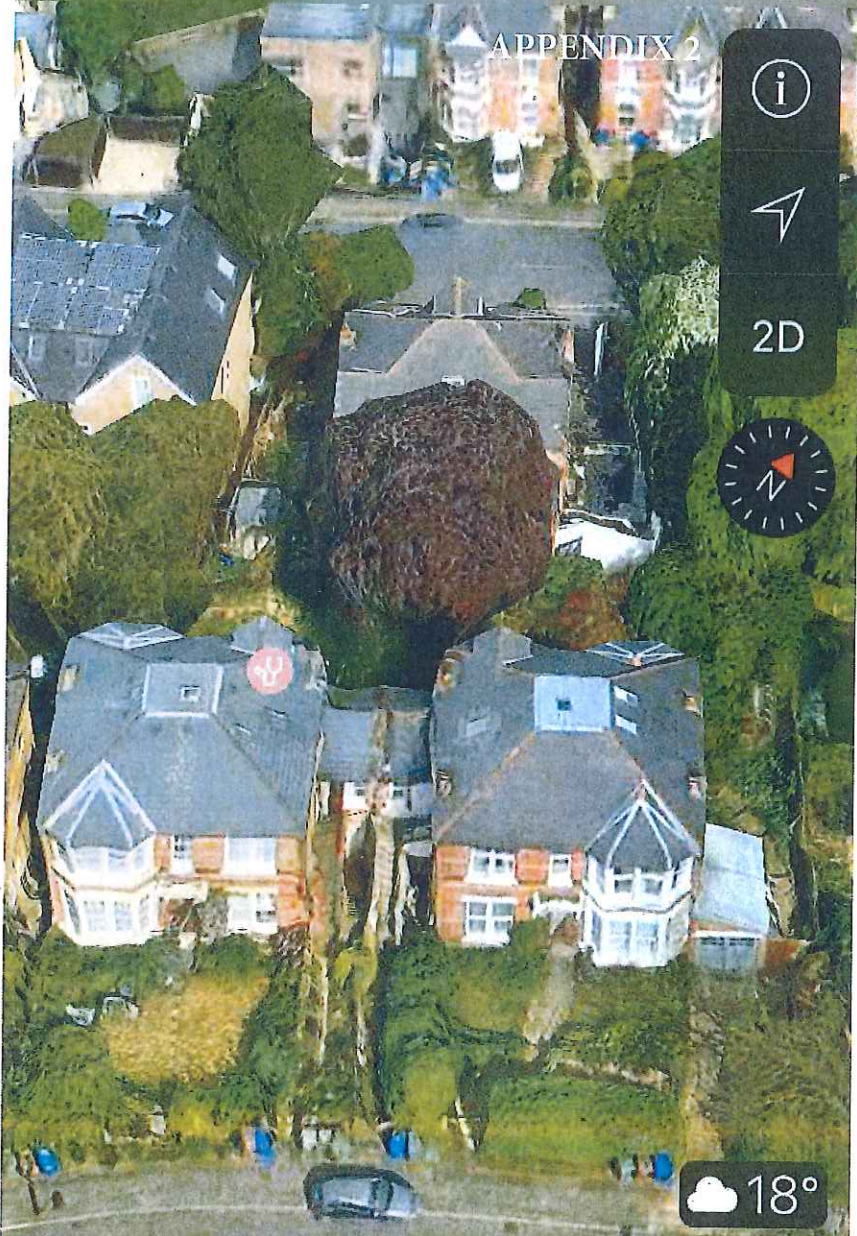
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VAT Registration Number: 929 0126 32

Signal strength O2-UK Wi-Fi 12:15 Location Bluetooth 94% Battery

APPENDIX 2



Information icon (i)
Location icon (arrow)
2D
Compass icon

Weather icon 18°

Upland Road X
6.7 km